

**27.** A Ward Committee shall exercise, within the limits of their ward, as defined by the Magistrate, all or any of the powers of Commissioners described in Sections 25, 52, 53, 61 to 68 inclusive, 113, 115, and in such sections of Part IX of this Act as shall be in force within the municipality, which the Commissioners at a meeting shall have delegated to them. Sections 21, 22, and 24 of the Act shall, as far as may be convenient, be applicable to Ward Committees.

**28.** The Chairman of each Ward Committee shall be appointed by the Chairman of the Commissioners, and each Ward Committee may, if it see fit, elect their own Vice-Chairman from among their own number.

#### CHAPTER 5.

##### *General Provisions*

**29.** No Commissioner or member of a Ward Committee shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners, but the funds, from time to time in the hands of the Commissioners, shall be liable for, and chargeable with, all contracts and expenses duly incurred as aforesaid. Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners, to which he shall have been a party, and he shall be liable to be sued for the same.

**30.** No Commissioner or member of a Ward Committee, or servant of the Commissioners or Committee, shall be interested, directly or indirectly, in any contract made with the Commissioners. And if any such person be so interested, he shall thereby become incapable of continuing in office or employment, and shall be liable to a fine not exceeding five hundred Rupees. Provided always that no person by being a shareholder in, or member of, any incorporated or registered company, shall be disqualified from acting as a Commissioner or member of a Ward Committee by reason of any contract entered into between such company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner or member of a Ward Committee in any matter relating to any contract entered into between the Commissioners and such company.

### PART III.—MUNICIPAL TAXATION.

#### CHAPTER 1.

##### *Power of the Commissioners to impose Taxes, Duties, and Tolls.*

**31.** It shall be lawful for the Commissioners of any Municipality at a meeting to impose, within the limits of such Municipality, any one or more of the following taxes, duties, and tolls, at such rate as the Commissioners shall see fit, not exceeding the maximum in any case hereinafter mentioned and prescribed:—But no tax duty or toll imposed by the Commissioners under this section shall

be levied until the sanction of the Lieutenant-Governor shall have been obtained to such levy:—

(a)—An annual tax on persons residing in or owning property in the Municipality, according to the circumstances and the property to be protected of the persons liable to pay the same. Provided that no person who resides outside the limits of the Municipality shall be assessed according to his circumstances, but only in regard to the property which he possesses within the Municipality; and that the average annual tax on each holding shall not exceed Rs. 4 in Municipalities of the first class, and Rs. 2 in Municipalities of the second class.

(b)—A tax not exceeding  $7\frac{1}{2}$  per cent. on the annual value of houses, buildings, and lands situated within the limits of the Municipality exceeding Rs. 6 per annum, to be paid by the owners thereof.

(c)—A tax on carriages, horses, and elephants, kept or used within the limits of the Municipality; and a fee on the registration of carts and other vehicles.

(d)—A tax on trades and callings carried on and exercised within the said limits.

(e)—A tax on processions, and any public ceremonies not exclusively religious, and requiring the attention of the police, and performed within the said limits.

(f)—Duties on articles entering the limits of the Municipality, or dues on articles sold at markets or hâts, according to a table of rates sanctioned by the Lieutenant-Governor, and subject to such rules and exceptions as the Lieutenant-Governor shall direct.

(g)—Tolls on vehicles and beasts of burden entering the limits of the Municipality, according to a scale sanctioned by the Lieutenant-Governor; and tolls on ferries within the said limits.

#### CHAPTER 2.

##### *Taxes on persons.*

**32.** When it shall have been determined that an annual tax on persons according to their circumstances and property shall be imposed under this Act in any Municipality, the Commissioners or the Ward Committee shall prepare an assessment in respect thereof upon the several persons liable to be assessed within the Municipality or Ward for which such Commissioners or Committee shall be appointed, and shall prepare a list which shall specify every parcel of land, house, or other holding on account of the occupation of which any person is liable to be assessed, the name of the person liable to be assessed in respect of each such holding, the trade, business, or other description of such person, and the amount payable quarterly by such person. It shall be competent to the Commissioners or to a Ward Committee or to the Magistrate to omit from the list prepared under this section any person who may by them or him be deemed too poor to be assessed to the tax leviable under this Chapter.

**33.** The Commissioners or the Ward Committee shall, if the Commissioners so decide, instead of preparing a new assessment for any year, revise and amend the assessment then in force.

Existing assessment may be revised.

**34.** When any assessment shall have been prepared, or shall have been revised and amended by any Ward Committee, such Ward Committee shall forthwith forward to the Commissioners the list containing the same, and such Commissioners shall examine, and, if necessary, amend and settle it.

Commissioners to examine assessment of Ward Committee.

**35.** When an assessment shall have been prepared, or revised and amended directly by any Commissioners, and not by a Ward Committee, such Commissioners shall forward to the Magistrate a list containing the same, and the Magistrate shall examine, and, if necessary, amend and settle it.

Magistrate may amend and settle assessment as made or revised by the Commissioners.

**36.** When the assessment in any Municipality shall have been so made and settled as provided by the preceding sections, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification in the form in Schedule (B) to this Act annexed, or to the like effect, and written in the language of the province in which such Municipality is situate, to be put up in some conspicuous place therein or in the division thereof for which such assessment has been made; and a written copy of the said list to be deposited in his own office. So soon as the copies of the list shall have been so hung up and deposited, public proclamation shall be made throughout such Municipality by beat of a drum notifying that such copies have been so hung up and deposited, and that the copy so deposited in the Magistrate's office is open to inspection.

Assessment to be published.

**37.** Unless and until revised and amended as herein is provided, every assessment, as settled under Section 34 or Section 35, shall be valid for three years, and until a new assessment shall be made. In case the occupant of any property included in any assessment shall be changed before a new assessment be made, the new occupant shall be liable in respect of such property for any portion of the amount so assessed which shall have become payable during his occupation; and after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupant.

Assessment to stand good for three years.

Change of occupation before a new assessment.

**38.** Whenever the period for which any assessment is valid, as provided in Section 37 of this Act, shall be about to expire, notwithstanding anything hereinbefore contained, it shall be lawful for the Magistrate, instead of requiring any Commissioners or Ward Committee to prepare a new assessment, or to revise and amend the assessment then in force, to adopt the said assessment as the assessment for the year next following.

Power to adopt old assessment.

**39.** If no new assessment be made and published before the expiration of the first three months of any year, for which no assessment valid under the provisions of Section 37 shall be in force, the assessment which was in force at the close of the preceding year shall be deemed to be the assessment for the current year.

Old assessment to be continued if new not made.

**40.** As soon as possible after an assessment shall have been adopted under Section 38, or shall have taken effect for the current year under the last preceding section, the Magistrate shall, in the manner provided in Section 36 for giving public notice that copies of the list of assessment have been hung up and deposited, give public notice that the assessment in force at the close of the preceding year will continue to have effect during the current year, but it shall not be necessary to hang up fresh copies of such list; and every person whose assessment may be so continued shall be at liberty to appeal against such assessment as if it were a new assessment made upon him.

Notice of adoption of old assessment to be given.

**41.** Any person who shall have been assessed by any Commissioners, of whom the Magistrate has not been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to such Commissioners at a meeting; and in case such Commissioners shall not grant the prayer of such appeal, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary, by examination of the appellant on oath or solemn affirmation or otherwise, may confirm the assessment or amend the same. In case the Magistrate confirm the assessment, he may order that the appellant shall pay such reasonable costs as may have been incurred in the proceedings on his appeal. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court. Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment prescribed by Sections 36 or 40 or the notification of the substitution of the name of an occupier under Section 37, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

Appeal from assessment made by Commissioners.

Limitation of appeal.

**42.** Any person who shall have been assessed by Commissioners of whom the Magistrate has been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may apply to the Commissioners for a review of the assessment so far as regards himself; and with regard to such applications, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41,

Appeal against assessment when Magistrate a member of committee.

and the orders passed by the Commissioners on such application shall have the same effect and finality as orders passed by the Magistrate under the said section. Applications under this section to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under Section 41.

**43.** Any person who shall have been assessed by a Ward Committee, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may appeal to the Commissioners. And with regard to such appeals, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41, and the orders passed by the Commissioners at a meeting on such appeals shall have the same effect and finality as orders passed by the Magistrate under the said section. Appeals to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under the said section.

**44.** It shall be lawful for the Magistrate at any time to require any Commissioners or Ward Committee, as the case may be, to make an assessment on account of the occupation of any house which may have been constructed, or any house or other holding which may have become liable to assessment after the general assessment which may then be in force shall have been made, or which may have been by mistake or accident omitted from such assessment. Notice of the amount assessed in accordance with such requisition shall be given to the person so assessed, who may appeal or apply against such assessment according to the provisions of Sections 41, 42, or 43, within one month after the service of such notice.

**45.** It shall be lawful for any person upon whom any assessment shall have been made, who shall, during the period for which such assessment is valid have ceased to occupy any property in respect to which he may have been assessed, or whose property to be protected, and circumstances may have changed during the period aforesaid, to apply, on unstamped paper to the Commissioners; and in case such Commissioners shall not grant the prayer of such application, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary by examination of the applicant on oath or solemn affirmation, or otherwise, may amend the assessment of such applicant as to him shall appear just, or may confirm the same; and in case he shall confirm the said assessment, may order that the applicant shall pay such reasonable costs as may have been incurred by reason of such application. The decision of such Magistrate upon such application shall be final.

**46.** The Commissioner of the division, with the sanction of the Government, may at any time direct the Magistrate to revise, or to cause to be revised by the Commissioners or Ward Committee,

the assessment of any Municipality, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise, and if necessary amend the same, or cause it to be revised and amended.

### CHAPTER 3.

#### *Taxes on houses.*

**47.** When it shall be determined that a tax on the annual value of houses, buildings, and lands shall be imposed in any Municipality, such tax shall be paid by the owners of such houses, buildings, and lands by quarterly instalments, except as hereinafter provided.

**48.** The gross annual rent at which the houses, buildings, and lands liable to the tax may be reasonably expected to be let, shall be deemed to be the annual value of such houses, buildings, and lands, and such value shall accordingly be fixed by the Commissioners from year to year commencing from the date on which this Act shall have come into operation.

**49.** Whenever any house or building belongs to one owner, and the ground on which the same stands, and which is usually occupied therewith, belongs to another, it shall be lawful for the Municipal Commissioners to assess such house or building and ground together at one consolidated rate. The amount so assessed shall be payable by the owner of the house or building, who shall thereafter be entitled to deduct from the rent which he pays for the ground, such proportion of the tax so paid by him as is equal to the proportion which his rent bears to the annual value of the whole property assessed.

**50.** If the sum due on account of any tax from the owner of any house, building or land remains unpaid after the notice of demand has been duly served, and such owner be not resident within the place, or the place of abode of such owner be unknown, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises, and whenever such tax shall be paid by or recovered from such occupier, he may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof. Provided also that if the tax so deducted is a consolidated tax payable by the owner of a house or building under the next preceding section, the same shall, after such deduction, be deemed to have been paid by such

owner within the meaning of the last mentioned section.

51. The Commissioners shall, at a meeting to be held as soon as may be after their appointment, assess or determine the rate of such annual tax to be levied from the date on which this Act may come into operation till the expiration of the current year, and at a meeting not less than fifteen days before the expiration of each year, shall determine the rate of such tax for the ensuing year.

52. The Commissioners may require the respective owners or occupiers of the houses, buildings, and lands to furnish them with returns of the measurements and of the rent or annual value thereof, and they, or any person appointed by them for that purpose, at any time between sun-rise and sun-set, may enter, inspect, and measure any such houses, buildings or lands, after having given forty-eight hours' previous notice of their intention to the occupier thereof. When the valuation of the houses, buildings, and lands, shall have been completed, the Commissioners shall cause lists containing the valuation and assessment to be made out, and shall give public notice thereof, and of the place where the lists or copies thereof may be inspected; and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect such lists, and to make extracts therefrom, without the payment of any fee.

53. The Commissioners shall at the same time give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time valued, or the valuation is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

54. After the appeals have been inquired into, and after the revision of the valuation and assessment has been completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Commissioners, who shall at the same time certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shown 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 for which the assessment shall be made. Provided always that the Chairman or Vice-Chairman may at any time amend the said lists by inserting therein the name of any person whose name ought to be so

inserted, or by inserting any property liable to the tax, after giving notice to such person as may be interested in the making of the amendment, of a day not being less than fifteen days from the date of the service of such notice, when such amendment is to be made, or by striking out any property not liable to the tax, or reducing the amount of the tax, without notice; and in all cases in which any property is inserted as liable to the tax, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the person interested first received notice thereof; and any person interested in such amendment may appeal to the said Commissioners by application in writing left at their office three days before the day fixed in the notice of such amendment.

55. It shall not be necessary to prepare new lists, or to determine the rate of the tax every year, but the Commissioners may adopt the valuation and assessment contained in the lists for the preceding year (with such alteration as may in particular cases be deemed necessary), as the valuation and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section 53 of this Act.

56. Appeals against any tax assessed under this Act shall be heard and determined by not less than three Commissioners and their adjudication, and the assessment by the Commissioners of any tax when no appeal is made as hereinbefore provided, shall be final; and no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

57. When any house shall have been vacant for sixty or more consecutive days during any year, the Commissioners shall remit so much of the tax of that year as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house, or his agent, shall have given to the Commissioners notice in writing of the vacancy thereof, and that the amount of tax to be remitted shall be calculated from the date of the delivery of such notice.

CHAPTER 4.

*Taxes on carriages and wheeled vehicles.*

58. When it shall be determined that a tax on carriages, horses, and elephants shall be imposed in any Municipality, the Commissioners shall declare at what rates, not exceeding the rates given in Schedule (C) to this Act annexed, such tax shall be imposed on all carriages, horses, and elephants kept within the limits of such place; and thereupon such tax shall be payable quarterly. Provided that this section shall not apply to, or include, gun-carriages, or ordnance carts or wagons; cavalry horses or horses of the mounted police; horses belonging to officers



doing regimental duty, at the rate of one horse for each officer; vehicles, horses, or elephants belonging to the Government; vehicles and horses kept for sale, and not used for any other purpose, if kept by *bond fide* dealers.

**59.** Every person who may have owned or had charge of any carriage, horse, or elephant, kept within such place for any number of days in any quarter, shall be liable to the whole tax for that quarter; but if a carriage shall have been under repair for the whole quarter, no tax shall be leviable in respect of such carriage for that quarter.

Ownership for any number of days in a quarter creates liability to the tax for the whole quarter.

Exemption of carriages under repair.

**60.** Whenever the owner of the carriage, horse, or elephant, let out for hire, and kept for the time being in premises situated within any place shall not reside in such place, the sums to be charged for such carriage, horse, or elephant shall be recoverable from the person in whose premises it is for the time being kept.

Carriage, &c., let for hire within any defined place, although owned by persons not residing therein, liable to the tax.

**61.** The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such person, in lieu of the rates specified in the schedule.

Commissioners may compound with livery stable-keepers.

**62.** The Commissioners shall from time to time cause to be prepared and entered, in distinct columns, in a book to be kept by the Commissioners, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax thereon.

List of persons liable to tax to be prepared.

**63.** In order to enable the Commissioners to have such list prepared, the Commissioners, or any officer authorized by them, may send to all persons supposed to be liable to the payment of the tax, a schedule to be filled up with such information respecting the carriages and animals kept by them as the Commissioners may judge necessary for the assessment of the tax. The schedule shall be filled up in writing, signed and dated and returned to the office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of the tax.

Returns may be required for purpose of making list.

**64.** The Commissioners may summon any person supposed to be liable to the payment of the tax, or any servant of such person, and may examine such person or his servant as to the number and description of the carriages and animals in respect of which such person is liable to be assessed, and such person or his servant shall answer such questions as may be put to him by the Commissioners.

Power to summon persons liable to tax.

**65.** Any person who may dispute his liability to the payment of such tax, or the amount of any such assessment, may appeal to the Commissioners: provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Appeal against assessment may be made to Commissioners.

Proviso.

**66.** Appeals against any such assessment shall be heard and determined by not less than three Commissioners, and their adjudication upon every such appeal shall be final, and no person shall contest any assessment so, made in any other manner than by appeal to the Commissioners as hereinbefore provided.

Commissioners' decision final.

#### *Registration of wheeled vehicles.*

**67.** It shall be lawful for the Commissioners of any Municipality at a meeting, with the sanction in writing of the Lieutenant-Governor first obtained, to declare and direct, by notification published in such manner as the Lieutenant-Governor may order, that every cart, hackery, and other wheeled vehicle without springs kept and used within, or let for hire within or without such place, and used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct. Provided that this section shall not apply to, or include carts, hackeries, or other such vehicles as aforesaid kept at more than two miles distance from the said place and used only temporarily or casually in the place, or to carts, hackeries, or other wheeled vehicles without springs, the property of Government or of the Commissioners.

Registration and number of hackeries, &c.

**68.** The registration of carts, hackeries, and other vehicles under the last preceding section shall be made, and the numbers assigned half-yearly, upon such days as the Commissioners shall notify, and such fee as they shall fix, not exceeding one rupee, shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January of any such cart, hackery, or other vehicle which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Commissioners shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of the fee to be fixed as aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Fee for registration.

**69.** Whoever owns or keeps any cart, hackery, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused

Penalty for not registering a cart or hackery.

the same to be registered under the last preceding section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed by the owner or the person keeping such cart, hackery, or other vehicle within a further period of twenty days, shall become vested in the Commissioners, and be employed for the purposes of this Act.

CHAPTER

*Taxes on trades and callings.*

**70.** When it shall be determined that a tax on trades and callings shall be imposed in any town, such determination shall be notified, in such manner as the Lieutenant-Governor may direct, and from the 1st day of April next following such notification, every person who shall within the town exercise any of the professions, trades, or callings specified in Schedule (D) to this Act annexed shall take out a license, and shall pay for the same an annual fee not exceeding such sum as in the said schedule is mentioned. The table of fees leviable under this chapter shall be fixed from time to time by the Commissioners, subject to the confirmation of the Lieutenant-Governor.

**71.** Every license under the next preceding section shall be granted by the Commissioners, or by some person duly authorized by them in that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted, and the sum paid for such license.

**72.** Every license shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 1st day of January next following the notification shall expire on that day, and every such license which shall be granted upon or at any time after that day, shall expire on the 31st day of December next after the day of the granting thereof.

**73.** Every person to whom such license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same from year to year so long as he shall desire to continue such profession, trade, or calling.

**74.** The Chairman, or in a first class municipality a sub-committee of the Commissioners, shall determine under which of the classes mentioned in the Schedule (D) to this Act annexed every person to whom a license may be granted shall be assessed. The Commissioners at a meeting shall from time to time declare what are to be considered bazaars, hâts, or public markets, within the meaning of this Act.

**75.** As soon as may be after the first day of September in every year, the Chairman shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be filed in the office of the said Commissioners, and be open to public inspection at all reasonable times.

**76.** If at any time after three months have elapsed from the day of the date of the said notification, any person within the said limits shall exercise his profession, trade, or calling without having duly taken out a license as required by Section 69, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding three times the amount which, in the judgment of such Magistrate, would have been payable by such person in respect of a license duly taken out as aforesaid.

**77.** Any person required by Section 69 to take out a license, who shall, without reasonable excuse, neglect or refuse to produce and show his license when required so to do by an officer duly empowered in writing by the Commissioners to make such requisition shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred Rupees.

CHAPTER G.

*Taxes on processions, &c.*

**78.** When it shall have been determined that a tax shall be levied in any Municipality on processions and any public ceremonies not exclusively religious, such determination shall be duly notified, and from the date of such notification no person shall organise or conduct a procession or public ceremony within the limits of such Municipality without first taking out a license from the Commissioners. Licenses under this section shall be granted at the following rates namely:—

	Rate of license.
License for a procession or ceremony whereat elephants are to be used, or whereat guns fire	100 Rs. for each day.
License for a procession or ceremony whereat more than two hundred persons are to attend...	50
License for a procession or ceremony whereat more than fifty and not more than two hundred persons are to attend ...	10
License for a procession at which less than fifty people are to attend	2

**79.** Any person who may organize or conduct a procession within the limits of such Municipality without first obtaining a license, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the amount of the license fee payable in respect thereof under the next preceding section. Any police officer above the grade of constable may call upon the conductor or organizer of a procession to produce his license, and if the license be not produced, he shall report the circumstances to the Commissioners or to the Magistrate; but he shall not arrest any one or stop the procession, unless he is unable to ascertain the name and address of the organizer of the procession. In the case of processions connected with marriage or betrothal the nearest adult male relative, or the guardians of the bride and bridegroom, or of the betrothed parties, shall, unless the contrary be proved, be deemed to have organized or conducted the procession.

CHAPTER 7.  
*Duties on articles.*

**80.** When it shall have been determined that duties shall be levied on articles entering within the limits of any Municipality, the Commissioners shall prepare and submit for the Lieutenant-Governor's approval a schedule of proposed rates for the levy of such duties, and shall prepare and submit as aforesaid bye-laws which shall provide for the collection and realization of such duties, for penalties for non-payment, and for exempting all through traffic from taxation, and for refunding the duty levied on duty-paid goods which are taken out of the municipal limits. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws: provided that no duty shall be levied on any article at a rate exceeding two per centum on the average value of such article. The rates and bye-laws for any Municipality shall, when finally approved, be published in such Municipality in such manner as the Lieutenant-Governor may direct.

**81.** When it shall have been determined that market dues shall be levied upon the sale of goods at any periodical market within the limits of any Municipality, the Commissioners shall prepare and submit a schedule of rates for the levy of such dues, and shall prepare and submit bye-law for the collection and realization of such dues and for penalties for non-payment. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws, provided that such dues shall in no case exceed one quarter of an anna in every rupee of the price for which such goods may be sold.

**82.** It shall be lawful for the Commissioners, with the sanction of the Lieutenant-Governor, to lease out for any term not exceeding three years, the collection of duties or dues under the two next preceding sections. Such lease shall be subject in all respects to the rates and bye-laws passed under the said sections.

CHAPTER 8.  
*Tolls.*

**83.** When it shall have been determined that Municipal Funds shall be raised by tolls on ferries within the limits of a Muni-

cipality the Commissioners shall notify the ferry or ferries at which such tolls shall be levied; and shall also notify such rates of tolls as the Lieutenant-Governor may from time to time sanction. A table of tolls, written or printed, in the English and native languages, shall be hung up in some conspicuous place near every ferry so as to be easily read by all persons crossing at the ferries.

**84.** Every toll-keeper or ferry lessee who shall neglect to hang up and keep in good order and repair such table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding ten Rupees.

**85.** Every toll-keeper or ferry lessee who shall ask or take any toll other than the lawful toll, or who shall without due cause delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding fifty Rupees.

**86.** Every person crossing at any such public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any toll-keeper or any of his assistants in any way in the execution of their duty under this Act; and every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy, or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding fifty Rupees over and above the value of the damage, if any, which he has done.

**87.** The Commissioners may make rules, subject to confirmation by the Lieutenant-Governor, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers, and other persons employed at any public ferry: and any tindal, toll-keeper, or other person infringing or disobeying any such rule, shall be liable to a penalty not exceeding twenty Rupees, and also to make good any loss or damage caused thereby, the amount of which shall be summarily ascertained by the Magistrate, within whose jurisdiction the offence was committed, and such amount may be recovered as any penalty under this Act may be recovered.

**88.** Every person who shall convey for hire any passenger, animal, cart, carriage, or goods, across any arm of the sea, creek, or river within the provinces subject to the Lieutenant-Governor to any point or place on the opposite bank or coast within a distance of three miles on either sides above or below any public ferry, without the special license of the Magistrate of the district in which the ferry is situated, shall be liable to a penalty not exceeding fifty Rupees. Provided that nothing in

Penalty for organising procession without license.

Penalty for neglecting to put up a table of tolls.

Extortion or misconduct by toll-keeper.

Duties on articles entering Municipal limits.

Refusal to pay toll, &c.

Market dues on sale of goods.

By-laws for regulating ferry-boats, &c., to be made by Commissioners.

Power to lease the same.

Carrying for hire within three miles of a ferry without license of Magistrate.

Table of tolls.

Proviso.

this section shall subject to such penalty any person who shall specially let for hire his boat for the conveyance of any other person or his family or goods across any creek or arm of the sea within the said settlement.

**89.** The Commissioners may appoint at any ferry managed under this Act toll-keepers, and may collect the tolls through such toll-keepers, or they may grant a lease of any such ferry for any period not exceeding three years.

**90.** It shall be lawful for the Lieutenant-Governor to make over to the Commissioners any existing ferry within the limits of the Municipality, and such ferry shall thenceforward be subject to the provisions of this Act.

**91.** When it shall have been determined that tolls shall be levied on vehicles and beasts of burden entering any town, the Commissioners shall submit to the Lieutenant-Governor a table of rates and rules for the levy of such tolls; and the Lieutenant-Governor may modify or approve such tables and rules. The rules and rates, so modified or approved, shall not take effect until one month after they shall have been duly notified. Provided that the rates shall in no case exceed the rates laid down in Schedule (B) appended to this Act.

**92.** The tolls or rates determined as in the next preceding section shall be levied upon all carriages, carts, and animals entering the municipal limits; and the Commissioners may construct toll-bars, gates, and gate-keepers stations, and may place the collection of such tolls under the management of such persons as may appear to them proper, or may lease out the same for any period not exceeding three years, and shall frame bye-laws in manner hereinafter provided for the guidance of such toll collectors; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would attach to them if employed in the collection of any assessment or tax under this Act. Provided that this section shall not apply to carriages, carts, and animals licensed or registered by the Commissioners: provided also that no more than one payment of toll shall be demanded for, and in respect of, any carriage, cart, or animal in any one period of twenty-four hours from midnight to midnight.

**93.** In case of non-payment of any such toll on demand, the officer appointed or duly authorized to collect the same may seize any carriage or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll. If any toll, together with the cost arising from such seizure and custody, remains undischarged for forty-eight hours, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale. Any balance that may remain shall be returned, on demand, if made within twelve months, to the owner of the property, and

if unclaimed after such period, shall be credited to the Municipal Fund. After seizure of the property as aforesaid, the Commissioners shall forthwith issue a notice in writing that, after the expiration of two days, exclusive of Sunday, they will sell at such place as they may state in the notice the property by auction. Provided that if at any time before the sale has actually begun the person whose property has been seized shall tender to the Commissioners, or other officer appointed by them, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

**94.** No tolls shall be paid for the passage of troops on their march, or of military or Government stores, or of military or police officers on duty, or of any person or property in their custody, or of conservancy carts or other such vehicles belonging to the Commissioners; but no other exemption from payment of the tolls levied under this Act shall be allowed.

**95.** It shall be lawful for the Commissioners to compound with persons living outside the Municipal limits for a sum to be paid annually or half-yearly, in lieu of all tolls payable under the provisions of this Act in respect of carriages, carts, or animals entering the municipal limits; and the Commissioners shall issue licenses for such carriages, carts, or animals; and while such licenses shall remain in force, such carriages, carts, and animals shall be exempt from all tolls as aforesaid upon entering the municipal limits. Provided always that such composition shall include all the carriages, carts, and animals possessed by the person compounding.

**96.** In all cases of resistance to the lawful authority of the toll-collectors, all police officers shall be bound to assist the toll collectors when required; and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

**97.** Every person other than persons appointed or duly authorized to collect the tolls under this Act, who shall levy or demand any toll, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act, seize or sell any property, knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act; shall be deemed to have committed the offence of cheating or extortion, as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

**98.** A table of the tolls authorized to be taken at any toll-gate or station, legibly written or printed in English words and figures, and in the vernacular language or languages of the district, shall be put up in a conspicuous place near such gate or station.

**PART IV.—MODE OF RECOVERY OF MUNICIPAL TAXES.**

**99.** Every tax collector shall prepare from the lists hereinbefore mentioned a register which shall contain the names of all persons assessed, the property in respect of the occupation of which the assessment in each case is made, and the amount payable quarterly by each person in the Municipality or division, or portion of a Municipality in which the duties of such tax collector are to be performed; and every such list shall be attested by the Chairman.

**100.** Every tax to be payable under this Act shall be payable by four equal quarterly instalments. The instalment of tax on account of any quarter shall be due on the first day of the month in the said quarter.

**101.** When any sum is due on account of any tax leviable under this Act, the Chairman shall unless otherwise specially provided in this Act cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the property or thing for which the charge is made. If the bill be in respect of the tax upon carriages, horses, and elephants it shall contain a notice of the time within which an appeal against such tax may be preferred.

**102.** For all sums collected on account of any tax under this Act, a receipt shall be given signed by the tax collector or by some other officer who may have been specially authorized by the Magistrate to grant such receipts.

**103.** The Tax Collector or other officer appointed on that behalf shall remit, in such manner and at such times as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment, and the Magistrate, or some other officer authorized on that behalf, shall give the tax collector a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to the Municipal Fund.

**104.** If any bill which may have been presented in pursuance of this Act be not paid by the person liable to pay the same within ten days from the presentation thereof, the Magistrate may cause to be served upon such person a notice of demand in the Form (A) in Schedule F annexed to this Act, or to the like effect; and if such person shall not, within ten days from the service of notice of such demand, pay the sum due, together with a fee of two annas as costs for the service of the notice of demand, or show to the Magistrate sufficient cause for non-payment of the same, the amount of the arrear due, with costs on the scale in the Form (B) in Schedule F set forth, which shall include those of serving the notice of demand, may be levied by distress and sale of any goods and chattels belonging to the defaulter which may be found within the Municipality, or

of any goods and chattels whatever which may be found on the premises in respect of the occupation of which such defaulter is liable to such tax.

**105.** Every warrant of distraint and sale under the last preceding section shall be issued by the

Magistrate, and shall be in the Form (C) in Schedule F set forth. The officer charged with the execution of the warrant of distress shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof, by beat of drum, in the town or division thereof in which the property is situated and by serving on the defaulter a notice in the Form (D) in Schedule F. If the arrear be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Magistrate, the goods and chattels seized shall be sold by public outcry at the time and place specified, in the most public

manner possible; and the proceeds shall be applied in

discharge of the arrears and the costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The tax collector or other officer appointed on that behalf under this Act shall make a return of all such sales to the Magistrate in the Form (E) specified in Schedule F; and the costs upon every such proceeding shall be such as are mentioned and set forth in Form (B) in Schedule F annexed to this Act.

**106.** If no sufficient goods or chattels belonging to a defaulter or being upon the premises in respect of the occupation of which the tax is due can be found within the Municipality in which the premises are situate, the Magistrate on being satisfied thereof, and of the existence of an arrear, may issue his warrant for the distress and sale of any goods and chattels belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any goods and chattels belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall back the warrant so issued, and cause it to be executed and the amount (if levied) to be remitted to the Magistrate issuing the warrant.

**107.** All goods and chattels, except tools or instruments of trade, which may be found upon any premises in respect of an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same. Provided that no arrear of tax which has remained due for more than three calendar months shall be recovered by distress and sale of the goods and chattels of any person, other than the defaulter himself, who did not reside on the premises in respect of which such tax was imposed at the time when such arrear became due.

**108.** Every tax collector and other servants appointed for, or employed in, the performance of any duties connected with the assessment or collection of the tax under this Act, is prohibited from bidding for or purchasing any property at such sales as aforesaid. Any person purchasing property in contravention of this section shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty Rupees, and the sale shall be quashed and the property declared liable to resale.

**109.** The Magistrate shall cause a regular account to be kept of all distresses levied and sales made for the realization of arrears under this Act.

**110.** Whoever conceals, removes, or disposes of any property belonging to the person who is liable for any amount of tax, for the purpose of avoiding a distress under the provisions of this Act, shall be considered to have concealed, removed, or disposed of such property fraudulently.

**PART V.—MUNICIPAL FUND AND ITS APPLICATION.**

**111.** All monies, rents, and profits received by the Commissioners by virtue of this or any other Act, and all fines, fees, and penalties paid or levied under this Act, and all other monies which, under sanction of Government, may be transferred to such Commissioners, shall constitute a fund, which shall be called the Municipal Fund, and shall, together with all property of every nature or kind which may become vested in the said Commissioners, be under their control, and shall be held by them and their successors in trust for the purposes of this Act.

**112.** The Commissioners shall set apart annually out of the Municipal Fund a sum sufficient for the maintenance of police officers appointed or employed under Act V of 1861, or any other Act which may for the time being be in force for the regulation of the police within the territories subject to the Lieutenant-Governor of Bengal or any part thereof; provided that the number of police officers shall be determined in manner as hereinafter provided.

**113.** The Municipal Fund, after a sum has been set apart as in the manner provided by the next preceding section, may, subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe, be applicable within the towns in which it is raised, to the following purposes, that is say—

(1)—The construction, repair, and maintenance, of streets and bridges.

(2)—Works of public utility calculated to promote the health, comfort, or convenience of the townspeople; including the supply of water, expenses of lighting of streets, the construction, repair, and maintenance of hospitals, dispensaries, lunatic asylums, rest-houses, tanks, wells, and markets; also the payment of all charges connected with the objects for which such buildings were constructed, the training and employment of medical practitioners and vaccinators, the sanitary inspections, the registration of births and deaths, the cleansing of

tanks or wells, and the application of the Indian Contagious Diseases Act.

(3)—The diffusion of education, and with this view, the construction and repair of school-houses, the establishment and maintenance of schools either wholly or by means of grants-in-aid, the inspection of schools and training of teachers.

(4)—The support or relief of the poor in times of exceptional distress and scarcity.

**114.** It shall be competent to the Commissioners, with the sanction or upon the direction of the Lieutenant-Governor, to contribute a portion of the Municipal Funds towards the expenses incurred in any other Municipality under this Act, or in any district or sub-division under the District Road Cess Act 1871 passed by the Lieutenant-Governor of Bengal in Council, where such expenditure is incurred for any of the purposes described in the last preceding section, and is calculated to benefit the inhabitants of the contributing town, or to relieve exceptional distress in the neighbourhood; provided always that, where such contribution has not been originally recommended by the Commissioners, it shall not be obligatory upon them until the proposal to make such contribution shall have been submitted to them by the Lieutenant-Governor, and they shall have had the opportunity of offering their opinions thereon.

**115.** It shall be competent to the Lieutenant-Governor to appoint, from time to time, such officers as may be required for the purpose of inspecting or superintending the operations of the Municipalities created by this Act, and to assign to them such salaries as the Lieutenant-Governor shall think reasonable; and the expense incurred by reason of such appointments shall be defrayed in rateable proportions out of the funds of the several Municipalities established under this Act. And the said Lieutenant-Governor may direct that the municipalities in any district or division shall pay such sum as he may consider reasonable towards the cost of clerks or other establishment maintained in the office of the Collector or Commissioner for purposes of supervision under this Act.

**116.** The Commissioners shall consider and pass at a meeting, a statement or estimate showing the probable receipts, and the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of April then next, and the items in respect of which it is proposed to incur such expenditure, and may also consider and pass a supplemental estimate providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised in the official year then current for the purposes of this Act.

**117.** Copies of the aggregate estimates for any Municipality which shall have been passed under the provisions of the next preceding Section, and if necessary, translations thereof into the vernacular of the district, shall be lodged in the offices of the Magistrate of the district and of the Magistrate, and at some convenient place within such Municipality. During fourteen days after such estimates shall have been so lodged in the said offices, of which due notice shall be



publicly given, such estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times and seasons by any rate-payer of such town who may desire to inspect the same.

118. As soon as is practicable, after the expiration of the said fourteen days, the Magistrate shall transmit to the Magistrate of the district the said estimates, with any remarks or objections thereupon which may have been recorded by himself or by the Municipal Commissioners at a meeting. The Magistrate of the district shall transmit to the Commissioner of the Division the said estimates, together with any remarks or objections made by the Magistrate or the Municipal Commissioners, and his own opinion thereon.

119. The Commissioner of the division shall sanction, if unobjectionable, any estimate forwarded under the next preceding section. If he see any objection to such estimate he may record his objection: and he shall have power to remit for reconsideration the estimate of any Municipality made under this Part which may have been voted by less than two-thirds of the Commissioners of such Municipality.

120. The Commissioners shall, at such time or times, and in such form as the Lieutenant-Governor shall direct, furnish an annual report of their proceedings and statements in detail of all the works executed by them, and of all sums received and expended by them. All the municipal accounts shall be audited by such person and in such manner as the Lieutenant-Governor shall direct. The annual report shall be published in the *Calcutta Gazette*.

121. All sums collected under this Act, and all funds appropriated by Government for the purposes of this Act, shall be paid into the nearest Government treasury of the district, or, with the sanction of Government, into any Bank or branch Bank, or Native Banker established in or near to the Municipality, and shall be credited to an account to be called the Municipal Fund of the Municipality where they have been raised, provided always that it shall be competent to the Commissioners, with the sanction of Government, to invest any sums not required for immediate use either in the Government Savings Bank or in Government securities, or in any other form of security which may be approved of by Government.

122. All orders for payment of money from the Municipal Fund shall be signed by the Chairman or in his absence, by the Vice-Chairman, or, in the absence of the Vice-Chairman, by any two of the Commissioners.

123. Within one month after the commencement of each year, the Magistrate shall cause to be prepared accounts of the receipts and expenditure of the Municipal Fund during the previous year; and shall cause such accounts to be laid before the

Municipal Commissioners for the space of one month, and shall cause copies of such accounts and of any remarks made thereon by the Municipal Commissioners to be forwarded to the Magistrate of the district, who shall forward the same to the Commissioner of the Division.

#### PART VI.—REGISTRATION OF BIRTHS AND DEATHS.

124. It shall be lawful for the Commissioners to keep in their office a register of all births and deaths within the Municipality, and for this purpose they shall divide the Municipality into such and so many districts as they shall think fit, and for every such district they shall appoint a person to be Registrar of births and deaths within such district.

125. Every Registrar shall dwell within the district of which he is Registrar, and shall cause his name, with the addition of Registrar for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house; and the Commissioners shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the town.

126. The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place within the Municipality according to the forms prescribed in Schedules (G) and (H) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

127. Every Registrar shall inform himself carefully of every birth and of every death which shall happen in his district after the first day of September, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H), respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

128. The father or mother of every child born within the Municipality, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one month next after the day of every such birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

**129.** Some one of the persons present at the death, or in attendance during the last illness, of every person dying within the Municipality, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Any person who shall refuse or neglect to give any information which it is his duty to give under this section, shall be liable to a penalty not exceeding one hundred Rupees.

**130.** Every person by whom the information contained in any register of births or deaths under this Act shall have been given, shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

#### PART VII.—MUNICIPAL POLICE.

**131.** At such time or times, and in such form as the Lieutenant-Governor shall direct, the Commissioners at a meeting shall prepare a statement of the police force required for their Municipality, and such statement, when passed at a meeting of the Commissioners, shall be forwarded to the Lieutenant-Governor through the Magistrate to the Commissioner of the division, who shall either himself sanction or amend the statement, or shall forward it to the Lieutenant-Governor for sanction or amendment, according as the said Lieutenant-Governor may, in each case from time to time, direct who shall sanction or amend such statement. The police force, according to the statement finally approved by the Lieutenant-Governor, shall be the police force of the Municipality for the year next ensuing, and its cost shall be incorporated on the estimates of expenditure to be prepared under this Act.

**132.** When the strength and the cost and distribution of the police of any Municipality shall have been settled under the next foregoing section, no alteration shall be made in such strength or cost or distribution of costs, save on the recommendation of the Commissioners and with the sanction of the Lieutenant-Governor of Bengal, or of the Commissioner of the division in cases where the Lieutenant-Governor may have delegated to the Commissioner powers under this section.

**133.** The Commissioners or a sub-committee of the Commissioners, nominated for that purpose shall control, appoint, and dismiss or suspend the members of the town police force; provided that no police officer above the rank of constable shall be dismissed or suspended without the sanction of the magistrate of the district; and provided that all the acts of a sub-committee under this section shall be liable to revision by the Commissioners at a meeting.

**134.** No police officer, who forms part of the strength of the Municipal police, shall be liable to serve beyond the limits of the Municipality, save in execution of duties imposed on him by his employment as a police officer of such Municipality.

**135.** As soon as possible after the close of each month the District Superintendent of Police shall, as regards each Municipality, present to the Magistrate, in whose jurisdiction such Municipality may be situated, a bill showing the actual expenses incurred during the preceding month in the payment of the said force, and the contingent expenses thereof; and the said Magistrate, on being satisfied that the bill is substantially in accordance with the estimate for such town, shall cause the amount of such bill to be paid to the District Superintendent from the Municipal Fund.

**136.** The total amount which shall be chargeable to the Municipal Fund for the cost of any police force which may be sanctioned by the Government for employment within any town, including the contingent expenses of such force, shall not exceed the average rate of one rupee and eight annas per annum for each house in such town, provided that the number of police officers appointed shall not be greater than one superior officer for every fifteen constables, and one constable for every fifty houses.

#### PART VIII.—INTERVENTION BY THE GOVERNMENT.

**137.** If the Commissioners of any Municipality fail to effect the necessary repairs and maintenance of roads, or to pay for the police of the town, it shall be lawful for the Commissioner of the Division in which such Municipality is situated to convene a Committee, consisting of the district sub-divisional Magistrate, the executive engineer of the division, the civil surgeon, and two members nominated by the said Commissioner; and such Committee shall inquire into and report upon the state of such Municipality. And the Lieutenant-Governor may on the report of such Committee call upon the Commissioners, by requisition in writing signed by him and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Act, and thereupon if the Commissioners neglect for the space of three months then next ensuing to comply with the said requisition, the Lieutenant-Governor may direct the Magistrate to raise the necessary funds under the provisions of this Act and carry out in all respects the purposes thereof.

**138.** When it shall appear to the Lieutenant-Governor in regard to any first class Municipality, or to such officer as he may delegate authority under this section in regard to any second class Municipality, either that due provision is not made for the construction and maintenance in the municipal limits of any district road passing through such limits, and that hindrance to the traffic of the country is caused thereby, or that reasonable elementary education is not available at a fair cost for children of the residents, it shall be lawful for

Information of death to be given.

Police paid under Act not to be employed beyond town.

Person giving information to sign the register.

Maximum amount chargeable on account of police.

Alteration therein.

Administration of Municipality may be transferred to Magistrate if Commissioners fail to maintain roads and pay for police.

Appointment of police.

Or if Commissioners fail to maintain district roads or provide means of elementary education.

the Lieutenant-Governor, or such delegated officer as aforesaid, to call upon the Commissioners to repair or maintain such roads, or to provide such means of elementary education as may seem to the Lieutenant-Governor fit; and in case they shall not within three months make due provision for the same, to authorize the Magistrate to collect and apply to these purposes any of the municipal taxes, hereinbefore authorized to be imposed.

**139.** It shall be lawful for the Lieutenant-Governor to direct the Commissioners of any Municipality to contribute the whole or a part of the cost of any elementary school established within such municipality, provided that in no case shall the contribution made under this section for any one year exceed one-sixth part of the balance of the Municipal Fund available, after the cost of police has been met, for carrying out the purposes of this Act. An elementary school shall be deemed to be a vernacular school or a school with a vernacular department, provided that the fee for each vernacular scholar at such school be not more than one anna per month.

Commissioners may be required to contribute towards the cost of Government schools.

**PART IX.—MUNICIPAL REGULATIONS.**

**CHAPTER 1.**

*Duties of Commissioners, &c.*

**140.** The provisions of this and the next succeeding Part shall not have force in any Municipality until they shall have been specially extended thereto, and it shall be lawful for the Lieutenant-Governor of Bengal to extend any or all of the sections in this Part to any Municipality created under this Act, and the said Lieutenant-Governor shall have power to withdraw any Municipality from the operation of all or any of the sections of this Part.

**141.** The Commissioners may cause a name to be given to any road and affixed in such place or places as they may think fit, and may also cause a number to be affixed to every house in every road for the purpose of identifying such house; and the Commissioners at a meeting may cause such names and numbers to be altered.

**142.** The Commissioners shall provide all cattle, carts, and implements required for the removal of night-soil, dung, and other filth, and shall, from time to time, appoint or provide places convenient for the deposit of such night-soil, dung, and other filth, and for keeping all cattle, carts, and implements, required for the removal thereof, and for other purposes of conservancy.

**143.** It shall be the duty of the occupier of every house within the limits of any Municipality to remove from his premises all night-soil, dung, and other filth into carts provided by the Commissioners for the purpose of carrying away the same, and at such times and in such manner as the Commissioners may direct. Provided that the occupier of any house shall prefer to carry

Occupiers of houses to remove night-soil, &c., to carts of Commissioners.

away the said night-soil, dung, or other filth, it shall be open to him to do so in conformity with the provisions of Section 146 of this Act.

**144.** All dirt, ashes, rubbish, sewage, soil, dung, and filth, collected by the Commissioners from the roads, houses, privies, sewers, and cess-pools, shall be held to be the property of the said Commissioners, who shall have power to sell and dispose of the same; and the money arising from the sale thereof shall form part of the Municipal Fund.

**145.** The Commissioners may cause any number of movable or fixed dust boxes in streets, dust boxes, or other convenient receptacles wherein dust and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in convenient situations, and may require the occupiers of houses in roads to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles.

**146.** The Commissioners shall from time to time fix the hours within which it shall be lawful to remove night-soil or other such offensive matter, and the manner in which such night-soil or other offensive matter shall be removed.

**147.** The Commissioners, or any officer appointed by them for that purpose, may inspect all privies, drains, and cess-pools within any Municipality at any time between sunrise and sun-set, after six hours' notice in writing, and the occupier of any premises in which such privies, drains, or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he think fit for the purpose of preventing or removing any nuisance arising from such privies, drains, or cess-pools.

**148.** All public streams, channels, water-courses, tanks, reservoirs, springs, and wells in any town shall, for the purposes of this Act, be under the direction and control of the Commissioners.

**149.** The Commissioners shall have power to set apart a sufficient number of convenient tanks, or parts of rivers, streams, or channels, not being private property, for the inhabitants to bathe in, and also to set apart tanks or other places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

**150.** It shall be lawful for the Commissioners to require, by notice in writing, the owner of any premises to cleanse any private tank, and to drain off and remove any waste or stagnant water within any such premises which may appear to be injurious to health or offensive to the neighbourhood; and if such owner refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioners, their officers, and workmen, may enter such premises, and do all such necessary acts for all or any of the purposes aforesaid as they shall think fit; and the

All public streams, &c., to be under direction and control of the Commissioners.

Bathing places, &c.

Power to require unwholesome tanks on private premises to be cleansed or drained.

Inspection of drains, privies, and cess-pools.

All rubbish collected to be the property of Municipal Commissioners.

owner of such premises so making default, and shall be recoverable as a debt due to the Commissioners.

**151.** Whenever any lands or premises being private property or within any private enclosure, appear to the Commissioners to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation or drain such premises, and if he do not within one week after such notice begin to cut, clear, and remove such vegetation, or to drain such land, and do not complete such work with the due diligence, the Commissioners, their officers and workmen, may after forty-eight hours' notice, enter into the said premises, and do all necessary acts for the purpose aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

**152.** The Commissioners may, from time to time, as they see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

CHAPTER 2.  
*Penalties.*

**153.** Whoever wilfully removes, obliterates, or destroys any name or number affixed under section 141 of this Act, or under the provisions of any Act hereby repealed, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 20.

**154.** Whoever commits any nuisance, or deposits, or permits his servants to deposit any dust, dirt, dung, ashes, garden, kitchen, or stable refuse or filth of any kind, or any animal matter, or any broken glass or earthenware, broken brick, mortar, or other rubbish, in any road or on the pavement or verandah of any house, or on any ground between the house and the road, or any public quay, jetty, or landing place, or on any part of a river bank, whether above or below high water-mark, except in such places and in such manner and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**155.** Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any road or public highway; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such road or highway, shall be liable to a fine not exceeding ten Rupees.

**156.** Whoever, being the occupier of a house within the limits of any Municipality, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in or upon the roof of any out-house, or in any yard or ground attached to, and occupied by the occupier of such house, shall be liable to a penalty not exceeding ten Rupees for each offence.

**157.** Whoever, being the owner or occupier of any house, building, or land within any Municipality, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

**158.** It shall also be lawful for the Commissioners to grant to such persons and for such period as they think fit, licenses to keep privies for public accommodation, subject to such conditions as may be necessary for the preservation of public health and decency. Any such person holding such license, and failing to observe the conditions prescribed in such license, shall be liable to a fine not exceeding fifty Rupees. Provided that it shall be lawful for the Commissioners, at any time, on giving one month's notice in writing, to cancel any license granted under this section.

**159.** Whoever throws or puts, or permits his servants to throw or put any earth, dirt, or other filth, rubbish, or night-soil into any sewer not specially appropriated for such purpose by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**160.** Whoever, except as permitted by the Commissioners, bathes in any public stream, channel, water-course, tank, reservoir, spring, or well, or in any other manner fouls the water thereof, shall be liable to a fine not exceeding ten Rupees for each offence.

**161.** Whoever being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any road or public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees, and to a fine not exceeding three Rupees for every day after conviction for such offences during which the offence is continued.

CHAPTER 3.

*Conservancy works.*

**162.** The Commissioners shall provide and maintain, in sufficient numbers and in proper situations, common privies and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

**163.** It shall be lawful for the Commissioners to prescribe the form or construction of privy which

*Construction of privy.* the owner or occupier of any house or building within the limits of the Municipality may have on his premises; and such owner or occupier shall have such privy shut out by a wall or fence from the view of persons passing by or residing in the neighbourhood; and any such owner or occupier having a privy constructed in a form different from that prescribed by the Commissioners, or failing to shut it out from public view in the manner hereinbefore directed, shall be liable to a fine not exceeding ten Rupees, and to a further fine not exceeding ten Rupees a day for each day of default or breach of the provisions of this section after written notice duly given by the Commissioners to such owner or occupier.

**164.** All public sewers, drains, and other works for conservancy existing in any Municipality at the time this Act comes into operation, or which may afterwards be made, shall be under the direction and control of the Commissioners.

*Sewers and drains, &c., under control of the Commissioners.* **165.** All public sewers, or other works for the improvement, or the conservancy hereafter required in any Municipality shall be constructed under the direction of the Commissioners, who shall be empowered to purchase any land necessary for such purpose from funds at their disposal; or such land shall, if necessary, be taken under the sanction of Government, under the provisions of any Act heretofore passed, or which shall hereafter be passed, for the acquisition of land for public purposes.

*Sewers, &c., to be constructed under the direction of the Commissioners.* **166.** All branch drains, and all privies and cess-pools within any town, shall be under the survey and control of the Commissioners, and shall be repaired and made efficient at the cost of the owners of the lands and buildings to which the same belong. If any such owner neglect, during eight days after notice in writing, to repair and make the same efficient in such manner as may be required by the Commissioners, the Commissioners shall cause such drain, privy, or cess-pool to be made efficient, or, if necessary, removed, and the expense of such removal or repair shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

*Branch drains, privies, &c., under control of Commissioners.* **167.** If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool, which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees. And the Commissioners may cause such drain, privy, or cess-pool to be removed, or may cause such amendment or alteration to be made therein as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable as a debt due to the Commissioners.

## CHAPTER 4.

*Obstructions in the road.*

**168.** Whoever builds any wall or erects or sets up any fence, rail, post or other obstruction or encroachment, in any road or public highway, or in or over any open drain, sewer, or aqueduct along the side of any such road or highway, shall be liable to a fine not exceeding one hundred Rupees: and the Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as a debt due to the Commissioners.

*Future obstructions in highway.* **169.** Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any road or public highway, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

**170.** The Commissioners may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which after this Act shall have taken effect, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road or public highway, or obstructs, or projects or encroaches into or upon, any uncovered aqueduct, drain, or sewer in such road or highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred Rupees; and the Commissioners in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

*Projections from houses erected in future to be removed.* **171.** The Commissioners may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building in any road or public highway before this Act shall have been extended to the place, to be removed or altered as they shall think fit; provided that notice be given of such intended removal or alteration to the occupier of the house or building against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

*Removal of existing projection from houses.* **172.** Whenever any house or building, part of which projects beyond the regular line of a road or public highway or beyond the front of the house or building on either

*Notice of removal.*

*Compensation when to be made.*

*Houses projecting beyond line of highway, when taken down to be not back.*

side thereof, shall be taken down in order to be re-built or altered, the Commissioners may require the same to be set back to, or towards the line of the road or highway, or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of such house or building for any damage he may thereby sustain.

**173.** The Commissioners may give notice to the owner or occupier of any land to cut and trim any hedges or trees which overhang any road or public highway, so as to obstruct the passage; and in the event of such notice not being complied with within eight days from the date of service thereof, the Commissioners may cause the said hedges or trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner or occupier, and shall be recoverable as a debt due to the Commissioners.

**174.** It shall be lawful for the Commissioners, by a by-law to be made in manner hereinafter provided, to direct that the external roofs and walls of huts or other buildings about to be erected or renewed in or near any road or public highway shall not be made of grass, leaves, mats, or other such inflammable materials.

**175.** No person intending to build or take down, alter, or repair any building, shall deposit any building materials or make a hole in or near any public highway, without the permission of the Commissioners, and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night: and whoever so deposits materials or so makes a hole without such permission, or fails to fence or enclose and cause to be lighted such materials or whole, or remove such materials or fill up or otherwise make secure such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

**176.** If any house or other building, tank, well, or hole or other place, whether on public or private ground be, for want of sufficient repair or protection, dangerous to human beings, the Commissioners shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier of the premises, if any, and shall also cause notice to be put on some conspicuous part of such premises, requiring the owner, or occupier, if any, forthwith to take down, secure, repair, or protect such building, tank, well, or hole, or other dangerous place; and if such owner or occupier do not, within three days after such notice, begin to comply with the requisition, and do not carry on the work to the satisfaction of the Commissioners, they may

cause the same to be taken down, secured, repaired, or protected, so as to prevent danger therefrom; and the expense of such work shall be paid by the owner or occupier of such property so making default, and shall be recoverable as a debt due to the Commissioners.

**177.** If, in any road any house, building or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state or likely to fall, or in any way dangerous, they shall forthwith give notice in writing to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier thereof, if any, requiring such owner or occupier to take down or secure the same within a fixed time; and in default the Commissioners shall cause such repairs to be made or such buildings to be removed; and the expense thereby incurred shall be paid by the owner of the premises so making default, and shall be recoverable as a debt due to the Commissioners.

**178.** Whenever, under the provisions of this Act, any work is required by the Commissioners to be executed, or any alterations or improvements to be made in any building, premises, or place, and such work, alterations, or improvements are executed by the occupier of such house, place, or premises, or by the Commissioners, at his expense, the cost thereof may be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction. Provided always, that in case the occupier has a beneficial interest in such building, premises, or place, he shall deduct or recover such sum only as will bear the same proportion to the entire cost of such work, alteration, or improvement, as the value of the owner's interest bears to the value of the joint interest of him and the occupier. And provided also, that in case the rents issuing out of any such building, premises, or place belong to more persons than one, who are entitled to the same, either as being joint proprietors of such building, premises, or place, or as having intermediate and other interests therein, the cost of any work, alteration, or improvement as aforesaid payable by the owner, shall be borne by such persons in proportion to their respective interests, and any one or more of such persons, who may have been compelled to pay more than a just proportion in the first instance, shall have like remedies against the others, for enforcing contribution by them, as are hereby given to the occupier as against the owner.

**179.** The materials of any such house, building, wall, or other structure or any part of the same which may be pulled down as provided in Section 176, may be sold by the Commissioners, and the proceeds of such sale applied to the payment of the expenses incurred. Any overplus of such sale shall on demand be restored to the owner of such house, building, or wall, and if unclaimed shall, after the lapse of twelve months, be carried to the credit of the Municipal Fund.



## CHAPTER 5.

*Regulation of certain offensive trades and of Burial and Burning Grounds.*

**180.** Within such limits as may for the purposes of this section be fixed by the Commissioners, no premises shall be newly used except under license from the Commissioners, for any of the following purposes, namely, for melting tallow, for boiling offal or blood, or as a soap house, oil-boiling house, dyeing house, tannery, brick pottery or lime kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or dépôt for hay, straw, wood, or coal; and whoever without a license uses any such premises for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence, during which the said offence is continued.

Penalty for establishing certain offensive and dangerous trades within limits to be fixed by the Commissioners.

**181.** No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant-Governor of Bengal, without a license from the Commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

No burial or burning place henceforth to be formed without leave of Government, or of Commissioners.

**182.** If, upon the evidence of competent persons, it shall appear to the Commissioners that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground, and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

Commissioners may order certain burial or burning places to be closed.

## CHAPTER 6.

*Vaccination and Inoculation.*

**183.** In any Municipality where the Lieutenant-Governor may consider that proper and sufficient arrangements have been made for the vaccination or inoculation with the cow-pox of the inhabitants thereof, the practice of inoculation shall be prohibited with effect from such date as may be notified by the Lieutenant-Governor at the time of the extension of this Chapter to such Municipality.

**184.** Any person who shall thereafter produce, or attempt to produce, in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing im-

Penalty for inoculating or otherwise producing small-pox.

pregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

**185.** If any person having been inoculated with the small-pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the town of Calcutta, or any other town or place to which such provision shall then be applicable, before the elapse of forty days from the date of such inoculation, or without a certificate from a qualified medical officer, stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

Penalty for entering into any place, subject to this Act, without a proper certificate, before forty days from date of inoculation.

**186.** Whenever a Magistrate shall sentence an offender to fine under this Chapter, it shall be lawful for such Magistrate to award any portion not exceeding one-half of such fine to the person on whose information such offender has been convicted.

Mode of procedure.

## PART X.—MUNICIPAL MARKETS.

**187.** It shall be lawful for the Municipal Commissioners to grant licenses for the use of any place as a market for the sale of meat, fish, fruit and vegetables within the Municipality.

Power to grant licenses for markets.

**188.** Every license to be granted under the provisions of this Act shall be in force until the next ensuing day therein named for the commencement thereof, and the said Municipal Commissioners shall grant such license whenever it shall be certified to them in writing, under the hand of the Vice-Chairman of the Municipal Commissioners, that such place is fit to be used as a market.

Duration of license, and terms on which granted.

**189.** The Vice-Chairman, upon the application in writing of the owner of any such place, shall certify under the preceding section, unless such place be defective as a market in drainage, ventilation, water-supply, or proper width of paths and ways therein.

Vice-Chairman bound to certify fit places.

**190.** Whoever wilfully or negligently permits any place within the limits aforesaid to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall, unless such place shall have been used as a market for the sale of similar articles at the time of the passing of this Act, be liable to a penalty not exceeding two hundred Rupees; and shall also be liable to a further penalty not exceeding fifty Rupees for every day during which the said offence shall be continued.

Penalty on permitting unauthorized places to be used as markets.

**191.** Whenever three convictions under the provisions of the next preceding section shall have been pronounced in respect of the same place, it shall be lawful for the

Power to close unlicensed places

Magistrate, on the application of the Municipal Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale, meat, fish, fruit, or vegetables in any place which shall have been so closed shall be liable for each offence to a fine which may extend to ten Rupees.

**192.** The owner or lessee of every place within the limits aforesaid at the time of the passing of this Act used as a market for the sale of meat, fish, fruit, or vegetables, shall, within six months of the passing of this Act, register, or cause to be registered, the same in a book to be kept for that purpose by the Municipal Commissioners at their office, in which shall be stated the name of the owner thereof, and of the lessee, the extent and boundary of the market, and the description of articles sold therein.

**193.** Such registration shall be made on the application in writing of the owner or lessee, or some one of the owners or lessees thereof, and every such application shall contain the particulars hereinbefore required to be set out in the registration.

**194.** Every transfer of interest in any such market as last aforesaid shall be in like manner registered within two months after the date of transfer.

**195.** Any market which, or the transfer of which, shall not be duly registered under the preceding sections shall be deemed to be a place not used as a market at the time of the passing of this Act.

**196.** The Municipal Commissioners may from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places within the said town for the purpose of being used as municipal markets, and may charge such rents, tolls and fees as to them may seem fit for the use of or right to expose goods for sale in such markets, and for the use of shops, stalls and standings therein.

**197.** All such rents, tolls, and fees which shall be imposed shall be recoverable by the Municipal Commissioners from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provision of this Act.

**198.** It shall be lawful for the Commissioners to make bye-laws for the establishment and publication of a price-current by measure, weight, or tale of the articles sold in Municipal markets under this Act, and for prescribing the mode of sale of such articles.

**199.** It shall be lawful for the Municipal Commissioners to expel from any such market any person who or whose servants may be convicted of disobeying any such bye-law, and to prevent such person by himself or his servants

further carrying on any trade or business in such market, or occupying stalls or shops therein, and to determine any lease or tenure which such person may have in any such stall or shop.

**PART XI.—JURISDICTION OF COMMISSIONERS IN MUNICIPAL AND OTHER CASES.**

**200.** It shall be lawful for the Lieutenant-Governor to direct that any two or more Commissioners of any Municipality may exercise within the limits of such Municipality the powers of a Magistrate in respect of all or any of the offences under the following provisions of this Act, namely, Sections 69, 76, 77, 79, 84, 85, 86, 87, 88, 97, 117, 118, all the sections of Parts IX and X, and the rules and bye-laws which may be framed under any Section of this Act, and also in respect of all offences named in the Penal Code which may be triable under the Criminal Procedure Code by a subordinate magistrate of the first class. When such direction shall have been notified in the *Calcutta Gazette*, then any person accused of an offence, or liable to a penalty under or in pursuance of the above-mentioned provisions of this Act, shall be tried by a bench of not less than two Commissioners sitting together. With respect to any matter which may, under this section, be transferred to the jurisdiction of the Commissioners, the powers, duties, and authority of the Magistrate shall cease. Provided that if the Commissioners, or a bench of the Commissioners, refuse or omit to act under this section, the Magistrate may, with the sanction of the Commissioner of the Division, resume for such time as he may seem fit the functions transferred to the Commissioners under this section. It shall be competent to the Lieutenant-Governor to amend, modify, or recall any direction notified under this section. In case of difference of opinion between the members of a bench of Commissioners, the opinion of the majority shall prevail; when the numbers are equally divided, the opinion of the senior Commissioner shall prevail. The provisions of this section shall not be held to affect the appellate jurisdiction of the Magistrate of the district, under Chapter XXX of the Code of Criminal Procedure, or the powers of supervision vested in the Magistrate of the district by section 434 of the same Code.

**201.** It shall be lawful for the Commissioners at a meeting to make bye-laws for regulating the rotation in which, and the place at which, the Commissioners shall sit to decide cases under the next foregoing section, and to assign from the Municipal Fund salaries to clerks and other servants who may be appointed by the Commissioners to serve in the courts of benches of Commissioners sitting under the next preceding section.

**PART XII.**

**THIRD CLASS MUNICIPALITIES.**

**202.** It shall be lawful for the Lieutenant-Governor to extend the provisions of this and the next succeeding Part to any place not being a I or II Class Municipality, and it shall be lawful for the Lieutenant-Governor to delegate the power of extending the said provisions to such officers as he may see

fit. After such extension shall have been notified the Magistrate of the district may by a writing under his hand and seal appoint not less three and not more than five persons to be a punchayet in such place. Provided that no punchayet shall be appointed for any place in which there shall be less than sixty houses, and provided that no punchayet shall be appointed in any place, until a Magistrate shall, in personal communication with some of the residents of such town, have explained to them the general duties of a punchayet.

**203.** If two or more places containing together not less than eighty houses are so situate that some house in one of such places is situate within one mile of some house in each of the others, it shall be lawful for the Magistrate to form such places into a union, and for the purposes of this part such union shall be deemed to be a village.

**204.** It shall be lawful for the Magistrate of the district to permit or cause the election of a punchayet, under such rules as the Lieutenant-Governor may from time to time prescribe for any place, instead of appointing such punchayet under section 201 of this Act. The Magistrate of the district shall have power to accept resignations and to fill up vacancies in punchayets either by election or by appointment. Every member of a punchayet shall hold office until a successor be elected or appointed. But no person shall be eligible for membership of the punchayet of any place, unless he be a resident in such place, or the proprietor or holder of land therein or his local agent, provided that such proprietor or local agent shall not be eligible for membership unless he be resident within one mile from some part of such place.

**205.** Whenever the majority in number of the adult male residents in any place or in two or more places so situate as in section 202 is set forth shall by a writing signed by them apply to the Magistrate of the district for the appointment of a punchayet in such place or places, it shall be lawful for him to appoint a punchayet under this Part in such place or places without regard to the number of houses therein contained, and all the provisions of this Part shall apply to such punchayet and to such place or places.

**206.** It shall be lawful for the Magistrate of the district to declare by a writing under his hand and seal what shall be the limits of any Municipality constituted under this Part. But in any case where no such declaration is made, the limits of a Municipality under this Part shall be taken to be the boundaries of the area of the village or villages which constitute such Municipality.

**207.** It shall be lawful for the punchayet of any Municipality constituted under this Part to impose within the limits of such Municipality the tax described at section 31 clause (a) of this Act, provided that the average annual tax on each holding shall not exceed one rupee.

**208.** The assessment to the tax imposed under the next foregoing section shall be made by the punchayet, subject as far as may be to the provisions

of sections 32, 33, 34, 35, 36, 37, 38, 39 and 40 of Part III, Chapter 2 of this Act in respect to Commissioners, provided that it shall not be necessary to send any list or notice of assessment under this part anywhere outside the place for which the assessments may be framed; and provided that any person dissatisfied with his assessment may appeal orally or in writing to the punchayet, who shall consider and decide finally on such appeal; and also that the Magistrate may call for the list of assessment of any village, and that he shall call for such list on the application of ten tax-payers of such villages, and may pass such orders on any such list as he may think fit.

**209.** Every punchayet shall appoint one of their number to receive and collect the tax, and to grant receipts for the same and to keep the accounts thereof, and it shall be lawful for the punchayet to permit the person so appointed to retain any sum not exceeding six per cent. of the amount collected by him to re-pay the costs of such collection.

**210.** The collecting member of the punchayet shall collect the tax due every quarter, following, as near as may be, the procedure laid down in sections 99, 100, 102, 104, 105, and 107 of Part IV of this Act, provided that the collecting member shall himself do all which must be done by the tax collector or by the Magistrate under the above-mentioned sections; and provided that the collecting member be not bound to make use of the forms prescribed in these sections, so long as any warrant of distress issued for tax due under this Part shall be in writing, and shall be under the hand of the collecting member.

**211.** Any person against whom distress may issue under the next foregoing section may, if he dispute his liability to the arrear demanded of him, apply to the Magistrate either orally or in writing, and the Magistrate, after hearing the applicant's statement and making such enquiry as he may see fit, shall pass such order as he may deem proper on the application.

**212.** The proceeds of the tax levied under this part, together with any fines realized under this Act, and any other sum which may become applicable for the purposes of this Act, shall constitute a fund which shall be called "The Village Fund;" and such fund shall be applicable to the payment of chowkeedars and the balance after payment of chowkeedars shall be applicable to the supply of drinking water to the residents or to their cattle, to simple conservancy operations, and to the support of *patshalas* or village schools.

**213.** The punchayet of any place shall be bound to appoint such persons to be chowkeedars as they may deem fit, and to assign them salaries out of the Village Fund; provided that not more than one chowkeedar be appointed to every sixty houses, and that the salary of a chowkeedar be not less than three rupees a month, subject to reduction on account of the revenue due on any chakran lands enjoyed by such chowkeedar.

**214.** On the appointment of any chowkeedar the punchayet shall give to him a certificate signed by them of such his appointment, specifying therein the rate of salary at which he has been appointed, and he shall within seven days produce such certificate at the police station within the limits of which his village may be situate, and the officer in charge of such station shall cause the particulars of such certificate to be registered in a book to be kept in such station for the purpose of such registration, and shall report the same to the Magistrate.

**215.** It shall be lawful for the Magistrate if he see fit to dismiss any chowkeedar for misconduct or neglect of duty, and the punchayet shall thereupon appoint a successor. It shall be lawful for the punchayet to dismiss or fine to the extent of one month's salary any chowkeedar for neglect of duty or misconduct, provided that such chowkeedar may within sixty days appeal to the Magistrate against such dismissal or fine, and the Magistrate shall thereon make such enquiry and pass such order as he may see fit.

**216.** Every chowkeedar appointed under the provisions of this Part shall perform the following duties :

(1) He shall give immediate information to the officer in charge of the police station within the limits of which the village is situate of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in the final section of this Part which may be committed within the village of which he is chowkeedar, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

(2) He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in the final section of this Part.

(3) He shall observe, and from time to time report to the officer in charge of the police station within the limits of which the village may be situate, the movements of all bad characters in such village.

(4) He shall report to the officer in charge of such police station the arrival of suspicious characters in the neighbourhood.

(5) He shall present himself at such station twice in each week, if such station be within two miles of the village, and if it be more remote once each week, or once in each fortnight as the Magistrate may direct.

(6) He shall supply any local information which the Magistrate or any officer of police may require.

(7) He shall obey the orders of the punchayet in regard to keeping watch in the village and other matters connected with his duties as chowkeedar.

**217.** Whenever the chowkeedar may arrest any person, such chowkeedar shall forthwith take the person so arrested to the police station within the limits of which such village is situate, provided that if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

**218.** The punchayet shall exercise a general control over the chowkeedars, and every member of such punchayet who may know or be informed of the commission within the village of any offence specified in the final section of this Part shall forthwith cause the same to be reported by the chowkeedar to the officer in charge of the police station within the limits of which the village may be situate, and on failure of the chowkeedar, such member shall himself report the same to such officer.

**219.** Every chowkeedar shall receive, month by month, the full amount of his salary from the member of the punchayet appointed to collect the tax.

**220.** Whenever the salary of any month shall not be paid in full to any chowkeedar on or before the 15th of the month following, such chowkeedar may apply to the Magistrate, who shall call upon the punchayet within ten days to show cause why they should not pay the amount due to such chowkeedar, and the Magistrate after hearing the punchayet shall pass such order as he may deem fit directing the punchayet or any member thereof to pay the chowkeedar's salary, or directing distraint of the property of the punchayet or any member thereof to the amount of the arrear due to the chowkeedar.

**221.** All powers vested in the punchayet for the appointment and dismissal of chowkeedars and for fixing the number of chowkeedars to be appointed and the rate of their pay, and for making and levying the assessments hereinbefore directed to be made, may be exercised by the Magistrate or any person whom the Magistrate may by any writing under his hand authorise on that behalf, in case the punchayet shall, for fifteen days after a notice from the Magistrate to exercise such powers or any of them, refuse or neglect to exercise the same, and the Magistrate shall be bound to enquire into any matter concerning the due observance of the provisions of this part in any village whenever ten adult tax-payers may make a representation to the effect that the punchayet's proceedings require supervision or amendment.

**222.** The punchayet shall be bound to affix once in every quarter on a conspicuous place in the village, or in each village of their circuit, an account of the receipts and expenditure of the quarter next preceding. Any ten adult tax-payers of the village may, if the accounts are not published, or if they are dissatisfied with such accounts, make a representation to the Magistrate who shall be bound to supervise the same.

**223.** It shall be lawful for the Lieutenant-Governor to invest all or any of the members of a punchayet with powers described in Section 200 of this Act so far as the same are applicable. Two or more of the members so invested may thereafter sit together under such bye-laws as to rotation, days of sitting, and place of sitting, as the Magistrate may from time to time prescribe, and so sitting shall have jurisdiction within the limits of their municipality. All the provisions of the said section with respect to Commissioners shall apply to members of a punchayet invested with powers as aforesaid so far as the said provisions are or may be applicable.

### PART XIII.

#### MISCELLANEOUS.

**224.** Every bill, notice, schedule, summons, or notice of demand, regarding any assessment, rate, or tax or any money due in respect of the same, may be served personally upon the person to whom the same is assessed, or be left at his usual place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served.

Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the place, every such bill, notice, summons, or notice of demand, shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

**225.** No assessment, and no charge or demand of a rate or tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any court of justice.

**226.** No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

**227.** Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or charges, recoverable under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

**228.** The Commissioners 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 Commissioners, their officers or servants, under this Act.

**229.** It shall be lawful for the Commissioners to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter-mentioned, for regulating the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such bye-laws. Provided that no bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a bye-law shall exceed twenty Rupees, and that in case of a continuing infringement no fine shall exceed five Rupees for every day after notice from the Commissioners of such infringement.

**230.** No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

**231.** All bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

**232.** No action shall be brought against the Commissioners, or against a punchayet, or any of their officers, or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or affixed at some conspicuous place in the village of such punchayet, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given, shall before such action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

**233.** The Commissioners may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of the

Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence. Any prosecution under this section shall be instituted before any Magistrate having jurisdiction under the provisions of Chapter XV of the Criminal Procedure Code. The procedure of the above-mentioned code shall apply to all trials of offences under this Act.

**234.** All the proceedings of the Magistrate of the district, or of a Magistrate under this Act, or of the Municipal Commissioners, except as otherwise specially provided, shall be subject to the control and revision of the Commissioner of the division; and all the proceedings of the Commissioner of the division shall be subject to the control of the Lieutenant-Governor of Bengal.

Proceedings of Magistrate of district and Commissioner of division respectively, subject to control of Lieutenant-Governor.

**SCHEDULE A.**

(Referred to in Section 5.)

**ACTS REPEALED.**

<i>Number of Act.</i>	<i>Title.</i>
Act XXVI of 1850	To enable improvements to be made in towns.
Act XX of 1856	To make better provision for the appointment and maintenance of police chowkedars in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Bengal.
Act XXI of 1857	To make better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah.
Act XII of 1858	For raising funds for making and repairing roads in the suburb of Calcutta and the station Howrah.
Act III (B.C.) of 1864, or District Municipal Improvement Act.	For the appointment of Municipal Commissioners in towns and other places in the provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of rates and taxes thereon.
Act IV (B.C.) of 1865.	For the prohibition of the practice of inoculation in the town and suburbs of Calcutta and in towns to which Act III of 1864 has been or shall hereafter be extended.
Act VI (B.C.) of 1867.	For the better regulation of the police in towns and municipalities in the territories under the control of the Lieutenant-Governor of Bengal.
Act VII (B.C.) of 1867...	For amending Act III of 1864.
Act II (B.C.) of 1868 ...	For amending the District Municipal Improvement Act.
Act VI (B.C.) of 1868, or District Towns Act 1868.	For providing for the better regulation of the police in towns under the control of the Lieutenant-Governor of Bengal, and for the conservancy and improvement thereof.

**SCHEDULE B (referred to in section 36).**

**NOTICE OF ASSESSMENT.**

An assessment made for [here describe the Municipality for which the assessment is made] upon the several occupiers of houses and other

property in the said Municipality pursuant to the Bengal Municipalities Act, 1872, for the purpose of maintaining the conservancy for such Municipality and carrying out the other provisions.

Property occupied.	Names of occupants.	Profession or business.	Amount of quarterly assessment.
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Whereas the above assessment has been duly made pursuant to the Bengal Municipalities Act, 1872, and has been revised and settled by me, the undersigned Magistrate of \_\_\_\_\_, the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the first day of ( ) and every subsequent payment on or before the first day of ( ) the first day of ( ), and the first day ( ), or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as allowed by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
Magistrate of \_\_\_\_\_

**SCHEDULE C.—(REFERRED TO IN SECTION 58.)**

*Tax on Carriages, Horses, and Elephants.*

	Rs.	p.	quart.
For every 4-wheeled carriage on springs drawn by two horses	...	4	8
For every 4-wheeled carriage on springs drawn by one horse or pony, or a pair of ponies under thirteen hands	...	1	8
For every 4-wheeled carriage without springs	...	1	8
For every 2-wheeled carriage on springs	...	2	4
For every 2-wheeled carriage without springs, drawn by a horse, pony, or mule	...	0	12
For every horse	...	2	4
For every pony under thirteen hands or mule	...	0	12
For every elephant	...	6	0
Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.			

**SCHEDULE D.**

(Referred to in Section 70.)

*License on Professions, Trades, and Callings.*

**CLASS I.**

	Yearly.	Rs.
Every Joint-Stock Company	...	100



CLASS II.

Every Merchant, Banker, Shroff, Banian, }  
 wholesale Trader, and Commission }  
 Agent, and every practising Surgeon, }  
 Physician, Dentist, Architect, Civil }  
 Engineer, Barrister, Attorney, Proctor, }  
 Notary Public, and Pleader of the }  
 High Court ... .. }  
 Every owner or farmer of a hât or bazaar. }  
 Every owner of Cotton, Jute, Hide, or }  
 other Screws and every Auctioneer ... }

CLASS III.

Every Broker or Daloll employed in the }  
 wholesale transfer or purchase of Im- }  
 ports or Exports, or in the sale of }  
 Government Securities, Shares, and Bills }  
 of Exchange, or in procuring Freight. }  
 Every Practising Licentiate of Medicine, }  
 Apothecary, and Veterinary Surgeon... }

Every keeper of a Spirit-shop, Punch- }  
 house or Billiard room, wholesale }  
 Tobacco or Jute Dépôt

Every Hotel-keeper, Boarding House- }  
 keeper, Shop-keeper, Manufacturer or }  
 Trader, whose shop or place of business }  
 is assessed under Section at more }  
 than 250 or less than 100 Rupees a }  
 month ... .. }

Every Pawn-broker, and every person }  
 having a shop or place of business }  
 registered under Section ... }

Every Pleader, Mooktear, or Law Agent, }  
 not included in Class II. ... .. }

CLASS IV.

Every Hotel-keeper, Boarding and Lodg- }  
 ing House-keeper, Shop-keeper, Manu- }  
 facturer or Trader, whose shop or place }  
 of business is kept in a brick-house, but }  
 not included in Class II. or Class III. }

Every keeper of a permanent stall at a }  
 daily public market or in a chouk ... }

Every Poddar or Money-changer ... }

Every Hakeem, Koberaj, and Native }  
 Doctor, not included in any other Class }

CLASS V.

Every keeper of a shop not included in }  
 any other Class, and every Daloll not }  
 included in Class III.... }

Every Pedlar, Hawker, Box-wallah, }  
 and keeper of a shop at a periodical }  
 market or hât ... .. }

CLASS VI.

All other itinerant dealers and keepers of }  
 stalls at periodical markets or hâts ... }

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations at the discretion of the Chairman or of the sub-committee as the case may be, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the firm.

SCHEDULE E.

(REFERRED TO IN SECTION 91.)

Maximum rates of tolls payable on entering the municipal limits.

	Rs.	As.	P.
On every four-wheeled carriage on springs	0	8	0
Ditto two-wheeled ditto ...	0	4	0
On every cart, hackery on springs, or cart drawn by men, buffaloes, bullocks, horses, ponies, asses, or mules laden ...	0	4	0
Ditto ditto not laden ...	0	2	0
On every buffalo or bullock laden ...	0	1	0
Ditto horse laden or ridden ...	0	2	0
Ditto ditto not laden or ridden ...	0	1	0
Ditto pony or ass laden or ridden	0	1	0
Ditto elephant ditto ...	1	0	0
Ditto camel ...	0	4	0

SCHEDULE F.

FORM A.—(REFERRED TO IN SECTION 104.)

Notice of Demand.

Municipality of ( )  
 To of  
 Take notice that the sum of Rs. being the amount of assessment due from you to the Fund of the said Municipality is hereby demanded from you, and that if you do not, within ten days, pay the same with two annas as the cost of this notice into the office of , the same with costs will be levied by distress and sale of your goods and chattes.

(Sd.)

Magistrate of

FORM B.—(REFERRED TO SECTIONS 104 and 105.)

Table of Fees payable upon distraints under this Act.

Sums distrained for	Fee.
	Rs. As.
Under 1 Rupee	0 4
1 and under 5 Rupees	0 8
5 10	1 0
15	1 8
20	2 0
25	2 8
30	3 0
35	3 8
40	4 0
45	4 8
50	5 0
55	5 8
60	6 0
65	6 8
70	7 0
75	7 8
80	8 0
85	8 8
90	9 0
95	9 8
100	10 0
Above 100	10 0

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

FORM C.—(REFERRED TO IN SECTION 105.)

Warrant of Distraint.

To (here insert the name of the officer charged with the execution of the warrant.)



SCHEDULE H.—(referred to in Sections 115 and 116.)  
18 . . . . . Deaths in the Municipality of

No.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of Death.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

STATEMENT OF OBJECTS. <sup>per, Manu-</sup> shop or place  
THERE are at present brick-houses, but besides several amendments in Class I. or Class III. municipalities in Bengal a present Bill has been framed with a view to consolidating these different laws into a single law. Oppor- tunity is afforded in any other Class to lay

CLASS V.

Every keeper of a shop not included in any other Class, and every Dalal not included in Class III. . . . . } 12  
Every Pedlar, Hawker, Box-wallah, and keeper of a shop at a periodical market or hât . . . . . } 4

CLASS VI.

All other itinerant dealers and keepers of stalls at periodical markets or hâts . . . } 1

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations at the discretion of the Chairman or of the sub-committee as the case may be, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the firm.

on the maintenance of education and on the relief of exceptional distress. Village funds in third class Municipalities shall, it is proposed, be applicable to the payment of chowkeydars, to the maintenance of *patshalas* or rural schools, and to the supply of drinking water. Power is taken for Government or its officers to intervene in cases where Municipal Commissioners or a *punchayet* may fail to maintain sufficient police, or where elementary education may not be available at reasonable cost. Provision is made for members of municipal bodies sitting for the trial of petty offences committed within the limits of their townships

In respect of nuisances, of conservancy, of vaccination, of town markets, and such like matters, the Bill adopts the provisions of existing Municipal Acts.

C. BERNARD.

The 9th December 1871.

HERBERT COWELL,  
Asst. Secy. to the Govt. of Bengal,  
Legislative Dept.

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The following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 27th January 1872, and was referred to a Select Committee, who are to report thereon within a fortnight :—

*A Bill to amend the Calcutta Port Improvement Act, being Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council.*

WHEREAS it is expedient to give to the Commissioners for making improvements in the port of Calcutta a like indemnity to that which is given to the East India Company by Section LXI of Act XXII of 1855 ; It is hereby enacted as follows :

1. The said Commissioners shall not be answerable for any act or default of any Master Attendant, Harbour Master, or other Conservator of the said port, or of any Deputy or Assistant of the said officers, or of any person acting under the authority or directions of any such officer or assistant, done within the limits of the said port ; nor for any damage or injury sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other thing belonging to the said Commissioners within the said port which may be used by such vessel. Provided that nothing in this section shall protect the said Commissioners from an action in respect of any act done by or under the express order or sanction of the said Commissioners.

2. This Act shall be read with and taken as instruction of Act. part of Act V of 1870 passed by the Lieutenant Governor of Bengal in Council.

STATEMENT OF OBJECTS AND REASONS.

BEFORE the new Port Trust was created in 1870, Government managed the Port of Calcutta and enjoyed an indemnity in respect of the acts of its harbour officers and of damage resulting from defects in its moorings, hawsers, or other appliances. It is deemed by the Chamber of Commerce and by the Government better for the trade of Calcutta that the Port Commissioners should enjoy a similar indemnity. If they do not obtain this indemnity, they will have to maintain high port dues to cover their possible liabilities. The present Bill proposes to grant the Port Commissioners the required indemnity.

C. BERNARD.

The 27th January 1872.

HERBERT COWELL,

Asst. Secy. to the Govt. of Bengal,  
Legislative Department.

THE following Bill, as settled on the 3rd February 1872, by the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, is, by order of the President, hereby published for general information :—

*A Bill to amend the law for the registration of Jute Warehouses and to provide for the establishment of an efficient Fire-brigade.*

WHEREAS it is expedient to amend so much of Act VI of 1866, passed by the Lieutenant-Governor of Bengal in Council, as provides for the registering

and licensing of jute warehouses ; and whereas it is expedient to provide for the organization and maintenance of a Fire-brigade ; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

1. This Act may be called "The Jute Warehouse and Fire-brigade Act, 1872."

It extends to the whole of the town of Calcutta, and to such portions of the Suburbs thereof as are for the time being subject to the operation of Act II of 1866, passed by the Lieutenant-Governor of Bengal in Council, and also to the Municipality of Howrah. And it shall commence and take effect, except in the Municipality of Howrah, immediately upon the passing thereof. In the said Municipality it shall commence and take effect from such date as the Lieutenant-Governor may direct by notification published in the *Calcutta Gazette*.

2. The words mentioned in this section shall for the purposes of this Act have the meanings herein assigned to them, except when from the context a contrary intention appears.

"Jute" and "Cotton" mean respectively "Jute" and "Cotton" which have not been pressed or screwed as if for shipment.

"Person." "Person" includes a firm and a Hindu undivided family.

"Insurance Company" means any Association or person who may carry on the business of fire insurance, whether such Association be incorporated or not, and the agent or agents of such Association or person.

"Magistrate" includes a Justice of the Peace for Calcutta, and any person exercising all or any of the powers of a Magistrate.

"Jute Warehouse" means any warehouse, store, depôt, yard, godown or other place used for the storing, keeping, pressing or depositing of jute or cotton or other substance for the time being subject to the operation of this Act.

3. From and after the 31st July next after the passing of this Act, sections 38, 39, 40, and 41, of Act VI of 1866, passed by the Lieutenant-Governor of Bengal in Council, are hereby repealed, but such repeal shall not affect any registration made, or any act or offence done or committed, or any penalty or liability incurred under the said sections.

PART II.

JUTE WAREHOUSES.

4. No jute warehouse, existing at the date of the commencement of this Act within the limits of its operation, shall be used after the 31st July next following such date for the storing, keeping, pressing, or depositing of jute or cotton, unless the owner or occupier thereof shall have previously obtained a license under this Act for such use.

5. As soon as may be after the passing of this Act the Justices at a special meeting shall appoint from their own number a special committee, consisting of seven members, one of whom must be the Chairman of the Justices, whose duty it shall be to visit, inspect, and report on every jute warehouse existing within the town of Calcutta. And the special committee shall report before the 15th day of the said month of July to the Justices whether a license can be granted to all or any such warehouses without risk to life and property in the neighbourhood thereof respectively. No jute warehouse shall be reported upon by the special committee until it shall have been visited by a quorum of not less than three members of the special committee. The Justices at a special meeting may award such fee as they may think fit to each member of the special committee, not being a salaried member of the corporation of Justices.

6. On receiving the report of the committee it shall be within the discretion of the Justices at a special meeting to grant or refuse a license for any jute warehouse mentioned in the said report. Provided that if in the opinion of the Justices the said jute warehouse may be rendered fit for use without risk to life or property in the neighbourhood thereof the Justices shall certify to the owner or occupier thereof the conditions and restrictions under which the said jute warehouse may in their opinion be so rendered fit for use, and upon the said owner or occupier complying with the terms of such conditions and restrictions to the satisfaction of the Justices at a special meeting shall grant to him a license in respect thereof. Every license granted under this section shall be subject to the payment of an annual fee to be imposed and paid in manner as the next succeeding section is directed, and to such other of the conditions mentioned therein as the Justices may think fit.

7. Any person proposing to establish a new jute warehouse within the town of Calcutta shall send to the Justices a plan of the warehouse so proposed to be established, and it shall be within the discretion of the Justices at a special meeting to grant or refuse a license to establish the same.

Every license for a jute warehouse granted under this section shall be subject to the following conditions, viz. :—

- (1.) That no loose jute, jute rejections or cuttings, or cotton, shall be stored or screwed, or pressed or combed or dried, save within a building, the walls of which shall be of burnt bricks or of stone or of iron, and all the roof of which, including the beams on which such roof rests, shall be of iron, or of masonry or of tiles;
- (2.) That such jute warehouse and the buildings therein shall be supplied with solid doors or gates which can be securely closed;
- (3.) That no portion of such jute warehouse shall be used as a residence, and no artificial light or lucifer matches shall be introduced therein, and that no person shall smoke therein;
- (4.) That such jute warehouse shall be at any time open to inspection;

(5.) That the engines and furnances used in such jute warehouse shall be placed as may be considered necessary for safety by the Justices;

(6.) That an annual fee, as the Justices at a special meeting may think fit, shall be imposed in respect thereof at one of the following rates, viz. :—

Rupees	...	1,000
"	...	750
"	...	500
"	...	250

and shall be paid in such instalments as the Justices may direct.

In fixing the amount of fee to be paid in respect of any jute warehouse, the Justices at such special meeting shall have regard to the annual value thereof as it is for the time being assessed to the payment of municipal taxes, to the size and position of the jute warehouse, to the number and excellence of the pressing machines erected in such jute warehouse, and to the probable income derived from such jute warehouse by its occupier or owner.

(7.) Such other special conditions as the Justices may, on consideration of the special circumstances of such jute warehouse, deem necessary to prevent risk to life and property in the neighbourhood;

8. The Justices shall appoint suitable officers for the inspection of jute warehouses within the town of Calcutta; and it shall be lawful for any officer so appointed, and for any superintendent or inspector of police within the said town, to enter at any time into any jute warehouse, where jute or cotton may be kept, and to inspect the same.

9. It shall be in the discretion of the Justices at a special meeting to cancel or to suspend the license of any jute warehouse in respect of which any one or more of the conditions under which such license has been granted shall appear to them to have been broken.

10. In regard to any jute warehouse situated or used or proposed to be established or used out of the town of Calcutta and within the limits of the operation of this Act, the powers and duties conferred and imposed by this Part, and by every section thereof upon the Justices, or the Justices at a special meeting, shall be exercised and discharged by the Municipal Commissioners, or the Municipal Commissioners at a meeting respectively within whose jurisdiction such jute warehouse is situated. The annual fee in respect of any license for a jute warehouse granted by the said Municipal Commissioners may be at the rate of Rs. 150, or at any one of the rates mentioned in section 7, clause 6.

*Penalties.*

11. Any person who shall after the 31st day of the said July without a license under this Act use any jute warehouse, for keeping or depositing jute or cotton, shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees for each day during which he may use or continue to use such jute warehouse as aforesaid.

**12.** Any person who shall without a license use any jute warehouse, for keeping or depositing jute or cotton established after the commencement of this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees for every day during which such jute warehouse is used for keeping or depositing jute or cotton without a license.

**13.** Any person who shall after the 31st day of the said July use a jute warehouse for the keeping or depositing of jute or cotton after the Justices or Municipal Commissioners shall have refused a license in respect thereof, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding one hundred rupees for every day during which any such jute warehouse may be so used as aforesaid.

**14.** Whoever in contravention of his license shall introduce or use in any jute warehouse, in which jute or cotton is kept or deposited, any fire or lucifer matches or shall smoke therein, and whoever shall violate any of the conditions or restrictions under which the said license is granted, shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees for any one such offence.

**PART III.**

**FIRE-BRIGADE.**

**15.** Within six months from the date of the passing of this Act the Justices shall organize and thereafter maintain an efficient fire-brigade for the town and suburbs of Calcutta.

All existing public fire-engines, with the establishments and buildings thereto belonging, except those belonging to the Military Department or to the Port Commissioners incorporated under Act V of 1870, shall be transferred to the fire-brigade to be established under this Act. The Justices shall have power to appoint and remove any members or officers of the fire-brigade; and they shall furnish the fire-brigade with all such steam or other fire-engines, horses, oxen, accoutrements, tools, and implements, as may be necessary for the complete equipment of the force, or conducive to the efficient performance of their duties.

**16.** The Justices at a special meeting may frame bye-laws in respect of the following subjects:—

- (1.) Giving of gratuities to persons who have given notice of fires.
- (2.) Awarding gratuities by way of a gross sum or annual payment to be from time to time awarded to any member of the fire-brigade or other person specially deserving of reward.
- (3.) For the training, discipline, and good conduct of the members of the force.
- (4.) For the speedy attendance of such members with engines and all necessary implements on the occasion of any alarm of fire.

(5.) Imposing and summarily realizing a fine not exceeding one week's wages from any member of the brigade who may infringe these bye-laws.

(6.) And generally for the maintenance of the fire-brigade in a due state of efficiency.

**17.** On the occasion of a fire, the chief or other officer in charge of the fire-brigade on the spot may remove, or may order any member of the brigade to remove any persons whose presence shall interfere with the due operation of the brigade; and generally, he may take any measures which may appear necessary for the preservation of life and property; and he shall have power by himself or by his men to break into or through or pull down any premises for the purpose of putting an end to the fire, doing as little damage as possible; and he may also cause the mains and pipes of any district to be shut off so as to give greater pressure of water in the place where the fire has occurred. He may also call on the officer in charge of the Port Commissioners' fire-engine to render such assistance as may be possible in the case of any fire occurring near the river bank. The chief officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have for the time being the like powers as the chief officer himself possesses under this section.

Police officers of all grades shall be authorized to aid the fire-brigade in the execution of its duties. They may close any street in or near which a fire is burning, and they may, of their own motion or on the request of the chief or other officer of the fire-brigade, remove any persons who interfere by their presence with the operations of the fire-brigade.

Any damage done by the fire-brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance of property in Calcutta or the suburbs against fire.

But nothing in this section shall exempt any officer of the police or of the fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

**18.** In the case of any fire occurring in Calcutta or the suburbs the chief officer of the fire-brigade shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to the Magistrate of Police for the town or division of the town in which such fire shall have occurred, and the said Magistrate shall have power to summon witnesses and take evidence in order to the due ascertainment of such facts.

**LICENCES AND PENALTIES.**

**19.** No person shall let off rockets or send up fire-balloons in the town or suburbs of Calcutta without a license from the Commissioner of Police, for which license a fee of ten rupees shall be payable.



**20.** No person shall sell or manufacture fire-works in the town or suburbs of Calcutta without a license from the Commissioner of Police, for which a yearly fee of ten Rupees shall be payable in advance.

*License for sale or manufacture thereof.*

**21.** Whoever shall let off rockets or send up fire-balloons in the town or suburbs of Calcutta without a license as aforesaid shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees for any one such offence.

*Penalty for using without license.*

**22.** Whoever shall sell or manufacture fire-works in the town or suburbs of Calcutta without a license as aforesaid shall be liable on conviction before a Magistrate to a penalty not exceeding fifty rupees.

*Penalty for selling, &c.*

**23.** The Commissioner may at his discretion, and after 30 days' notice, withdraw or suspend any license granted by him under this Act.

*Power to withdraw license.*

**24.** In the event of any rockets being let off, or fire-balloons sent up within the precincts of any private premises or compound within the town or suburbs of Calcutta, without the express permission in writing of the Commissioner of Police, the occupier, or owner, or person, under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding fifty rupees, unless he can prove who the person having committed the offence is, and that the offence was committed without his knowledge.

*Liability of householders.*

#### PART IV.

##### EXPENSES AND FUNDS.

**25.** The Justices and Municipal Commissioners respectively shall apply the moneys derived from the fees and penalties levied under this Act within their respective jurisdictions in payment of all expenses incurred by them respectively in or about the inspection, and superintendence of jute warehouses, and the granting of licenses in respect thereof. In the case of Calcutta and the suburbs, the balance of such monies after payment of the said expenses shall be paid to the credit of an account in the books of the Justices to be called the fire-brigade account.

*Application of fund.*

**26.** Every Insurance Company that insures from fire any property within the town and suburbs of Calcutta shall pay annually to the Justices, by way of contribution towards the expenses of the said fire-brigade, a sum at the rate of half a rupee for every ten thousand rupees on the gross amount insured by it in respect of such property. All sums paid to the Justices under this section shall be credited to the fire-brigade fund. The said payments shall be made quarterly in advance, on such dates as the Justices may appoint: and arrears on account of these payments shall be realizable as if they were arrears of rates due to the Justices, and all the provisions of Act VI of 1863 (passed by the Lieutenant-

*Contribution by Insurance Companies.*

Governor of Bengal in Council) and of any Act amending the same shall be applicable so far as the circumstances will permit to the recovery of moneys due under this section.

**27.** For the purpose of ascertaining the amount to be contributed by every such Insurance Company as aforesaid, every Insurance Company insuring property from fire within the town and suburbs of Calcutta shall, on the 30th day of June 1872, and on every succeeding 30th day of June, or on such other days as the Justices may appoint, make a return to the said Justices, in such form as they may require, of the gross amount insured by it in respect of property within the said town and suburbs. At the foot of every such return shall be appended a certificate by the Secretary or chief officer or manager of such Insurance Company in Calcutta, stating that to the best of his knowledge and belief the return contains a true and faithful account of the sums insured by the Company to which he belongs in respect of such property. Such Secretary or chief officer or manager shall allow either the Chairman or the Vice-Chairman or the Secretary to the Justices to inspect at any time during the hours of business any books and papers that will enable him to ascertain the correctness of the return; and every Secretary or chief officer or manager as aforesaid failing to comply with the requisition of this section in respect of such inspection shall be liable on conviction, before a Magistrate to a penalty not exceeding fifty rupees for each offence. The Justices on receiving the report of such inspection may alter the return accordingly.

*Insurance Companies to make returns.*

The return made in the June of one year, or such return as altered on inspection by the Justices, shall be the basis of the contributions for the year beginning on the first day of January next succeeding.

**28.** If any Insurance Company makes default in making such returns to the Justices as are required by this Act, the said Company or Secretary or chief officer or manager thereof shall be liable to a penalty not exceeding fifty rupees for every day during which it is so in default.

*Penalty for not making a return.*

**29.** The cost of all establishments and plant hired or purchased, and of all other charges under Part III of this Act, shall be paid from the fire-brigade fund. The full amount of such charges over and above the moneys which may accrue to the fire-brigade fund under sections 25 and 26 of this Act, shall be contributed by the Justices, and by the Commissioners of the suburbs, in the following proportions, namely,— by the Justices, seven-tenths; by the said Commissioners, three-tenths. At the end of each quarter of a year, the Justices shall certify to the said Commissioners the total cost of the fire-brigade for such year, the money which may have accrued under sections 25 and 26 of this Act, and the precise sum which must be paid by each body charged with the cost of the Calcutta fire-brigade under this Act. On the receipt of such certificate, the said Commissioners shall pay the sum certified against them by the Justices :

*Proportions of contributions towards payment of expenses of fire-brigade.*

provided that in no case shall the three-tenths payable by the said Commissioners in any year after the first year of the establishment of the fire-brigade exceed the sum of ten thousand rupees.

PART V.

MISCELLANEOUS.

**30.** It shall be lawful for the Lieutenant-Governor of Bengal, on the recommendation of the Justices passed by resolution, to declare that any other fibre or any commodity which is stored or deposited in warehouses besides jute or cotton shall be warehoused and kept subject to the provisions of Part II of this Act. When such declaration shall have been made in the *Calcutta Gazette*, this Act shall be read as if the name or names of the said fibre or commodity had been printed in addition to the words "jute" or "cotton" in the several sections of Part II wherein the said words "jute" or "cotton" may occur.

**31.** The Justices and Municipal Commissioners respectively shall make a report to the Lieutenant-Governor as soon as conveniently may be after the 31st July next, showing how the provisions of this Act have been carried out, and specifying the jute warehouses in respect of which licenses have been granted. Such reports shall be forthwith published in the *Calcutta Gazette*. And thereafter the Justices and Municipal Commissioners shall make a like report once a year at such time as the Lieutenant-Governor shall direct.

**32.** Any person committing any offence in respect of which a penalty is provided by section 14 or section 21 of this Act may, if his name and address be unknown, be arrested by any officer to be by the Justices or the Municipal Commissioners within their respective jurisdictions thereunto appointed, and by such officer or any person by him thereunto authorized, or by any officer of police, forthwith conveyed before some Magistrate having jurisdiction in the place in which such offence shall have been committed, or shall be taken to the nearest police station within the said jurisdiction in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizance with or without sureties, for his appearance before a Magistrate.

**33.** Whenever such person shall be taken to a police station, the officer in charge of such station shall, as soon as conveniently may be, cause him to be conveyed before some Magistrate having jurisdiction in the matter.

**34.** Whenever any person shall be charged with the commission of any offence under this Act before a Magistrate, such Magistrate may forthwith hear and summarily determine the charge of such offence. Any thing made punishable by this Act shall be deemed to be an offence within the

meaning of the Indian Penal Code, and without the limits of the town of Calcutta, shall be dealt with, save as herein otherwise provided, under the provisions of chapter XV of the Code of Criminal Procedure.

**35.** This Act so far as it relates to the town of Calcutta shall be read with, and taken as part of the said Act VI of 1863, and the subsequent Acts amending the same; and so far as it relates to the suburbs of Calcutta, or to the Municipality of Howrah it shall be read with and taken as part of Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, and of the subsequent Acts amending the same.

HERBERT COWELL,  
*Asst. Secy. to the Govt. of Bengal,*  
*Legislative Department.*

Orders by the Lieutenant-Governor of Bengal.

Revenue and General Departments.

No. 286R.

APPOINTMENTS.

*The 5th February 1872.*—Baboo Poorno Chunder Chatterjee to officiate, until further orders, as special Sub-Registrar of Assurances of Hooghly.

Mr. J. D. F. Harvey to officiate, until further orders, as special Sub-Registrar of Assurances of Burdwan.

Mr. John Andrew Ricketts to officiate, until further orders, as Sub-Registrar of Assurances of Howrah.

The Reverend Goolzar Shah, Pastor of the Baptist Church, South Colingah, Calcutta, is licensed, under Section 47, Part V, Act V of 1865, to grant certificates of Marriage between Native Christians.

Baboo Tarucknath Mullick, Deputy Magistrate and Deputy Collector, to have charge of the Sub-division of Madaripore, in Backergunge.

Baboo Anund Chunder Sen, Deputy Magistrate and Deputy Collector of Madaripore, is transferred to the Sudder Station of Backergunge.

Mr. George Edward Makgill, Joint-Magistrate and Deputy Collector, Second Grade, returned from furlough, is posted to the 24-Pergunnas.

Baboo Heeralall Mookerjee, Deputy Magistrate and Deputy Collector, Dacca, is transferred to the Sudder Station of Backergunge.

Baboo Tarinypersad Roy, Deputy Magistrate and Deputy Collector of Atceah, in Mymensing, is transferred to Rungpore, from the date on which he may be relieved by Mr. E. S. Andrew.

Mr. Edward Stanford Andrew, Deputy Magistrate and Deputy Collector, to the charge of the Sub-division of Atceah from the date on which he may be relieved of the charge of the Kishorgunge Sub-division by Baboo Kristo Chunder Dutt.

Mr. George Mainwaring Currie, Assistant Magistrate and Collector, Cuttack, is vested with the powers of a Magistrate.

#### LEAVE OF ABSENCE.

*The 2nd February 1872.*—Captain Edward Gordon Lillingston, late Officiating Deputy Commissioner of Julpigoree, is allowed subsidiary leave of absence for a period not exceeding thirty days from the 10th ultimo, preparatory to proceeding to Europe on furlough on medical certificate.

*The 6th February 1872.*—Mr. Townsend Molloy Kirkwood, Officiating Joint-Magistrate and Deputy Collector of Cuttack, is allowed subsidiary leave for a period not exceeding thirty days, preparatory to proceeding to Europe on furlough, embarking at Bombay.

Lieutenant William Alexander Lawrence, Officiating Assistant Commissioner, Debrooghur, to be an Assistant Commissioner of the Third Grade.

#### NOTIFICATION.

*The 5th February 1872.*—The services of Baboo Sunjeeb Chunder Chatterjee, special Sub-Registrar of Assurances, Hooghly, are placed temporarily at the disposal of Mr. H. Beverley to assist in the operations connected with the taking of the Census in Bengal.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

#### NOTIFICATION.

*The 6th February 1872.*—Much inconvenience having been occasioned by officers returning from leave before the expiration of the period for which leave was taken, without giving any intimation to Government of their intention of so returning, the Lieutenant-Governor is pleased to notify that an officer returning from leave before its expiration, will not be allowed to resume charge of his office before his leave expires, unless it can be done without inconvenience to the public service; and that in no case will an officer so returning be permitted to rejoin, unless notice of his intention of returning shall have been communicated to the Government at least six weeks beforehand.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

#### NOTIFICATION.

*The 6th February 1872.*—Under the authority vested in local Governments by section 27 (b) of the Court Fees Act (VII of 1870), the Lieutenant-Governor of Bengal is pleased to prescribe the following rule:—

“When adhesive stamps only are used for the purposes of the Act, any fee required shall, if possible, be made up by one single adhesive stamp. If the required value in one stamp is not obtainable, then a stamp of the nearest value to that required shall be used, and the remainder made up by a stamp or stamps of the value nearest to the remainder of the fee required.”

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

The following Orders, issued by the Government of India, in the Home Department, are republished for general information:—

The 31st January 1872.

Nos. 498—507, dated 31st January 1872.

From—E. C. BAYLEY, Esq., C.S.I., Secretary to the Government of India, Home Department,  
To—The Local Governments and Administrations.

*Notification.—Public.*—With reference to the accompanying copy of a letter\* No. 3604, dated 7th December 1871, from the Officiating Director-General of the Post Office of India, I am directed to state that the Governor-General in Council sanctions the proposal therein made to apply to official *Gazettes* the reduced rates of postage chargeable on newspapers under the Notification of the Financial Department, No. 957, dated 2nd June last, and I am to request that the Superintendent of the *Fort St. George, Bombay, &c., Gazette* may be instructed to conform to the conditions laid down in that Notification.

*No. 32.—The 2nd February 1872.—Ecclesiastical.—Appointment.*—The Governor-General in Council is pleased to appoint the Reverend J. M. Thomson, M.A., Chaplain of the Church of Scotland on the Bengal Establishment, to be Senior Chaplain, in succession to the Reverend R. Henderson, and with effect from the date of his retirement, viz. the 11th October 1871.

The following Orders issued by the Government of India, in the Financial Department, are republished for general information:—

#### LEAVE AND ALLOWANCES.

The 31st January 1872.

*No. 778.*—In modification of the orders of this Department, No. 1467, dated the 23rd July 1866, and No. 1295, dated the 10th July 1867, the Governor-General in Council is pleased to decide that Public Officers provided, under the former of those orders, with free passage by sea, shall be allowed free passage for the number of servants shown below:—

		Number of servants.
<i>Officers who are provided with first class passage.</i>		
If their monthly salaries be Rs. 1,000 or more	...	3
Ditto ditto less than Rs. 1,000	...	2
<i>Officers who are provided with second class passage.</i>		
If their monthly salaries be Rs. 400 or more	...	2
Ditto ditto less than Rs. 400 but not less than Rs. 100	...	1
Ditto ditto less than Rs. 100	...	None

#### PENSIONS AND GRATUITIES.

The 2nd February 1872.

*No. 908.*—Read—

Resolution No. 4620, dated 27th October 1871, directing the credit to the Government of India of the accumulated funds of the Bengal Government Civil Service Annuity Fund.

Letter from Secretary, Civil Service Annuity Fund, dated 8th November 1871, enquiring regarding the issue of annuity warrants.

Office memorandum to Home Department, No. 3013, dated 13th December 1871.

Office memorandum from Home Department, No. 5768, dated 30th December 1871.

*RESOLUTION.*—The Governor-General in Council is pleased to resolve that, so far as regards payments of annuities in India, the formal annuity warrants issued by the Managers of the Bengal Civil Service Annuity Fund, before the 27th October 1871, be regarded as sufficient authority for the payment of the annuities from the General Revenues.

As regards the following retired Members of the Bengal Civil Service, to whom annuities payable in India have been granted on the old scale since the 24th June 1870, the date from which the new scale of annuities takes effect, the Governor-General in Council directs that their annuities be raised to £1,000, or Government Rupees 10,000, with effect from the date of their retirement:—

Name.	Date of retirement.
Mr. Charles Francis Montresor	... 15th Sept. 1870.
“ Charles Horne	... 17th Aug. 1870.
“ William Morris Beaufort	... 11th May 1871.

3. With regard to future applications for annuity the Governor-General in Council directs the adoption of the rules stated beneath, which should be added under Civil Pension Code, Supplement A, Section 4; the present Rule 1 under that Section becoming Rule 2.

4. The deductions prescribed in Civil Pension Code, Supplement A, Section 3, were under the former practice recovered directly by the Managers from officers on leave, who drew their leave allowances from the Home Treasury of the Government of India; and also, in some cases, from officers on leave who drew their leave allowances in India. The recoveries will be made through the Annuity Fund Establishments, up to and including the 26th October 1871. After that date, the recoveries will be made, by deduction or otherwise, by the Government of India.

5. Her Majesty's Secretary of State for India will be requested to make in future the necessary deductions from allowances paid at the Home Treasury of the Government of India. The deductions required should always be stated in last pay certificates delivered to officers going on leave.

1. The following rules regulate the procedure with respect to applications for annuity:—

- (a.) Applications for permission to resign the service, and to obtain an annuity should, if the officer be in India, be submitted to the Government of India, Madras, or Bombay (as the case may be). If the officer be in Europe, they may be submitted to Her Majesty's Secretary of State for India.
- (b.) In the Government of India, they are considered first in the Home Department, which, if the application be for an annuity under Section 4, should obtain the report of the Comptroller-General as to the officer's claim in respect of service and active service, and also as to whether there are any demands against him on account of the deduction prescribed in Section 3, or on any other account.
- (c.) If the resignation of the officer be accepted, the case should be forwarded to the Financial Department, where a Resolution will be recorded, granting the annuity or gratuity to which the officer may be entitled.
- (d.) The copy of this Resolution forwarded to the officer will be his authority for drawing the annuity or gratuity.

ORDERED, that this Resolution be published in the *Gazette of India*; also that copy of this Resolution be forwarded to the Home Department, to the Comptroller-General (with special reference to paragraph 4), and to Messrs. Montrosor, Horne, and Beaufort.

#### SEPARATE REVENUE.

(ASSESSED TAXES.)

*The 31st January 1872.*

No. 866.—In exercise of the power conferred by Section 5 of the Indian Income Tax Act XII of 1871, the Governor-General in Council is pleased to exempt from the operation of the said Act so much of the income of the inhabitants of the Jynteah Hills as accrues and arises in those Hills, and is not chargeable under either of the Parts II, III, and IV of the said Act.

The following Order, issued by the Government of India in the Marine Department, is republished for general information:—

No. 1.—*Notification.*—*Fort William, the 2nd February 1872.*—The following translation of a decree by the Governor-General of Netherlands India, received from the Department of Agriculture, Revenue and Commerce, is published for general information:—

No. 34, dated India Office, London, the 14th December 1871.

*From—Her Majesty's Secretary of State for India.*  
*To—The Government of India.*

I FORWARD herewith, for the information of your Excellency in Council, copy of a

\* Dated 4th August 1871.

translation of a decree\* by the Governor-General of Netherlands India, respecting the prevention of the introduction of contagious diseases into those settlements.

2. I desire that your Excellency in Council will give every publicity to this decree.

#### COPY OF TRANSLATION OF DECREE.

COLONIAL MINISTRY.

The attention of those concerned is directed to the following Ordinance, promulgated by the Governor-General of Netherlands India in the official paper (*Staatsblad*) of

Netherlands India, 1871, No. 109, under date of 4th August 1871:—

*In the King's name!*

The Governor-General of Netherlands India, having heard the Council of Netherlands India, sends greeting, and notifies to all who shall see these presents or hear them read—That He, considering it desirable that measures be adopted for the prevention, as far as possible, of the introduction into Netherlands India of contagious diseases imperilling the general health;

In observance of Articles 20, 29, 31, and 33 of the regulations for conducting the Government of Netherlands India;

Having read the Colonial Minister's communication of 19th May 1871, letter AAZ., No. 2609;

Has thought proper and has resolved,

By virtue of the King's authorization, to establish the following general regulations for the prevention of the introduction into Netherlands India of contagious diseases imperilling the general health:

*Article 1.*—Ships and vessels wherein contagious diseases, dangerous to the general health, such as cholera, yellow fever, Asiatic plague, small-pox, and others of a similar character, prevail, or have prevailed, during the voyage just completed, or if such ships and vessels come from places where contagious diseases prevailed at the time of their departure, must, on their arrival in a roadstead of Netherlands India, bear a yellow flag at the foretop.

*Article 2.*—All intercourse of any ship or vessel arriving and bearing the yellow flag with the shore, and with other ships and vessels in the roadstead, or in the vicinity of the roadstead, without distinction, is, saving what is directed

in Article 3, forbidden.

For each transgression of this prohibition, committed by any one belonging to the ship or vessel, or who has made the voyage therewith, the Commander will be punished by a fine of 100 to 1,000 florins.

Any one who, without being authorized to do so by virtue of these regulations, shall go on board such ship or vessel will be punished according to his nationality, by imprisonment or by labour on the public works for a period of eight days to a month.

The Commander of the guard-ship, or, where no such vessel is present, the Harbour Master, is to attend to the maintenance of the prohibition, in accordance with the directions given thereupon.

*Article 3.*—If it should afterwards appear that, although the ship or vessel is in the condition described in Article 1, the yellow flag was not hoisted upon it on its arrival, the Commander incurs a fine of 500 to 5,000 florins.

The Commander of the guard-ship, or, where no such vessel is present, the Harbour Master then orders that the yellow flag be immediately hoisted.

*Article 4.*—When any ship or vessel bearing a yellow flag comes to a roadstead, or when the yellow flag is hoisted after arrival in the roadstead, according to the provision in Article 3, an officer of health from the guard-ship, or, in places where there is no guard-ship, a civil or military medical man, to be appointed by the chief of the local Administration, shall go as speedily as possible, observing the prescribed measures of precaution, on board the newly arrived ship, for the purpose of instituting a diligent inquiry as to the nature of the disease.

All officers and others charged with any civil or military medical service are bound to perform that service with the greatest speed.

A report of the result of the inquiry is to be immediately made both to the chief of the local Administration and the Commander of the guard-ship, or, in places where there is no guard-ship, to the Harbour Master, so that the necessary measures may be taken in accordance with the existing regulations in this respect, to isolate the newly-arrived ship, to render assistance to the Commander, and to attend to the sick.

If, however, it should be found that there is no danger of contagion then permission is immediately to be given to haul down the yellow flag, and this serves as a sign that the prohibition against the opening of communication with the shore or with other vessels is revoked.

The same is done so soon as the chief of the local Administration has declared, on the advice of the medical man, that all danger of contagion is at an end.

*Article 5.*—The chief of the local Administration is to give immediate information, by telegraph if possible, of the measures referred to in the third paragraph of Article 4, as well as of the declaration mentioned in the last paragraph of that Article, to the Commander of the naval force, the chief of the department of Marine, and to the

Director of Instruction, Worship, and Industry, and, if he is not himself the acting chief of the district, also to the chief of the district Administration.

*Article 6.*—In ships or vessels whereon the yellow flag has been hoisted, it must not be hauled down without the express order of the Commander of the guard-ship, or, in places where there is no guard-ship, of the Harbour Master.

After sunset two lighted lanterns must be placed one under the other on the foretop.

For every transgression of these regulations, the Commander will incur a fine of 500 to 5,000 florins.

*Article 7.*—The Commander of any ship or vessel whereon the yellow flag is hoisted, is bound to execute immediately and strictly the measures prescribed to him by the authorities authorized thereto in accordance with this Ordinance.

If necessary, the aid of the armed force will be called in to enforce the execution of these measures.

*Article 8.*—Ship and cargo are liable and seizable for the payment of the fines laid upon the Commander by virtue of Articles 2, 3, and 6.

The sentence of condemnation shall always contain the declaration that the officer charged with the execution is authorized to continue the embargo on the ship or vessel, and to prevent the departure thereof, until the fines are paid, if the sale in execution should be considered unadvisable by the chief of the local Administration in the interests of general health.

*Transitory Provision.*—Article 1, and the first paragraph of Article 3, first come into operation with the seventh month after the promulgation of this Ordinance.

The second paragraph of Article 3, and the rest of the provisions of this Ordinance, are nevertheless applicable to the ships and vessels referred to in the first paragraph of Article 3, which arrive in a roadstead of Netherlands India within seven months after the promulgation.

And in order that no one shall plead ignorance hereof, it shall be inserted in the official paper (*Staatsblad*) of Netherlands India, and, so far as necessary, be posted up in the native and Chinese languages.

It is, moreover, ordered and commanded that all superior and inferior communities and public persons, officers, and justiciaries, each, for so far as concerns him, shall maintain the strict observance hereof without connivance or respect of person.

Done at Buitenzorg, the 4th of August 1871.

(Sd.) P. MITER.  
" VAN HABENCARSPEL,  
General Secretary.

H. L. DAMPIER,

Secy. to the Govt. of Bengal.

*The 27th January 1872.*—The following Resolution, received from the Government of India in the Financial Department, is published for general information :—

No. 183.

GOVERNMENT OF INDIA.

FINANCIAL DEPARTMENT.

ACCOUNTS.

RESOLUTION.

*Fort William, the 12th January 1872.*

The Governor General in Council is pleased to resolve that Mechanics and people of a like class, engaged by the Secretary of State for service in India, shall be allowed the option of drawing a portion of their salaries in England; the rate of exchange being that fixed for the time being, for the adjustment of transactions between the English and Indian Exchequers.

To the several Departments of the Government of India, the several local Governments, the Comptroller-General, the Mint Master, the several Accountants-General, and Deputy Accountants-General in independent charge.

H. L. DAMPIER,

Secy. to the Govt. of Bengal.

Judicial and Political Departments.

No. 165J.

APPOINTMENTS.

*The 18th January 1872.*—In addition to the ex-officio members, the following gentlemen are appointed to form a committee for the management of the Charitable Dispensary recently established at Nowkhilla in Bograh :—

Rajah Promothonath Roy Bahadour,	} Members.
Baboo Tarapersad Moitra,	
„ Kristo Soonder Sircar, Moodsoodun Talookdar,	

Rughoonath Mustafec, Member and Secretary.

*The 1st February 1872.*—Mr. Hugh Gilmore Wilkins to officiate as District Superintendent of Police, Patna, during the absence, on duty, of Mr. John Lambert, or until further orders, with effect from the forenoon of the 23rd ultimo.

Assistant Surgeon Edward Alfred Birch, F.R.C.S., to have medical charge of the Lock Hospital at Barrackpore, with effect from the 13th November 1871.

*The 2nd February 1872.*—Baboo Dinonath Das to officiate as Additional Moonsiff of Baraset, during the absence, on leave, of Baboo Jogesh Chunder Mitter, B.L., or until further orders.

Baboo Protap Chunder Dey to be a Moonsiff of the Third Grade, and to be Moonsiff of Belmaria in Rajshahye.

*The 6th February 1872.*—Sub-Assistant Surgeon Noccoor Chunder Banerjee to have medical charge of the Civil Station of Noakhally during the absence, on leave, of Baboo Oodoy Chaud Dutt, or until further orders.

Third Grade Sub-Assistant Surgeon Chooney Lall Das to have charge of the Charitable Dispensary at Burisaul, during the absence, on duty, of Sub-Assistant Surgeon Noccoor Chunder Banerjee, or until further orders.

LEAVE OF ABSENCE.

*The 1st February 1872.*—Mr. Henry Cockburn Richardson, late Officiating Judge of Jessore, for one month, under Section XVIII of the Covenanted Service Absentee Rules.

*The 3rd February 1872.*—Mr. Knightley Grey Burne, in charge of the office of District Superintendent of Police, Cachar, for two months, under Financial Notification No. 3622, dated the 22nd December 1865, with effect from the date on which he may be relieved by Mr. William Watt Daly.

*The 6th February 1872.*—Baboo Kooladanund Mookerjee, Additional Subordinate Judge of Dacca and Furreedpore, for one month, under paragraph 11 of the Uncovenanted Service Absentee Rules, in extension of the leave granted to him under orders of the 25th November last.

NOTIFICATION.

*The 8rd February 1872.*—The leave granted Dr. R. A. Barker, Civil Medical Officer of eerbhoom, under orders of the 6th December st, is cancelled.

ERRATUM.

*The 1st February 1872.*—In orders of the 30th ultimo, published in the *Calcutta Gazette* of the 1st idem,—

For

“Mr. Robertson Francis Horne Pughe,”

Read

“Mr. Robertson Francis Home Pughe.”

RIVERS THOMPSON.

*Offg. Secy. to the Govt. of Bengal.*

The following Orders issued by the Government of India, in the Home Department, are republished for general information :—

*No. 146.—Fort William, the 29th January 1872.—Judicial.*—Mr. W. M. Souttar, Officiating Registrar of the High Court at Fort William in Bengal, reported his return from the leave granted him in Notification No. 2046, dated the 15th ultimo, and the resumption of the charge of his duties on the forenoon of the 11th instant.

*No. 167.—The 2nd February 1872.*—Mr. F. B. Peacock received charge of the office of Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side, from Mr. W. M. Souttar on the forenoon of the 16th ultimo.

The following Order issued by the Government of India, in the Military Department, is republished for general information :—

*No. 93.—Fort William, the 29th January 1872.*—The services of Surgeon C. C. W. Wilson, of the Medical Department, are placed temporarily at the disposal of the Government of Bengal, with effect from the 4th December 1871.

RIVERS THOMPSON,

*Offg. Secy. to the Govt. of Bengal.*

NOTIFICATION.

*The 6th February 1872.*—Under the provisions of Section 16 of Act VI of 1871 (the Bengal Civil Courts Act), the Lieutenant-Governor is pleased to appoint the station of Pubna to be one of the places at which the District Court of Rajshahye may be held.

RIVERS THOMPSON,

*Offg. Secy. to the Govt. of Bengal.*

DECLARATION.

*The 2nd February 1872.*—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, viz., for the site of a Sub-divisional Head-Quarters at a place commonly called Gyebundee, in the Sub-division of Bhowanigunge, District Rungpore, it is hereby declared that, for the above purpose, a piece of

land measuring, more or less, 44b. 12½c., or 14a. 8r., situated in Mouzah Korelai, Pergunnah Baherbund, District Rungpore, is required within the aforesaid Bhowanigunge Sub-division.

The boundaries of the land are as follows :—

On the North is the River Gaghut.

On the South is Mooktipore Pergunnah.

On the East is Nuton Hat, and

On the West are the villages of Korelai and Majbaree.

A Bengali plan of the land (made by an Ameen) has been deposited in the Collector's Office at Rungpore, and is open to inspection there.

This Declaration is made, under the provisions of Section 6, Act X. of 1870, to all whom it may concern.

RIVERS THOMPSON,

*Offg. Secy. to the Govt. of Bengal.*

Public Works Department,—Bengal.

ESTABLISHMENT.

No. 51.

*The 31st January 1872.*

*Notification.*—Baboo Peary Mohun Banerjee, Overseer, Third Grade, joined the Third Presidency Division on the 29th January 1872, after-noon.

No. 52.

*The 2nd February 1872.*

*Transfer.*—Baboo Lallgopaul Banerjee, Overseer, First Grade, from the Third Presidency to the Akra Division, which he joined on the 29th January 1872, before noon.

No. 53.

*Notifications.*—Mr. P. J. Neuville, Executive Engineer, Fourth Grade, assumed charge of the Lower Assam Division on the 8th December 1871, before noon.

No. 54.

*The 5th February 1872.*

Mr. F. Bond, Executive Engineer, First Grade, having returned from leave on private affairs to Europe on the 4th February 1872, the unexpired

portion of his leave is cancelled, and he is allowed fifteen days preparatory leave under Sections 18 and 20 of the Uncovenanted Service Absentee Regulations to join his appointment as Executive Engineer, Cuttack Division, to which he is now nominated.

—  
No. 55.

The following Order, issued by the Government of India, Public Works Department, is republished for information:—

No. 70 of the 2nd February 1872.—Mr. W. H. White is appointed to the Public Works Department as an Assistant Engineer, First Grade, and posted to Bengal, in the Buildings and Roads Branch.

No. 56.

Posting.—Mr. W. H. White, Assistant Engineer, First Grade, is posted to the Presidency Circle.

No. 57.

Corrigenda.—In notification Nos. 42 and 43, dated 29th January 1872, for "1st February 1872" read "15th February 1872."

CIVIL,—BUILDINGS.

—  
No. 58.  
—

The 5th February 1872.

Declaration under Section 6 of Act X of 1870 of the Government of India.—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government, at the public expense, for a public purpose, viz. for a new Telegraph Office to be erected at Ateheepore, in the village of Rajibpore, Pergunnah Kismut Balliah, District 24-Pergunnahs, it is hereby declared that for the above purpose, a piece of land, measuring more or less 16 beegahs 8 cottahs, standard measurement, bounded on the north and south by the zeminary lands of Baboo Jogesh Chunder Dutt, on the east by a public kutchra road, and on the west by the Government embankment, is required within the aforesaid village of Rajibpore.

A plan of the land may be inspected in the Office of the Deputy Collector, 24-Pergunnahs, at Alipore.

This Declaration is made, under the provisions of Section 6 of Act X of 1870, to all whom it may concern.

H. LEONARD, C. E.,

Offg. Secy. to the Govt. of Bengal,  
P. W. D.

Irrigation.

ESTABLISHMENT.

NOTIFICATION.

No. 42.

The 31st January 1872.

Mr. C. W. Hope, Executive Engineer, Third Grade, is allowed preparatory leave for 23 days from the 21st January 1872, in supersession of the preparatory leave granted to him in the orders marginally noted.

—  
No. 43.

The 1st February 1872.

Baboo Gopal Chunder Coondoo, Supervisor Second Grade, rejoined the Hidgellee Division from privilege leave, on the forenoon of the 27th January 1872.

No. 44.

The 5th February 1872.

Baboo Soodan Chunder Patnaik, Assistant Engineer, Third Grade, joined the Hidgellee Division on the afternoon of the 29th idem.

G. A. SEARLE, Lieut.-Col., S.C.,

For Offg. Joint-Secy. to the Govt. of Bengal,  
in the P. W. D., Irrigation Branch.

High Court Notice.

Circular Order by the High Court of Judicature at Fort William in Bengal.

No. 1, dated Calcutta, the 23rd January 1872.

From—F. B. PRACOCK, Esq., Registrar,  
To—All Criminal Authorities.

It having come to the knowledge of the Court that some degree of misapprehension obtains as to what papers should be forwarded (under Section 229 of the Criminal Procedure Code) from the Magistrate when a commitment is made to the Court of Session, the following instructions are issued.

HIGH COURT, &c.,  
CRIMINAL SIDE.

Present:

The Hon'ble Sir R. Couch, Knight,  
Chief Justice.

The Hon'ble G. Loch,

" Louis S. Jackson,

" A. G. Macpherson,

" E. Jackson,

Judges of the Court.



2. In such cases the record of the Magistrate is to be taken to include—

*First.*—The proceeding by which the case is originated in the Magistrate's Court.

*Secondly.*—All papers showing the steps taken under the authority of the Magistrate upon the complaint; the summons, if any, and its return; the warrant and the return, or other documents showing how and when it has been executed; also any search-warrant, and the report showing how it has been executed.

*Thirdly.*—The report, if any, on such enquiry as that under Sections 161 and 180.

*Fourthly.*—The orders, if any, sanctioning the prosecution when such sanction is necessary.

*Fifthly.*—The order, if any, withdrawing or transferring the case from one Court to another.

3. The papers on the record of the Magistrate are not evidence in the Court of the Sessions Judge, either for or against the accused, except so far as they can be used in corroboration or in the cross-examination of a witness, and are formally put in and accepted by the Court as evidence.

4. A *vidé voce* rendering from the vernacular into English of at least six short sentences to be read out by the Examiner, and a like rendering *vice versâ* from English into the vernacular.

To each written translation the Examiner shall assign a reasonable time within which the task is to be completed, and no translation shall be accepted which is not completed within the time so fixed.

A candidate who desires to qualify in more than one language shall undergo a like examination in each language, paying the same fee for each.

The candidate shall, if he pass the examination to the satisfaction of the Examiner, receive from him a certificate to that effect.

The Chief Justice reserves to himself the power of subjecting any of the existing Translators or Examiners to the test above prescribed, or of requiring the passing of such test as a condition precedent to the promotion of any person employed in the Translation Department.

R. COUCH.

HIGH COURT, APPELLATE JURISDICTION,  
Calcutta, the 8th January 1872.

### Notice.

WHEREAS it appears desirable to ascertain the qualifications of persons who desire to be employed as Translators in the High Court by a formal and uniform test, the following rules have been framed by order of the Chief Justice for that purpose:—

Any person being a candidate for the office of Translator or of Sworn Examiner of translations in appeals to Her Majesty in Council, or of Translator in appeals to the High Court exceeding Rs. 10,000 in value, may, after satisfying the Chief Justice that he is in other respects a fit person to be appointed to such office, be furnished with a letter to the Examiners, from time to time to be appointed, requesting that such candidate may be examined.

The candidate, on presenting such letter and after payment of the fee of Rs. 10, shall be examined at such time and place as the Examiners may direct.

The Examination shall comprise the following parts:—

1. A written translation into the vernacular language in which the appointment as Translator is sought, of a chosen printed passage from a Classical English Author extending to not less than 30 lines of an ordinary octavo page.
2. A written translation into the same vernacular of a manuscript paper, to be furnished by the Registrar to the Examiners, being a judgment, deposition, or document taken from the *misc* of some decided case.
3. A written translation into English of a similar paper in the same vernacular, to be likewise furnished by the Registrar.

### Departmental Notices.

#### Revenue Survey Department.

No. 29.

MR. EDWARD JAMES JACKSON, Assistant Superintendent of Revenue Survey, Second Grade, having proceeded to Europe on sick furlough for eighteen months, will be borne on the list of this Department as Supernumerary from 30th ultimo.

D. C. VANRENNEN, Col., B.A.,  
for Offg. Supdt., Revenue Surveys, Lower Circle.  
CALCUTTA,  
The 2nd February 1872.

#### Notification.

BABOO KANTI CHANDER CHATTERJEA, Deputy Collector, has been placed in charge of the Bancoorah Treasury, and authorized to draw bills on other treasuries.

C. T. BUCKLAND,  
BURDWAN COMM'R.'S OFFICE, Commissioner.  
The 30th December 1871.

#### Notification.

MR. EXTRA ASSISTANT COMMISSIONER J. B. SHADWELL has been placed in charge of the Treasury at Shillong, and is authorized to draw bills on other treasuries.

HENRY HOPKINSON,  
Agent, Govt.-Genl., and Commr. of Assam.  
GOWHATTY,  
The 23rd January 1872.

## Notification.

MR. COVENANTED DEPUTY COLLECTOR TREVOR JOHN CHICHILEY GRANT, having received charge of the Treasury at Monghyr on the 29th December last, has been authorized to draw bills on all other treasuries.

J. W. DALRYMPLE,  
*Commissioner.*

BHAUGULPORE,  
The 4th January 1872.

## Notification.

MR. DEPUTY COLLECTOR HALDANE RATTRAY, having received charge of the treasury at Rajmehal on the 30th December last, has been authorized to draw bills on all other treasuries.

J. W. DALRYMPLE,  
*Commissioner, S. P.*

BHAUGULPORE,  
The 8th January 1872.

## Notification.

MR. DEPUTY COLLECTOR AND DEPUTY MAGISTRATE JOHN REGINALD HAND, having received charge of the Godda Treasury on the 5th instant, has been authorized to draw bills on all other treasuries.

SYED AMEER HOSSEIN,  
*Persl. Asst. to the Commr., for Commr., S. P.*

BHAUGULPORE,  
The 16th January 1872.

## Notification.

MR. ASSISTANT COLLECTOR FRANCIS WILLIAM BADCOCK, having received charge of the treasury at Bhaugulpore on the 17th instant, has been authorized to draw bills on all other treasuries.

SYED AMEER HOSSEIN,  
*Persl. Asst. to the Commr., for Commr.*

BHAUGULPORE,  
The 20th January 1872.

## Notice.

MR. UNCOVENANTED DEPUTY COLLECTOR WILLIAM SHAW ROCHFORD DAVIES, having been placed in charge of the Julpigooree Treasury from the 29th December 1871, is authorized to draw bills on other treasuries.

J. C. HAUGHTON,  
*Commr. of Cooch Behar Divn.*

JULPIGOOREE,  
The 29th December 1871.

## Notice.

COVENANTED DEPUTY COLLECTOR MR. E. G. GLAZIER has been placed in charge of the Rungpore Treasury, and authorized to draw bills on other treasuries.

E. W. MOLONY,  
*Commissioner.*

## Notice.

BABOO OKHOY COOMAR SEN has been placed in charge of the Backergunge Treasury, and authorized to draw bills on all other treasuries.

OBHOY CHUNDER DOSS,  
*Persl. Asst., for Commr.*

DACCA COMM'R.'S OFFICE,  
The 16th December 1871.

## Opium Notification.

No. 69C.

NOTICE is hereby given that the Third Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-Room, No. 2, Bankshall Street, on Monday, the 4th March 1872, at 11 A.M., and will comprise 3,575 Chests, viz. :—

	Chests.
Behar Opium ... ..	2,000
Benares „ ... ..	1,575
Total Chests ... ..	3,575

2. The general conditions of the sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 10th November 1871, and published in the *Government and Exchange Gazettes*, or on personal application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 9th and 19th March respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Saturday, the 9th March 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Tuesday, the 19th March 1872.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates, should circumstances render it expedient to do so :—

Dates.	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 3rd April 1872	2,000	1,575	3,575
On or about Monday, 6th May „	2,000	1,575	3,575
On or about Thursday, 6th June „	2,000	1,575	3,575
On or about Thursday, 4th July „	2,000	1,575	3,575
On or about Monday, 5th August „	2,000	1,575	3,575
On or about Thursday, 5th Sept. „	2,000	1,575	3,575
On or about Tuesday, 1st October „	2,000	1,575	3,575
On or about Wednesday, 6th Nov. „	2,000	1,575	3,575
On or about Thursday, 5th Dec. „	2,000	1,575	3,575
Total Chests ...	18,000	14,175	32,175

By order of the Member in charge,

T. B. LANE,  
*Secretary.*

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

The under-mentioned Candidates have passed the Examination for the Degree of Bachelor of Arts:—

**FIRST DIVISION.**

*In Order of Merit.*

1	Rajanináth Ráy	...	Presidency College.
2	Batakrihna Sen	...	Ditto.
3	Biharilál Bandyopádhya	...	Ditto.
4	Sasibhushan Datta	...	Ditto.
5	Manmathakumár Basu	...	Ditto.
6	Brajendranáth De	...	Canning College, Lucknow.
7	Bipinvihári Dás	...	Presidency College.
8	Tárapada Ghoshál	...	Ditto.
9	Khiradehandra Ráychaudhuri	...	Ditto.
10	Sajanikánta Chattopádhya	...	Ditto.

**SECOND DIVISION.**

*In Alphabetical Order.*

	Bugehi, Annadaprasad	...	Kishnaghur College.
	Bandyopadhyáy, Chandrakumar	...	Calcutta Free Church Institution.
	Basu, Asutosh	...	Cathedral Mission College.
	„ Kesavkumar	...	Presidency College.
	Bhattacharyya, Narayanachandra	...	Calcutta Free Church Institution.
	Chattopadhyáy, Kirtichandra	...	Patna College.
	„ Upendranath	...	Presidency College.
	Chaudhuri, Sasibhushan	...	Hooghly College.
	Currie, F.	...	St. Xavier's College.
10	De, Gaurecharan	...	Dacca College.
	„ Purnachandra	...	General Assembly's Institution.
	Dev, Blutuath	...	Patna College.
	Gangopadhyáy, Rajanikanta	...	Presidency College.
	Ghoshál, Saratkumár	...	Ditto.
	Hanumanprasad	...	Canning College, Lucknow.
	Kar, Girischandra	...	Presidency College.
	„ Umacharan	...	Hooghly College.
	Lahiri, Jogendranath	...	Calcutta Free Church Institution.
	Madangopal	...	Delhi College.
20	Mallik, Lalitmadhav	...	Presidency College.
	Mitra, Bisvambhar	...	Ditto.
	„ Surendranath	...	Cathedral Mission College.
	Mukhopádhya, Chandrasekhar, No. 2	...	Presidency College.
	„ Girindranath	...	Kishnaghur College.
	„ Haridas	...	Presidency College.
	„ Kálinath	...	Kishnaghur College.
	„ Pramadanath	...	Hooghly College.
	Nandi, Ramanchandra	...	Presidency College.
	Popelay, Lachmandas	...	Delhi College.
30	Ráy, Durgasundar	...	Dacca College.
	„ Navinchandra	...	Cathedral Mission College.
	„ Purnachandra	...	Ditto.
	„ Saradaprasanna	...	Presidency College.
	Raychaudhuri, Devendrakumar	...	Ditto.
	Rebello, P. T.	...	St. Xavier's College.
	Rothwell, J. M. G.	...	Bishop's College.
	Sarkúr, Dinanáth	...	Kishnaghur College.
	Sen, Amvikácharan	...	Presidency College.
	„ Haricharan	...	Calcutta Free Church Institution.
40	Sivpratav Narayan	...	Patna College.

THIRD DIVISION.  
In Alphabetical Order.

	Atmaram Mahta	...	Lahore College.
	Bandyopádhyaý, Jadunath	...	Cathedral Mission College.
	"    Maheschandra	...	Patna College.
	"    Rámnarayan	...	Presidency College.
	Basak, Rasamay	...	Dacca College.
	Basu, Atulchandra	...	Presidency College.
	"    Binadvihári	...	General Assembly's Institution.
	"    Hemchandra	...	Ditto.
	"    Jogendrachandra	...	Teacher.
10	"    Jogeschandra	...	Presidency College.
	"    Sasibhushan	...	General Assembly's Institution.
	Chattopadhyay, Amritalal	...	Cathedral Mission College.
	"    Nilkanta	...	Calcutta F. C. Institution.
	Dás, Mahendranath	...	General Assembly's Institution.
	"    Nandalál	...	St. Xavier's College.
	De, Lalvihari	...	Calcutta F. C. Institution.
	"    Nilmadhav	...	General Assembly's Institution.
	Dev, Gopendrakrishna	...	Presidency College.
	Ghosh, Avinaschandra	...	Ditto.
20	"    Jadunáth	...	Calcutta F. C. Institution.
	"    Mahimchandra	...	Cathedral Mission College.
	"    Sasimohan	...	Berhampore College.
	Gomez, D.	...	Bishop's College.
	Guha, Asminikumar	...	Presidency College.
	Gupta, Chandranarayan	...	Patna College.
	"    Rajnarayan	...	Ditto.
	Kanjilal, Kailaschandra	...	Teacher.
	Majumdar, Mahendrachandra	...	Ditto.
	"    Ramdurlabh	...	Dacca College.
30	Mitra, Akshaykumar	...	Hooghly College.
	"    Bhuvanmohan	...	Calcutta F. C. Institution.
	"    Bihárilál	...	Cathedral Mission College.
	"    Bipinvihari	...	Presidency College.
	"    Devendranath	...	Calcutta F. C. Institution.
	Mukhopadhyay, Jaygopal	...	General Assembly's Institution.
	"    Saradaprasad, No. 2	...	Calcutta F. C. Institution.
	Nandi, Becharam	...	Teacher.
	"    Loknáth	...	Presidency College.
	Páin, Nandadulal	...	Ditto.
40	Pál, Jadunath	...	Ditto.
	Ráy, Purnachandra	...	Kishnaghur College.
	Sányál, Bhuvanmohan	...	Teacher.
	"    Harischandra	...	Presidency College.
	Sarkár, Haradhan	...	Calcutta F. C. Institution.
	Sen, Bipinvihári	...	Hooghly College.
	"    Durgacharan	...	Presidency College.
	"    Jogneswar	...	Ditto.
	"    Maheschandra	...	Hooghly College.
	"    Ratneswar	...	Presidency College.
50	Thomson, J. F. (Junior)	...	Hooghly College.

The under-mentioned Students have passed the Examination for the Degree of Bachelor in Law :—

SECOND DIVISION.

In Order of Merit.

1	{ Mahit Chandra Basu	...	Presidency College.
	{ Chandra Mohan Chakravarti	...	Patna College.
3	Chandrakanta Páin	...	Kishnaghur College.
4	Krishnakamal Bhattacharyya	...	Presidency College.
5	Hariprasanna Mukhopadhyáy	...	Kishnaghur College.
6	Devendranath Ghosh	...	Presidency College.
7	{ Lalmohan Das	...	Ditto.
	{ Bipinkrishna Basu	...	Ditto.

9	Bipinvihari Mukhopadhyáy	...	Kishnaghur College.
10	Sivnath Bandyopadhyáy	...	Presidency College.
11	Basantakumár Basu	...	Ditto.
12	Rajanikánta Chaudhuri	...	Dacca College.
13	{ Nírasinha Datta	...	Presidency College.
	{ Trailokyanath Basu	...	Ditto.
15	Abdul Bari	...	Ditto.
16	Syamaldás Chakravarti	...	Patna College.
17	{ Akshaykumár Basu	...	Presidency College.
	{ Umákáli Mukhopadhyáy	...	Ditto.
19	Kedarnath Sarkar	...	Ditto.
20	{ Rajaminath Basu	...	Ditto.
	{ Gopal Chandra Mukhopadhyáy	...	Ditto.

The under-mentioned Students have passed the Examination for a Licence in Law :—

*In Alphabetical Order.*

Baksi, Kedernath	...	Presidency College.
Bandyopadyáy, Bhuvanmohan	...	Ditto.
"    Binádvihári	...	Ditto.
"    Gopalchandra	...	Kishnaghur College.
"    Kántichandra	...	Presidency College.
Basu, Upendranath	...	Ditto.
Bhattacharyya, Jogendranath	...	Ditto.
Chattopadhyay, Trailokyanath	...	Ditto.
Chaudhuri, Kálikrishna	...	Ditto.
"    Sirischandra	...	Ditto.
Dán, Parmeswar	...	Ditto.
Dás, Bhairavchandra	...	Ditto.
"    Jagatbandra	...	Dacca College.
Datta, Priyanath	...	Presidency College.
"    Radhakrishna	...	Patna College.
De, Govindachandra	...	Presidency College.
Gangopadhyay, Binadvihari	...	Ditto.
Ghosh, Bhuvanmohan	...	Kishnaghur College.
"    Chandrakumar	...	Ditto.
"    Mahendranath	...	Presidency College.
"    Nilmádhav	...	Berhampore College.
"    Upendranath	...	Presidency College.
Lahiri, Purnachandra	...	Ditto.
Majumdar, Mahendrachandra	...	Berhampore College.
"    Upendranarayan	...	Presidency College.
Mallik, Mahendranath	...	Ditto.
Masánta, Parvaticharan	...	Ditto.
Mitra, Bhagavaticharan	...	Patna College.
"    Saradacharan	...	Presidency College.
Mukhopadhyay, Avinaschandra	...	Ditto.
Ráy Girischandra	...	Ditto.
"    Syámácharan	...	Dacca College.
Ráychaudhuri, Rámchandra	...	Presidency College.
Sarkár Jogeschandra	...	Hooghly College.
"    Mahimchandra	...	Berhampore College.
Sen, Banavarilal	...	Presidency College.
"    Jadunándan	...	Berhampore College.
"    Kánáílal	...	Presidency College.
"    Umeschandra	...	Kishnaghur College.
Sukul, Bhadránath	...	Ditto.

CALCUTTA UNIVERSITY, }  
The 26th January 1872.

The following Resolutions having been passed by the Senate and approved by His Excellency the Governor General in Council, are published for general information:—

(a).—That for the better encouragement of Vernacular education and literature an examination in Vernacular be instituted by the University, on the plan of the Middle-class Examinations conducted by British Universities.

(b).—That a convocation for conferring degrees upon graduates of the North-West Provinces, the Punjab, Oudh, and the Central Provinces, be held annually at Allahabad.

(c).—That notices of meetings of the Faculty of Arts for the discussion of all business of importance be circulated to all Members, resident and non-resident, in order that any minute they may forward to the Registrar may be laid before the meeting of the Faculty.

(d).—That Persian be added to the list of second languages for the First Arts and B. A. Examinations.

(e).—That, as a part of the Entrance Examination in Oriental languages, the Examiners shall set a paper containing passages in English to be translated into one of the Vernaculars of India at the option of the candidate; the passages being taken from a newspaper or other current literature of the day.

(f).—That the following revised scale of fees be adopted for admission to the Examinations in Medicine:—

For the 1st L. M. S. Examination, a fee of Rs. 20.				
„ 2nd	„	„	„	25.
„ 1st M. B.	„	„	„	20.
„ 2nd	„	„	„	30.

2. The following Rules for the conduct of the examination in Vernaculars established under Resolution (a) have been approved by the Senate and His Excellency the Governor General in Council:—

#### RULES FOR THE UNIVERSITY VERNACULAR EXAMINATION.

1. The examination shall commence annually on the Monday immediately preceding that fixed for the Entrance Examination, and shall be held in such places as the Directors of Public Instruction of the several provinces may appoint.

2. Every candidate for admission to the examination shall send his application and a fee of Rs. 3 in the Form A, given below, and the application must reach the Registrar at least 60 days before the date fixed for the commencement of the examination. Each local Director shall issue rules for the receipt of applications and fees in his province, and shall forward them to the Registrar.

3. A candidate who fails to pass or to present himself for examination shall not be entitled to claim a refund of the fee.

4. The examination shall be conducted by means of printed papers, the same papers being used at every place where the examination is held.

5. The Syndicate shall appoint a Board of Examiners in Calcutta to set all the questions and to determine the full marks to be given for each question. The answers shall be examined by Local Examiners for each province, who shall be nominated by the Director of Public Instruction and approved by the Syndicate.

6. The Syndicate shall place at the disposal of each Director 80 per cent. of the fees collected in his province for the remuneration of local Examiners.

7. At the examination every candidate shall be examined in the following subjects:—

#### I.—LANGUAGES.

One of the following:—\*

Bengali.		Hindi.
Urdu.		Uriya.

Two papers in each language shall be set; one paper shall contain passages in prose and verse, with questions concerning their meaning and construction, from books or periodicals—the other paper shall contain general questions on Grammar, and questions to test the candidate's power of composition. A piece of prose to be written at dictation shall also be included in this paper. (Full marks, 75 for each paper.)

#### II.—HISTORY AND GEOGRAPHY.

The outlines of the History of India treated briefly in the Hindu and Muhammadan periods, and more fully in the British period. (One paper—full marks, 50.)

The Syndicate may add any other language to this list.

The outlines of general Geography, with a particular knowledge of the Geography of India. (One paper—full marks, 50.)

### III.—MATHEMATICS.

*Arithmetic*,—The whole. (One paper—full marks, 50.)

*Algebra*,—As far as simple equations. (One paper—full marks, 50.)

*Geometry*,—Euclid, Books I and II, with easy deductions. (One paper—full marks, 50.)

Candidates shall not be approved by the Examiners unless they gain at least 25 per cent. of the marks allotted to each of the preceding subjects.

The candidates may also present themselves for examination in not more than two of the following optional subjects :—

- |   |  |
|---|--|
| (1) Sanskrit.   | } The standard to be that prescribed for the Entrance Examination ;<br>each language, 100 marks. |
| (2) Arabic.   |  |
| (3) Persian.  |  |
| (4) Mensuration of plane figures and simple solids. Practical Geometry.<br>Surveying by the chain with Plane Table or Prismatic Compass—50 marks. |  |
| (5) The elements of Statics, Hydrostatics, and Pneumatics—50 marks.   |  |
| (6) Physical Geography and the elements of Astronomy—50 marks.  |  |

Failure in the optional subjects shall not prevent a candidate from passing ; but candidates shall not be approved by the Examiners in any optional subject unless they gain 25 per cent. of the allotted marks.

8. As soon as possible after the examination, the Syndicate shall publish a list of the candidates who have passed in three classes, the first in order of merit, and the second and third in alphabetical order. Candidates shall be placed in the first class who obtain 50 per cent. of the aggregate marks ; to be placed in the second and third classes, candidates must obtain 40 and 30 per cent. of the aggregate marks respectively.

9. Every successful candidate shall receive a certificate in the the Form B, given below.

### A

TO THE REGISTRAR OF THE CALCUTTA UNIVERSITY.

*Dated*

SIR,

I request permission to present myself at the ensuing Vernacular Examination of the Calcutta University. The admission fee of 3 Rupees is forwarded herewith, and the particulars regarding which information is necessary are subjoined.

I am, &c.,

*Particulars to be filled in by Candidates.*

Name.  
Religion.  
Race (*i. e.*, nation, tribe, &c.)  
Where educated.  
Present position (*i. e.*, at school or present occupation).  
Town or Village where resident, Pergunnah, Tehsil, Zillah.  
Name of Father or Guardian.  
Where to be examined.  
Language in which to be examined.  
Optional subjects selected.

### B.

CALCUTTA UNIVERSITY.

*Vernacular Examination Certificate.*

I certify that  
Vernacular Examination, held in the month of \_\_\_\_\_, 187\_\_\_\_, duly passed the  
in the following subjects—Bengali, &c., History and Geography, Arithmetic, Algebra, and  
Geometry, and \_\_\_\_\_, and that he was placed in the \_\_\_\_\_ class.

(Signed)

The January 187 . . .

Registrar.

3. The first examination under the preceding rules will be held in November 1873.

J. SUTCLIFFE,

Registrar.

CALCUTTA UNIVERSITY,  
The 5th February 1872.

\* Add the optional subjects, if any, in which the candidate has passed.



**Sheriff's Office, the 30th January 1872.**

NOTICE is hereby given that the Second Criminal Session of the year 1872 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Thursday, the Twenty-ninth day of February next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

JOHN COWIE,  
Sheriff.

সরিক আফিস ১৮৭২ সাল ৩০ জানুয়ারি।

নমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গালার কোর্ট উইলিয়ম দুর্গের অধীন শহর কলিকাতার ও অন্যান্য স্থানের কোর্জদারী বিচার নিষ্পত্ত্য জন্য আগামি ২৯ ফেব্রুয়ারি বৃহস্পতিবার বেলা ১১ ঘটিকার সময় এবং যে পর্যন্ত সেশিয়ানের কার্য শেষ না হয় প্রতিদিন উক্ত সময়ে কলিকাতার টৌনহালে হাই কোর্টের আদালত ঘরে সন ১৮৭২ সালের দ্বিতীয় ক্রিমিনেল সেশিয়ান বসিবেক এবং এতদ্বারা প্রচার করা যাইতেছে যে, যে সকল ব্যক্তি কোন কয়েদীর বিরুদ্ধে কোর্জদারী মিছিল করিবেক তাহারা উক্ত স্থানে ঐ সময়ে হাজির থাকিয়া মোকদ্দমা করে।

JOHN COWIE,  
Sheriff.

*Statement showing the importation of Salt (private property) in bond and afloat on River Hooghly, subject to Customs' duty on the 1st February 1872.*

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In Mds.	In Mds.	In Mds.	In Mds.
Liverpool Pungah ...	16,69,785½	98,858½	3,74,510½	21,33,154
French Kurkutch ...	7,010	.....	.....	7,010
Italian Salt ...	268	.....	.....	268
Bombay Kurkutch ...	.....	.....	20,828	20,828
Madras ...	30,564½	.....	.....	30,564½
Arabian and Persian Gulf's Kurkutch and Muscat Hook...	3,91,599½	...	.....	3,91,599½
<b>Total ...</b>	<b>20,89,225½</b>	<b>98,858½</b>	<b>4,01,338½</b>	<b>25,92,420</b>

By order of the Board of Revenue, L.P.,  
J. A. CRAWFORD,  
Collector of Customs.

CALCUTTA CUSTOM HOUSE,  
The 5th February 1872.

*STATEMENT showing the quantity of Salt store available for exportation on private trade each of the several Ports of Export in the under mentioned Districts:—*

Name of District.	Ports at which Salt is generally available for export on private trade.	Quantity remaining in store actually available for export on 1st Jan. 1872.	REMARKS.
		Indian Mds.	
Ganjam ...	Bayanapadu, at the Nowpadah Salt Pans ...	60,000	
Godavery ...	Cocanuda ...	.....	
Nellore ...	Iskapalli ...	59,056	
South Arcot ...	Merkauum ...	50,000	
Tanjore ...	Negapatam ...	.....	
Tinnevelly ...	Katmavady ...	.....	
	Tuticorin ...	.....	
Total ...		159,056	

*N.B.*—Salt for export will be supplied by Government at the rates specified in the Notifications dated 21st March 1868 and 23rd April 1869, published at pages 737, Fort St. GEORGE'S GAZETTE, dated 24th March 1868, and 637, dated 27th April 1869.

F. BRANDT,  
for Sub-Secretary.

REVENUE BOARD OFFICE,  
Madras, the 18th January 1872.

PUBLISHED for general information.

By order of the Member in charge,

T. B. LANE,  
Secretary.

BOARD OF REVENUE, L.P.,  
Fort William, the 2nd February 1872.

**Nuddea Rivers.**

*Weekly Water Report showing the least depth of water in the Bhagiruttee River for the week ending Friday, the 26th January 1872.*

NAMES OF PLACES, &c.	Least depth of Water.	REMARKS.
	Ft. In.	
On the Entrance Bar ...	4 6	
FROM		
Thence to Jungipore, 9 miles	5 0	In one place only. Boats drawing up to 4 feet can pass up and down easily.
FROM		
Jungipore to Berhampore, 47 miles.	3 0	
FROM		
Berhampore to Cutwa, 50 miles.	3 6	
FROM		
Cutwa to Nuddea, 46 miles...	4 0	

Height of water on gauge at Berhampore on the 29th January 1872 above zero 5 feet 10 inches.

T. H. WICKES, C.E.,  
Ere. Engr., Nuddea (Local) Rivers Division.

BERHAMPORE,  
The 29th January 1872.

**NOTICE.**

THE following Packages landed from the undermentioned Ships are lying unclaimed at the Custom House. If the Goods are not cleared on or before the dates stated against each item, they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

Date of Sale.	Mark or Address of Packages.	Ships.
1872, Feb. 17th	1 Parcel, G C	... Patna.
" 17th	5 Cases, W. S. & Co.	... E. J. Spence.
" 17th	2 Cases, W M	... Meinam.
" 24th	1 Parcel, Khan Mahomed Dhurmsee, Esq., Calcutta	Ditto.
Mar. 2nd	2 Cases, G P M. D & Co.	... Khedive.
" 2nd	4 Packages, T H Lloyd	... Ditto.
" 2nd	1 Case, J S W	Ditto.

CALCUTTA CUSTOMS, J. A. CRAWFORD, *Collector of Customs.*  
*The 6th February 1872.*

**Commissioners for making Improvements in the Port of Calcutta.**

**NOTICE.**

UNDER SECTION 69 OF ACT V. (B.C.) OF 1870.

THE following Packages landed at the Jetties from the undermentioned Ships have been removed to the Commissioners' Import Warehouse, where they remain at the risk and expense of the owners. If not cleared within two months from the date stated against each item, they will be sold under Section 72 of the said Act:—

Date of removal to Import Warehouse.	No., mark, and description.	Consignees.	Ships.
1872.			
Jan. 27th ...	7 Cases, [C. P. & Co.]	... C. Palmer & Co.	... Minia.
" 27th ...	1 Case, [G. C. & Co., C]	... Order	... Ditto.
" 27th ...	1 Sample, [G] I R	... Gillanders, Arbuthnot & Co.	Ditto.
" 27th ...	1 Case, [G M Y] C & B	... Order	Ditto
" 27th ...	1 Case, [G H G]	... "	Ditto.
" 27th ...	10 Cases, K G	... "	Ditto.
" 27th ...	10 Cases, addressed	... A. Stevens, Esq.	Ditto.
" 27th ...	7 Cases, addressed	... Captain Tullock	Ditto.
" 27th ...	1 Case, [W. C. & Co., N]	... Order	Ditto.
" 27th ...	50 Cases, [27] W. D.	... "	Ditto.
" 25th ...	7 Cases, addressed	... Major Bonus	Pandora.
" 25th ...	1 Case, addressed	... Lord Ulick Brown	Ditto.
" 25th ...	32 Cases, [H E] C & B	... Order	Ditto.
" 25th ...	2 Cases, [30] A. B. & Co.	... "	Ditto.
" 25th ...	8 Cases, [M S M I] A B	... "	Ditto.
" 25th ...	8 Cases [S W M] A. B. & Co.	... "	Ditto.
" 26th ...	1 Parcel, A P	... "	Good Hope.
" 26th ...	2 Casks, [B. D. & Co.] S S S	... "	Ditto.
" 26th ...	1 Bale, [B. T. & Co.] N T	... "	Ditto.
" 26th ...	1 Case, B I C	... "	Ditto.
" 26th ...	2 Cases, [D. & Co.] A B	... "	Ditto.
" 26th ...	1 Case, F. F. & Co.	... "	Ditto.
" 26th ...	1 Parcel, L P S	... "	Ditto.
" 26th ...	2 Cases, [N. C. D. & Co.] S. S. S. & Co.	... "	Ditto.
" 26th ...	1 Case, G. P. D. & Co.	... "	Ditto.
" 26th ...	4 Cases, [S L] W L	... "	Ditto.
" 26th ...	60 Kegs, [W. N. & Co.] J S	... "	Ditto.
" 26th ...	1 Case, addressed	... H. G. Willis	Ditto.

CALCUTTA,  
*The 5th February 1872.*

W. D. BRUCE, *Vice-Chairman.*

(1101—1)

Monthly Statement of Traffic passed through the Circular and Eastern Canals from 1st to 31st January 1872.

NAMES OF CHOWKYS.	CHARCOAL.		WOOD COAL.		PIECE GOODS, NATIVE PRODUCT.		PIECE GOODS, IMPORTED FABRICS.		HIDES.		COTTON.		CASTOR SEED.		CASTOR OIL.		INDIGO.		JAGGERY.		JUTA.		LINEN.		MUSTARD SEED.		MUSTARD SEED OIL.	
	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.
Bamanghatia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chitpore	15 102100	89000	15 102100	89000	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rajah's Khal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sancookpotta	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ransa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kidderpore	26 23125	12620	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

NAMES OF CHOWKYS.	SALT.		SUGAR.		TOBACCO.		LIXSEED.		PADDY.		PULSE.		PEAS.		RICE.		WHEAT.		LENTIL.		GRAIN.		SUNDRIES.			
	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.	Number of boats.	Mandage by canal measurement.
Bamanghatia	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chitpore	455 500000	161765	39 10925	6025	25 16800	8475	170 11250	60500	2 1000	457	17 7925	825	32 13650	6900	742	939275	463500	38 366000	15700	90 12000	108000	40800	6765	1866500	...	...
Rajah's Khal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sancookpotta	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Ransa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kidderpore	49 37475	16480	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

\* By boats. † By bales. ‡ Per chest. § Per bale. ¶ Per bale.

HAPPA TOLL COLLECTOR'S OFFICE,  
 The 5th February 1872.

J. F. GALIFFE,  
 Collector and Supervisor, Calcutta Canals.

**CURRENCY NOTES.**

The following Currency Notes of the Government of India, Calcutta Circle, 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 :-

*Notes wholly lost or destroyed.*

Register No.	No. of Notes.	Value.	Name of Claimant.	
		Rs.		
4456	A 40151	10	Bogeeram Doss.	
4465	A 04964	10	Ganolea Nowjee.	
4471	A 21879	100	Konjolal Banerjee.	
4475	A 21582	100	} Madhub Chunder Baira.	
	A 17137	100		
	A 59706	50		
	A 63658	50		
	A 63659	50		
4476	A 35439	100	R. Reid.	
4478	A 30171	1,000	Seth Jaith Mull.	
4479	A 44257	100	} The Post Master, Calcutta.	
	A 47751	100		
	A 45384	100		
	A 21465	100		
	A 95092	100		
	A 43019	50		
	A 56289	20		
	A 11266	20		
4484	A 96824	100		} Messrs. Ralli Brothers and Co.
	A 77845	100		
4486	A 51295	20	Khetter Nath Roy.	
4488	A 74740	500	Lallo Naik Janke Bacc.	
4489	A 24431	100	} The Inspecting Post Master, Punjab Railway Division.	
	A 40708	100		
	A 80002	100		
	A 41456	100		
	A 81295	20		
4486	A 74740	500	Khetter Nath Roy.	
4488	A 74740	500	Lalla Naik Janke Bacc.	
4489	A 24431	100	} Insp. P. M., Punjab Golabsing.	
	A 40708	100		
	A 80002	100		
	A 41456	100		
	A 59231	100		
4492	A 59231	100	Punchcowree Shah.	
4493	A 32353	20	} W. V. G. Taylor.	
	A 90556	10		
	A 09326	20		
	A 43954	10		
	A 74540	1,000		
4495	A 09233	100	} Shamloll Shaha.	
	A 16232	100		
	A 16233	100		
	A 21762	100		
	A 40712	100		
	A 57154	50		
4498	A 57154	50	E. O. B. Smith.	
4499	A 71870	500	} Janokey Ram Boney Prosad.	
	A 15888	100		

*Notes partially lost or destroyed.*

4450	A 00123	100	The Manager, Delhi and London Bank "Limited."
4451	A 86368	20	} G. C. Chapman.
	A 73130	10	
4452	A 20787	10	A. P. Neele.
4453	A 11171	50	C. E. Knox.
4454	A 69545	20	} P. Niblett.
	A 85444	20	

*Notes partially lost or destroyed.*

Register No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
4457	A 59931	20	} Arthur A. Smith.
	A 05818	20	
4458	A 61927		
	A 58857		} The Revd J. Lawrence.
	A 66883		
	A 55184		
	A 21914	at Rs. 50 ca.	
	A 19975		
	A 40232		
	A 65484		
	A 59128		
4459	A 71294	1,000	Abdoollah Khan.
4461	A 17793	20	E. Palmer.
4464	A 81207	20	Grish Chunder Bannerjee.
4467	A 48476	10	Kissory Mohun Bose.
4468	A 51385	10	Denonath Mondole.
4469	A 73055	10	Kisto Chunder Roy.
4470	A 94934	10	Messrs. Dins, Law Co.
4472	A 86266	10	Bissumbhur Buttacharjee.
4474	A 81703	10	Nobin Chunder Shidhonto.
4477	A 79594	10	} Lt. W. R. Jones.
	A 79595	10	
	A 79724	10	
	A 79598	10	
3416	A 93728	10	Tectoram Naug.
	A 47539	10	} S. S. Stephens.
1433	A 39684	20	
	A 85713	20	
4480	A 73251	20	Woomanundo Chuckerbutty.
4482	A 02417	100	} Kasub Chunder Daw.
	A 41380	100	
	A 13684	100	
	A 07872	100	
	A 47443	20	
4483	A 72554	29	} Pitambur Chuckerbutty.
	A 31920	20	
	A 12610	10	
	A 72707	10	
	A 85740	10	
	A 22918	10	
	A 81875	10	
	A 95611	10	
	A 30022	10	
	A 95717	10	
	A 55955	10	
	A 33129	10	
	A 96230	10	
	A 21803	10	
	A 97571	10	
3562	A 15673	10	} H. Andrews.
	A 75222	10	
	A 90056	10	
2553	A 15326	10	J. S. R. Clark.
4494	A 79084	100	Rakhal Chunder Halder.
4496	A 86017	10	Ruttunashur Mullick.
4497	A 85246	100	Radhamadub Mookerjee.
4500	A 44257	100	} Greedharee Lal.
	A 21465	100	
	A 45384	100	
	A 47751	100	
	A 98092	100	
	A 43019	50	

*Notes Partially lost or destroyed.*

Register No.	No. of Notes	Value.	Name of Claimant.
4501	A 82047	10	G. H. Cataina.
3416	A 93728	10	
	A 47539	10	Tectooram Naug.
4485	A 76254	10	
	A 77564	10	The Dy. Collr. Sub-Trasy. Serajgunge.
<i>Wrongly joined.</i>			
4455	A 90126	10	J. G. Connew.
	A 90129		
4460	A 08070	10	The Chief Pay Master, E. I. Railway.
	A 11113		
	A 37214	20	
	A 37414		
4462	A 47230	10	B. S. Collins.
	A 47231		
4463	A 35376	10	Brojonath Pyne.
	A 96770		
4466	A 08128	20	Williamson Brothers and Co.
	A 08183		
	A 02104	10	
	A 02106		
4473	A 48979	20	Jodoonath Dutt.
	A 48969		
4481	A 75300	20	Rajuarain Dutt.
	A 92414		
4485	A 76254	10	The Deputy Collector in charge of Sub-Treasury of Serajgunge.
	A 77564		
4502	A 90563	10	Messrs. Baker and Catliff.
	A 91672		

L. BERKELEY,  
Asst. Commr. of Paper Currency.

PAPER CURRENCY DEPARTMENT,  
The 5th February 1872.

**Insolvent Notices.**

*Court for the Relief of Insolvent Debtors at Calcutta.*

In the matter of Chundernauth Shaw and Nundohurry Shaw, Insolvent. On Saturday, the 27th day of January instant, it was ordered that solvents. Saturday, the 6th day of April next, be appointed for the further hearing of this matter, and that unless cause be shown to the contrary on that day, the said Insolvents be discharged personally, as well as to their after-acquired property, from all liabilities for debts, claims, and demands, of and against the said Insolvents at the time of the filing of their petition for relief.

J. Hart, Attorney.

In the matter of Edward Francis Menzies, an Insolvent. On Friday, the 26th day of January instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 6th day of April next, and that the said Insolvent do then attend to be examined before the said Court.

Berners & Co., Attorneys.

In the matter of Woo- } On Saturday, the 18th mesh Chunder Mitter, } day of January instant, an Insolvent. } by an order of this Court the said Insolvent was adjudged entitled to his personal discharge under the Act XI. Vic., cap. 21, as to all persons named in his schedule as creditors or claiming to be creditors respectively.

Gray and Sen, Attorneys.

In the matter of Madub } On Saturday, the 18th Chunder Rooder, an } day of January instant, Insolvent. } by an order of this Court the said Insolvent was adjudged entitled to his personal discharge under the Act XI. Vic., cap. 21, as to all persons named in his schedule as creditors or claiming to be creditors respectively.

Gray and Sen, Attorneys.

Chief Clerk's Office, the 30th January 1872.

In the matter of Frederick Andrew Cohen, formerly carrying on business as Wine Merchant and General Agent with John Christian Andrew Danenburg at Meerut and Mussoorie, under the style and firm of Middleton and Co., then carrying on business alone at Meerut, Mussoorie, Saharunpore, and Delhi, under the style of Middleton, Cohen and Co., as Wine Merchants and General Agents, and also at the same time carrying on business at Meerut in partnership with Lionel Andrew Cohen as Produce Merchants, under the style of Cohen Brothers and Co., then carrying on business alone at Meerut and Delhi, under the style of Cohen Brothers and Co., and during the said several business living and residing at Meerut, and now residing at No. 17, Camac Street, in the Town of Calcutta, an Insolvent.

C. W. Hatch, Attorney.

Notice, that the petition of the said Insolvent seeking the benefit of the Act XI. Vic., cap. 21, was filed in the Office of the Chief Clerk on Thursday, the 1st day of February instant, and by an order of the same date the estate and effects of the said Insolvent were vested in the Official Assignee.

In the matter of Frederick Andrew Cohen, } Notice, that an application for an *ad interim* Insolvent. } protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Monday, the 12th day of February instant, at the hour of ten o'clock in the forenoon.

"Any creditor of the said Insolvent desirous of opposing such application must appear before the said Court at the time and place aforesaid."

C. W. Hatch, Attorney.

In the matter of } Notice, that the petition of the said Insolvent seeking the benefit of the Act XI. Vic., cap. 21, was filed in the Office of the Chief Clerk on Saturday, the 3rd day of February instant, and as a Boarding-house keeper, an Insolvent. } by an order of the same date the estate and effects of the said Insolvent were vested in the Official Assignee.

Robertson, Orr, Harriss, and Francis, Attorneys.  
Chief Clerk's Office, the 6th February 1872.

**Postal Notice.**

**SEA AND OVERLAND MAILS.**

For	Box closed at	Date.	Per Steamer.
Gopaulpore, Bimlipatam, Vizagapatam, Coconada, Mudras, Pondicherry, Negapatam, Galle, Colombo, Tuticorin, Alleppy, Cochin, Bepore, Calicut, Tellicherry, Cannanore, Mangalore. Carwar, and Bombay.	7 P.M.	7th Feb.	Arabia.
Ceylon, Penang, Singapore, Hong-Kong, China, Japan, and Australia.	7 "	10th "	
Chittagong, Akyab, and Kyouk Phyou.	7 "	12th "	Penang.
Rangoon and Moulemein ..	7 "	12th "	Asia.
The Straits and Hong-Kong	7 "	17th "	Historian & China.

The next Overland Mail *via* Bombay will close on Friday, the 9th February 1872.

2. Book Post and Pattern Packets must be posted on the 8th.

N.B.—The letter box will close at 7 P.M. precisely, after which hour Overland letters fully prepaid and bearing extra postage stamp of two annas on each cover will be received up to 7.30 P.M., or bearing an extra postage stamp of four annas on each cover up to 8 P.M., and after 8 up to 9 P.M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

CALCUTTA, **W. H. MCGOWAN,**  
The 6th February 1872. *Post-Master.*

*List of remaining and unclaimed letters accumulated in the Calcutta Post Office during the week ending 3rd February 1872.*

Bentley, Mrs. C.	Hoff, A. W.
Browne, Capt. J. J. C.	Hockly, Mrs. T. R.
Bace, F. A.	Imbert, Mrs.
Blois, W.	Johnston, J.
Bokhara Ram.	Jacobs, Mrs. M.
Baldoock, W. C.	Jones, F.
Benson, Mrs.	Jackson, T. A.
Behnam, G.	Jary, A.
Benuet, G.	Kemble, W.
Bond, F.	Lockwood, R.
Barker, W. H.	Leadon, R. H.
Child, W. and Co.	Long, T.
Climan, T.	Marsden, Esq.
Caddy, H.	Monier, J. C.
Dutt, L. K.	McGlow, D.
Dewan Chattro Dass.	Nardon, Miss. D.
Dobalman, A. H. T.	Robin, Mrs.
D'Silva, J.	Robertson, R. D.
Forbes, T. T.	Rice, Mrs.
Freeman, R. W.	Ross, F. L.
Fletcher, H. D.	Rhodes, A. H.
Fraser, D. and Co.	Robinson, H.
Grimley, W. H.	Rebeiro, G.
Gregory, Mrs. H.	Shekelton, J. F.
Gordon, C. B. F.	Scott, Mrs. H. A.
Grant, A.	Sloane, R. E.
Guerin, J. C.	Smith, T.
Goodall, D.	Smith, A. A.
Gisborne, E. S.	Spracklin, Mrs. W. F.
Grafama, Dr.	Spracklin, Capt. D.
Goble, Mrs.	Smith, Capt. A. A.
Gostell & Fitch.	The Manager, East Indian
Griffin, A.	Land Credit and Finance
Howe, Miss M. C. F.	Co.
Harris, Miss M.	Tarrant, T.
Heller, R.	Tait, Mrs.
Howard, W.	Wheat, J.
Halsted, Lieut. J.	Weir, Capt. R. A.
Hiud, F.	

CALCUTTA,  
The 5th February 1872.

**W. H. MCGOWAN,**  
*Post-Master.*

**Miscellaneous Advertisements.**

**Notice.**

THE quit-rent of the undermentioned lease, in the district of Darjeeling, being in arrear, notice is hereby given that if the amount due from the location be not paid within two months from this date, the lease remaining unpaid will be resumed by Government under supplementary Rule I for grant of location at Darjeeling:—

No. of lease.	Name of lessee.	Amount.
176	G. B. Ward	Rs. As. P. 50 0 0

**B. W. D. MORTON,**  
*Dy. Commissioner.*  
DY. COMM.'S OFFICE, DARJEELING,  
The 12th January 1872.

**Notice.**

THE annual Chutia Fair will be held at Chutia, near Ranchi, Chota Nagpore, commencing on Sunday, the 25th February 1872, corresponding with the 1st of Phalgun 1279 Fuslee, and continuing for fifteen succeeding days.

**E. T. DALTON,**  
*Commr. of Chota Nagpore.*  
CAMP PURULIA,  
The 25th November 1871.

**In the Court of the Judge of the District of Bhaugulpore.**

**CITATION**

UNDER SECTION 250, ACT X OF 1865.

IN the matter of the Estate of Charles Paterson, deceased.

Whereas an application, under the Indian Succession Act, 1865, for letters of administration to the estate of Charles Paterson, late of Sugrampore, in the district of Bhaugulpore, has been made by his widow Charlotte Paterson of Sooltangunj, through her pleader Joseph DaCosta, and whereas the 17th day of February of the current year (1872) has been fixed for the hearing of this case, notice is hereby given that any person having any interest in the administration of the estate of the said deceased, may, if he desire, appear in this Court on the said 17th day of February 1872, and show cause why the application of the said Charlotte Paterson should not be granted.

Given under my hand and seal of this Court, this 12th day of January in the year of our Lord one thousand eight hundred and seventy-two.

**H. MADOCKS,**  
*Judge.*  
(1072—3)

**Notice.**

COPIES of Act VII of 1871, the Indian Emigration Act, in Urdu and Hindee, can be obtained on application at the Bengal Secretariat at 8 annas per copy.

**STATEMENT of Government Promissory Notes enforced 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 January 1872.**

PARTICULARS.	3½ per cent. Loan of 1863-54	4 PER CENT. LOAN				4½ PER CENT.		5 PER CENT.		DEBENTURES FOR			Total amount.				
		of 1864-25.	of 1868-29.	of 1872-33.	of 1882-36.	Transfer of 1860-67.	Transfer Loan dated 15th July 1870.	Loan dated 4th July 1871.	Transfer Loan of 1872.	P. W. of 1854-65.	Loan of 1858-57.	5 years at 5 per cent.		10 years at 5 per cent.	15 years at 5 per cent.		
Balance of 15th January 1872	53,100	2,347	19,043,347	39,99,800	1,49,17,000	1,21,75,000	1,30,04,500	14,520,33,824.30	5,75,000	2,24,90,000	...	1,37,13,500	4,73,23,300	22,91,000	33,11,000	36,50,000	13,64,22,168
<b>Add</b>																	
amount enforced at Madras between 16th and 31st January 1872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
amount enforced at Bombay between 16th and 31st January 1872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
amount enforced at Calcutta between 16th and 31st January 1872	...	533	...	...	...	...	1,93,000	...	27,400	2,000	24,49,900	...	...	...	...	...	27,51,083
<b>DEDUCT</b>																	
amount written off in the London Registers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Balance on 31st January 1872	53,100	2,880	19,94,347	40,00,300	1,49,42,500	1,21,91,500	1,31,97,500	14,500	33,79,900	8,77,000	2,49,79,900	...	1,37,13,500	4,06,98,000	22,81,000	33,10,000	13,91,73,201
	...	...	10,667	3,000	43,100	8,000	1,53,500	...	1,500	...	1,000	...	27,56,400	2,08,000	...	5,000	81,88,167
	53,100	2,880	19,93,680	39,97,300	1,49,79,400	1,21,73,500	1,30,34,000	14,500	33,78,300	8,77,000	2,48,78,900	...	1,09,57,100	4,04,83,000	22,81,000	33,11,000	13,59,85,034

NOTE.—From 9th June 1867 to 30th Nov. 1871—Enforced from India 1,233 lakhs, re-transferred from London ... 1,048 lakhs.  
 From 1st Dec. 1871 to 15th Dec. " ditto ditto 10 " ditto ditto ... 140 "  
 From 16th " " to 30th " " ditto ditto 45 " ditto ditto ... 70 "  
 From 1st Jan. 1872 to 15th Jan. 1872 ditto ditto 34 " ditto ditto ... 25 "  
 From 16th " " to 31st " " ditto ditto 27 " ditto ditto ... 31 "

1,349  
1,314  
—  
1,814 lakhs.

Balance against India ... 35 lakhs.

**PUBLIC DEBT OFFICE, BANK OF BENGAL, CALCUTTA,**  
*The 3rd February 1872.*

**GEO. DICKSON,**  
*Secretary and Treasurer.*

(1096—1)



**Bank of Bengal.**

NOTICE is hereby given that the Bank of Bengal, General Treasury, and Public Debt Office, will be closed on Tuesday, the 13th, and Wednesday, the 14th instant, on account of the Hindoo festival "Sree Panchomey," in conformity with Government Notification No. 3464 of the 29th October 1867.

By order of the Directors,  
 GEO. DICKSON,  
 CALCUTTA, Secretary & Treasurer.  
 The 6th February 1872. (1099—1.)

**Notice.**

THE Seventh Ordinary General Meeting of the shareholders of the Dehra Doon Tea Company, Limited, will be held at Dehra on the 27th February 1872, at 12 o'clock noon.

By order of the Directors  
 CHARLES S. REID,  
 Secy., Dehra Doon Tea Company, Limited.  
 CALCUTTA,  
 The 17th January 1872. (1069—4)

**Notice**

Is hereby given that the undermentioned Mouzahs or Mehals, situate in Zillah Chuprah, Sarun, will be given in lease by Lewis Price Delves Broughton, Esq., Administrator-General of Bengal, and Administrator to the estate and effects of Munoololl Tewary, deceased, namely: The Mouzahs Bhulwahee, Jainapore, Motteeharee, Roodurwa, Bujwa, Kookraha, Bikree *alias* Gourypore, Sreepore, Guroowah, Bheetcah, Junoonee, Bujrowah, and Doodhurwa, in Tuppa Ramgeer, and Mouzah Beerah in Tuppa Chugowon, Mouzah Pukree Sugholia in Tuppah Jhumowlee, in Perunnah Muchooa Dukhillee.

For terms and particulars apply to Messrs. Gray and Sen, Solicitors, No. 4, Council House Street. (1062—f. n.)

**Notice.**

THE creditors of Mr. G. M. Blacker, of Calcutta, late Merchant, are required, on or before the fifteenth day of February next, to send their names and addresses, and the particulars of their debts or claims, to the Inspectors of his Estate, at No. 38, Strand Road, Calcutta, and if so required by notice in writing from the said Inspectors, to come in and prove their said claims at such time and place as shall be specified in such notice, or in default thereof they will be excluded from the benefit of any distribution made before such debts are proved.

Dated Calcutta, this 11th day of January 1872.  
 Inspectors of the Estate of G. M. Blacker. { J. F. RUTHERFOORD.  
 { JAMES MURDOCH.  
 { THOS. LONGMUIR.  
 (1068—5)

**Assam Company.**

THE Dividend of Rs. 10 per share, declared in London on 8th ultimo, will be payable on Monday, the 12th instant, to shareholders standing on the Indian Register on 30th December last.

SCHOENE, KILBURN & Co.,  
 4, FAIRLIE PLACE, Agents.  
 The 5th February 1872. (1095—1)

TO BE PEREMPTORILY SOLD, pursuant to a decree of the High Court of Judicature at Fort William in Bengal, in its ordinary original civil jurisdiction, made in the suit No. 601 of one thousand eight hundred and seventy, wherein Debnarain Bysack is plaintiff, and Gopaul Chunder Bysack is defendant, and bearing date the nineteenth day of December one thousand eight hundred and seventy, by the Registrar of the said Court, in its ordinary original civil jurisdiction, on the second day of March one thousand eight hundred and seventy-two, at the hour of two o'clock in the afternoon, the following property, that is to say:—

The right, title, and interest of the defendant, of and in all that piece or parcel of tenanted land containing by admeasurement six cottahs more or less, situate, lying, and being at, and numbered 27 formerly, but at present No. 6, Bindabun Bysack's street, in the town of Calcutta, and bounded on the north by the said Bindabun Bysack's street; on the south by the dwelling-house of the late Nilmoney Goor; on the east by the dwelling-house of the late Beerchund Sen; and on the west by the godowns of Argenti Siekari and Company.

The abstract of title will be produced at the sale, but the same may be seen, and all further particulars obtained, on any day before the sale at the office of Messieurs Gillanders and Chunder, the plaintiff's Attorneys, No. 3-2, Esplanade Row.

R. BELCHAMBERS,  
 Registrar.

HIGH COURT, ORIGINAL JURISDICTION,  
 Registrar's Office,  
 Calcutta, the 29th January 1872. (1091-2)

TO BE PEREMPTORILY SOLD, by the Registrar of the High Court of Judicature at Fort William in Bengal, at the Town Hall, on Saturday, the second day of March, at the hour of 2 o'clock in the afternoon, under a decree of the said Court, in its Ordinary Original Civil Jurisdiction, dated the fourteenth day of November one thousand eight hundred and seventy-one, and made in suit No. 363 of one thousand eight hundred and seventy, wherein Atulakrishna Ghose was the plaintiff, and Callyprosunno Dutt was the defendant; the undermentioned property, that is to say:—

All that upper-roomed brick-built messuage, tenement, or dwelling-house, with the piece or parcel of land thereunto belonging, and on part whereof of the same is erected and built, containing by estimation seventeen cottahs and nine chittacks or thereabouts, situate, lying, and being formerly No. 55, and at present numbered 31, in Noyanchand Dutt's Street, Simla, in the town of Calcutta, and butted and bounded as follows:—on the north by the public drain; on the south by the public road called Noyanchand Dutt's Street; on the east by the lane which comes after the late Kristanundo Biswas' rental house; and on the west by the dwelling-house of Bissessur Day and others.

The abstract of title and conditions of sale may be seen, and all further information obtained at the Office of Mr. Thomas Owen, Attorney for the plaintiff, No. 1, Loudon Buildings, Hastings Street.

R. BELCHAMBERS,  
 Registrar.

HIGH COURT, ORDINARY ORIGINAL  
 CIVIL JURISDICTION, REGISTRAR'S OFFICE,  
 Calcutta, the 30th January 1872. (1093—2)

# BENGAL CIVIL FUND.

*At a Half-yearly General Meeting of Subscribers to the Bengal Civil Fund, held at the Town Hall, Calcutta, on Wednesday, the 31st January 1872—*

PRESENT:—E. C. Bayley, Esq.; H. D. Sandeman, Esq.; H. L. Dampier, Esq.; R. B. Chapman, Esq.; J. Geoghegan, Esq.; H. Beverley, Esq.; J. Westland, Esq.; A. Mackenzie, Esq.; F. H. McLaughlin, Esq.; D. M. Barbour, Esq.; and W. M. Souttar, Esq.

H. L. DAMPIER, Esq., in the Chair.

Read the following report submitted by the Managers:—

The Managers submit their proceedings during the past half-year for the consideration and sanction of the Meeting.

Subject to the approval of the Subscribers, they have admitted to the benefits of the Fund under the new Rules the following families:—

Mrs. Hardinge	... £300	The widow and three children (two sons and a daughter) of the late Mr. B. Hardinge, who died in England on the 31st July last.
Three Children	... „ 120	
	£420	
Less one-sixth under Rule 7	... „ 70	The widow of the late Sir Henry Byng Harington (an annuitant of 1865), who died in England on the 7th October last.
	£350	
<i>Note.</i> —A son died 4 days after death of father.		
Lady Harington	... £300	The widow and four daughters of the late Mr. W. T. Taylor (an annuitant of 1859), who died in England on the 23rd October last.
	£300	
Mrs. Taylor	... £300	The widow of the late Mr. A. C. Bidwell (an annuitant of 1856), who died in England on the 10th November last.
Four Children	... „ 400	
	£700	
Mrs. Bidwell	... £300	Mrs. Bernard, an incumbent on the Fund, as being the widow of Mr. Bloek, has under Article (29) XXVIII been re-admitted to full benefits from the date of decease of her second husband. Her's is, however, one of the mutiny pensions, and the Fund is repaid the amount by Government.
	£300	

The votes of subscribers have affirmed the resolutions passed at the General Meeting of the 26th July last, respecting the modifications of Articles XXIII (24), IV (5), and XXX (31). It has also been agreed that the last mentioned rule have retrospective effect given it by the Managers. The grant of a good service pension to Baboo Tinowry Roy has been confirmed. The voting was as follows:—

AMENDMENT OF RULE XXIII.		AMENDMENT OF RULE IV.		AMENDMENT OF RULE XXX.		RETROSPECTIVE EFFECT OF RULE XXX.		A GOOD SERVICE PENSION TO BABOO TINOWRY ROY.	
For	Against	For	Against	For	Against	For	Against	For	Against
117	...	114	6	110	10	97	22	114	1

The widow of the late Mr. Craigie has applied, under the revised Rule Article XXX, for the restoration to pensionary benefits of her son Manson, who was struck off the list of incumbents on attaining his majority in November 1867. The Managers have informed her that they will, subject to the usual confirmation of the General Meeting, re-admit her son to pensionary benefits from the date that the rule came into effect, *viz.*, 8th October last. She has been requested to submit in original the certificates of the Medical Board of the India Office testifying to the inability of her son to earn his living. She will have to submit a similar certificate every five years, as well as an annual certificate from her family physician, testifying to the continuance of her son's incapacity. These checks will, the Managers trust, prevent any abuse of the rule.

Mr. W. E. Money has intimated that his son, Mosley Sapte, who attained his majority on the 25th November, is incapable of earning his livelihood. Mr. Money has at the same time expressed his wish to continue subscriptions for this son, so that in the event of his own decease, his son may be admitted to Fund benefits. The Managers have informed him that he may, under Article IV of the Revised Rules, continue payments, but that satisfactory medical proof of the existence of the incapacity is necessary.

In the Financial Despatch No. 108 of the 30th November 1864, the Secretary of State for India intimated to the Government of Bombay that in the covenants of Natives of India entering the Civil Service, the rules requiring subscription to the Civil Funds of the services would be cancelled. To prevent mistakes in the cases of the Native gentlemen who have recently been appointed to the Civil Service of this Presidency, the Government of India has been asked whether this intention of the Secretary of State has been carried out. No reply has yet been received from Government.

The abolition of the Annuity Fund, to which the greater part of the cost of the joint office establishment of the two Funds had hitherto been borne, has been decided.

ever, in their arrangements had strict regard to economy, as well as to efficiency. The cost of the establishment of the Annuity and Civil Funds together was Rs. 1,274 per mensem. The mean cost of the revised Civil Fund establishment is Rs. 806 per mensem. The Secretary's salary has been reduced and fixed at Rs. 300. This is included in the above sum. As the abolition of the Annuity Fund has only reduced the work of the office about 13 per cent., the Managers are of opinion that they have gone as far in the way of reduction as it is safe to venture.

The accounts of the Fund for the past year, 1870-71, are submitted.

*Abstract of the Accounts of the Bengal Civil Fund for 1870-71.*

UNAPPROPRIATED FUNDS.				Bearing interest at 8 per cent.		Bearing interest at 5 per cent.	
				Rs.		Rs.	
By Balance, 1st April 1870	...	...	...	30,25,032	14 6	9,82,727	14 6
" Interest	...	...	...	2,58,573	11 3	52,602	6 5
" Subscriptions during the year	...	...	...	2,38,664	2 8	1,89,603	14 3
" Composition payments by six Annuitants in India	...	...	...	8,361	7 1	5,196	12 11
" Composition payments by twenty Annuitants in England	...	...	...	17,178	9 7	11,652	6 5
" Contributions by Annuitants in India	...	...	...	17,052	8 2	16,081	6 8
" Contributions paid in England and by Absentees on Furlough	...	...	...	23,831	14 10	8,166	13 10
" Fines from six Subscribers under Rule 6, including 1 for unequal age at marriage	...	...	...	1,089	5 6	726	3 9
" Fines from 3, including 1 for unequal age at marriage paid in England	...	...	...	890	8 5	493	10 11
" Transfer from Appropriated Funds of deductions of one-sixth from pensions under Rule 7	...	...	...	13,681	10 8	9,078	5 4
" Amount granted by Government for the payment of pensions of families of those Subscribers who were killed in the Mutiny	...	...	...	29,177	10 9	19,651	12 7
" Transfer from Annuity Fund	...	...	...	1,080	0 0	720	0 0
" Donation from the Government paid in England	...	...	...	25,000	0 0	...	...
				36,60,214	7 5	12,97,391	11 7
<b>DEDUCT—</b>							
<b>To Transfer to Appropriated Funds—</b>							
" Value of pension of one daughter, and two sons of E. T. Trevor, (Annuitant)	...	...	...	9,386	1 7	7,369	1 11
" Value of pension of Mrs. Patton, widow of J. H. Patton, (Annuitant)	...	...	...	16,317	0 0	13,700	6 5
" Value of pension of Mrs. Franco, widow of G. F. Franco, (Annuitant)	...	...	...	13,411	12 10	10,687	3 2
" Value of pensions of Mrs. Elliott, widow and two sons of W. H. Elliott, (Annuitant)	...	...	...	18,658	8 0	15,249	12 10
" Value of pensions of Mrs. Unwin, widow, four daughters, and two sons of H. Unwin, (Annuitant)	...	...	...	41,751	14 6	31,126	10 11
" Value of pensions of Mrs. Lewis, widow and two daughters of J. Lewis (Annuitant)	...	...	...	21,988	12 10	18,101	9 7
" Value of pensions of Mrs. H. C. B. C. Rabau, two daughters and one son	...	...	...	31,799	10 3	28,734	2 6
" Value of pension of Mr. Lawrence Henry Roberts under Art. 3	...	...	...	6,216	0 0	5,716	0 0
" Interest on the above values	...	...	...	4,199	4 11	2,171	9 11
" Transfer to Appropriated Funds on account of pensions payable by Government	...	...	...	29,177	10 9	19,651	12 7
" Refund of overpaid subscriptions	...	...	...	3,371	8 8	15,562	0 3
" Refund of half composition payments under the Resolution of the General Meeting of 27th July 1870	...	...	...	12,082	0 0	5,553	15 0
" Establishment, &c.	...	...	...	2,861	1 9	1,868	10 3
" Printing charges	...	...	...	496	1 0	328	6 6
				2,12,017	7 1	1,79,821	5 10
Balance, 31st March 1871, Rs.	...	...	...	34,48,197	0 4	11,17,570	5 9
<b>APPROPRIATED FUNDS.</b>							
By Balance, 1st April 1870	...	...	...	31,96,532	0 7	23,07,991	3 6
" Interest	...	...	...	2,10,344	12 10	1,15,558	15 7
" Transfer from Unappropriated Funds, values of pensions granted to the above eight families within the year	...	...	...	1,59,529	12 0	1,34,684	15 4
" Interest thereon	...	...	...	4,199	4 11	2,171	9 11
" Transfer from Unappropriated Funds on account of pensions payable by Government	...	...	...	29,177	10 9	19,651	12 7
				36,30,083	9 1	25,80,058	8 11
<b>DEDUCT—</b>							
<b>To Pensions paid in England under Old Rules</b>							
" Pensions paid in England under New Rules	...	...	...	1,76,681	10 0	...	...
" Pensions paid in India under New Rules	...	...	...	2,99,239	6 10	1,99,492	15 2
" Marriage Donation	...	...	...	15,303	2 10	9,745	12 0
" Transfer to Unappropriated Funds of the deduction of one-sixth from pensions under Rule 7	...	...	...	5,400	0 0	3,600	0 0
				13,681	10 8	9,078	5 4
				5,10,305	14 4	2,21,917	0 6
Balance, 31st March 1871, Rs.	...	...	...	31,19,777	10 9	23,58,141	8 5
<b>TOTAL BALANCE, 31ST MARCH 1871, Rs.</b>	...	...	...	<b>65,67,974</b>	<b>11 1</b>	<b>34,75,711</b>	<b>14 2</b>

INVESTMENT OF THE ABOVE BALANCE.

	Rs.	A.	P.
Invested in Treasury Notes at 8 per cent.	62,61,590	1	7
Uninvested at 8 per cent. (since invested)	3,06,384	9	6
Uninvested at 5 per cent.	34,75,711	14	2
<b>Rs.</b>	<b>1,00,43,686</b>	<b>9</b>	<b>3</b>

COMPARISON OF THE BALANCE.

	Rs.	A.	P.
Balance, 31st March 1870	95,12,284	1	1
Balance, 31st March 1871	1,00,43,686	9	3
<b>INCREASE, Rs.</b>	<b>5,31,402</b>	<b>8</b>	<b>2</b>

Proposed by Mr. Westland, and seconded by Mr. Chapman, that the proceedings of the Managers in admitting to Fund benefits the families of the late Messrs. Hardinge, Taylor, Bidwell, Block, and Sir H. B. Harington, be confirmed.

Carried.

Proposed by Mr. Barbour, and seconded by Mr. Geoghegan, that the proceedings of the Managers in the cases of the invalid sons of Mrs. Craigie and Mr. W. E. Money be confirmed.

Carried.

Proposed by Mr. Geoghegan, and seconded by Mr. Beverley, that the proceedings of the Managers in settling the scale of establishment for the Civil Fund Office be confirmed.

Carried.

Proposed by Mr. Bayley, and seconded by Mr. McLaughlin, that the accounts submitted by the Managers be formally passed.

Carried.

Proposed by Mr. Westland, and seconded by Mr. Souttar, that in future the half-yearly report of the Managers be circulated as far as possible to all subscribers residing in and near Calcutta before the day of each General Meeting.

Carried.

Proposed by Mr. Westland, and seconded by Mr. Barbour, that the following gentlemen be elected Managers for the ensuing year:—Messrs. V. H. Schaleh, H. Bell, W. L. Heeley, H. Beverley, and W. M. Souttar.

Carried.

The attention of the Chairman having been called to the proposition which had been advertised, and which Mr. H. S. Beadon was to bring forward for discussion, *viz.* that Articles 17 and 18 of the rules of the Fund be amended so as to allow Annuityants and other Members of the Fund in England who were at present unable to transmit their votes in time, to do so in future; it was decided that, as Mr. Beadon was not present, and no other gentleman was willing to propose the Resolution in question, the matter must for the present drop.

A vote of thanks was passed to the Chairman.

H. L. DAMPIER,  
Chairman.

BENGAL CIVIL FUND OFFICE, }  
The 31st January 1872.

(1097—1)

Statement of the Affairs of the Bank of Bengal for the Week ending  
30th January 1872.

LIABILITIES.			Rs.	As.	P.	ASSETS.			Rs.	As.	P.
Proprietors' Capital, paid-up	...	...	2,20,00,000	0	0	Government Securities	...	...	94,04,833	4	0
Reserve Fund	...	...	15,41,089	7	0	Loans on Government Securities at Head Office and Branches	...	...	97,54,183	12	10
General Treasury Balance at Head Office, ... Rs. 3,78,59,008	10	7	5,38,90,431	2	3	Accounts of Credit on Government Securities at Head Office and Branches	...	...	1,70,50,045	4	6
General Treasury Balance at Branches, ... Rs. 1,60,37,424	7	8				Mercantile Bills discounted at Head Office and Branches	...	...	1,96,53,003	12	8
Other Deposits at Head Office and Branches	...	...	2,40,00,474	5	10	Dead Stock	...	...	11,88,837	2	5
Bank Post Bills, &c.	...	...	8,00,008	14	6	Stamps	...	...	14,108	10	0
Sundries	...	...	7,20,000	0	10	Balances with other Banks	...	...	4,21,720	5	6
						Sundries	...	...	1,63,909	3	6
									5,70,50,339	7	5
						Cash and Currency Notes at Head Office, ... Rs. 1,85,46,409	2	8	4,54,76,354	7	0
						Cash and Currency Notes at Branches, ... Rs. 2,09,20,045	4	9			
									10,31,26,693	14	5

By order of the Directors,

BANK OF BENGAL,  
Calcutta, 1st February 1872.

J. GORDON,  
Chief Accountant & Deputy Secretary.

GEO. DICKSON,  
Secretary and Treasurer.

(1094—1)

**Notice.**

TO THE SHAREHOLDERS OF WATTS AND COMPANY,  
"LIMITED," IN LIQUIDATION.

A general meeting of the Shareholders of the above Company will be held on the premises No. 1, Wellesley Place, on the 8th of February next, at 4 o'clock P.M., to pass the accounts for the year ending 1871.

A dividend of Rupees twenty-six per share will be paid on presentation of scrip at the Office of undersigned.

ROBERT ALLARDICE,  
*Liquidator, Watts & Co., "Limited."*

8, OLD COURT HOUSE CORNER,  
Calcutta, the 30th January 1872.

(1089—2)

**Arcuttipore Tea Company, "Limited."**

THE adjourned annual general meeting of Shareholders will be held at the registered Office of the Company, No. 7, Church Lane, on Saturday, the 17th February current, at 10 o'clock A.M.

J. MACKILLICAN & Co.,  
*Secretaries & Agents.*

**Notice.**

NOTICE is hereby given that an extraordinary general meeting of Shareholders of the Arcuttipore Tea Company, "Limited," will be held at the registered Office of the said Company, No. 7, Church Lane, Calcutta, on Saturday, the 17th February current, at the hour of ten o'clock A. M., at which general meeting the following special resolution will be proposed, *viz.*:—That after the fourth clause of the Articles of Association the following clauses be inserted: 4A.—The Directors are hereby empowered to increase the capital of the Company from the sum of rupees three hundred thousand to the sum of rupees three hundred and fifty thousand, by the issue of new shares of the value of rupees one hundred each. 4B.—The Directors are hereby further empowered to purchase lands and estates other than those now belonging to the Company, the consideration to be paid for such additional lands and estates not to exceed the sum of rupees fifty thousand.

J. MACKILLICAN & Co.,  
*Secretaries and Agents.*

CALCUTTA,  
The 6th February 1872. (1100—1)

**Notice.**

WE hereby give notice that Mr. William Scott, of the firm of Charles and William Scott and Co., in Calcutta, retired from the business on 31st December 1871; that Mr. Walter Scott has become a Partner in the firm from that day, and that Mr. Arthur James Parker has succeeded Mr. Good (who is returning to England) as Agent and Manager to the said firm.

C. & W. SCOTT & Co.

CALCUTTA,  
The 1st January 1872. (1098—2)

The Indian Financial Almanack for 1872,  
Price 4 annas; postago 1 anna.

Selections from Unpublished Records of Government for the years 1748 to 1767 inclusive. Relating mainly to the social condition of Bengal. With a Map of Calcutta in 1784. By the Rev. J. Long, Member of the Government Record Commission. Price Rs. 5; packing and postago 1 Rupee extra.

Selections from Calcutta Gazettes of the years 1816 to 1823 inclusive, showing the political and social condition of the English in India upwards of fifty years ago. By Hugh David Sandeman, C.S., Accountant-General, Bengal, and Member of the Record Commission. Volume I, 3 Rs., and Volumes II, III, IV, and V, at 5 Rs. each; packing and postago 1 Rupee extra.

The above to be had at the Office of Superintendent of Government Printing, 8, Hastings Street, Calcutta.

*Just Published.*

**Bengal Official Army List.**

*Corrected up to 1st January 1872.*

THE Official Quarterly Army List of H. M.'s Forces in Bengal, to which is added a non-official Supplement, containing the latest corrected Civil List, &c. &c. Price Rs. 5, and 8 annas extra for packing and postage.

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OF THE YEARS

**181 to 1823 inclusive,**

SHOWING THE POLITICAL AND SOCIAL CONDITION  
OF THE ENGLISH IN INDIA UPWARDS OF  
FIFTY YEARS AGO.

BY HUGH DAVID SANDEMAN, C.S.,

*Accountant-General, Bengal, and Member of the Record  
Commission.*

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Rs. 5 each, are still available.

OFFICE OF SUPDT. GOVERNMENT PRINTING,  
8, HASTINGS STREET, CALCUTTA.

*The 30th October 1871.*

**WASTE LAND RULES,**

Being Chap. XXVI. of the Rules of the Board of Revenue

*Price, 4 annas. Packing and postago charges, 2 annas extra.*

Calcutta: Office of Supdt. of Government Printing,  
No. 8, Hastings Street.

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FOR THE YEARS

1748 to 1767 inclusive.

RELATING MAINLY TO THE SOCIAL CONDI-  
TION OF BENGAL.

With a Map of Calcutta in 1784.

BY THE REV. J. LONG,

*Member of the Government Record Commission.*

CALCUTTA:

OFFICE OF SUPDT., GOVERNMENT PRINTING,  
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APPENDIX TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 7, 1872

**ADVERTISEMENT OF SALE.**

NOTICE is hereby given that the undermentioned plots of lands no longer required by the Government, situated in the District of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 4th of March 1872, corresponding with 9th Fagoon 1279 F.S.

2. The purchasers of these plots will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plots will be sold revenue free to the highest bidders above the upset price.

Number in Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.			Upset Price.		
			A.	R.	P.	Rs.	As.	P.
		Pukri, Pergunnah Arrah	3	0	3	45	0	0
		Ditto ...	1	1	37	25	0	0

D. BARBOUR, *Deputy Collector, for Offy. Collector.*

SHAHABAD COLLECTORATE,  
*The 6th December 1871.*







APPENDIX (No. II.) TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 7, 1872.

LAND SALE NOTICES.

NOTICE is hereby given, under Section 6, Act XI. of 1859, and under Section 11, Act II. of 1871, amending Section 7, Act VII. of 1868, that the undermentioned estate, in Zillah Pubna, will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 16th February 1872, corresponding with 5th Falgoun 1278 B.S., for arrears of revenue, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 28th September 1871; the date of sale originally fixed for the 30th December 1871 having been altered, and the sale postponed to 16th February next:—

*Permanently-settled-Estate.*

To be sold for arrears of revenue.—Towjee No. 1172.—Alluvial increments of 15 mouzahs, viz. Mouzah Peerpur, Khordo Chandpur, &c., Pergunnah Islampur; Sudder Jumma Rs. 2,623-4. Mehal will be sold for arrears of Government revenue to Rs. 3,950-4 for the years 1277-78 B.S.

W. V. G. TAYLER, *Collector.*

PUBNA COLLECTORATE,  
The 5th January 1872.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tirhoot will be put up to public and unreserved sale, at the Collector's Office of that District, on Wednesday, the 28th February 1872, corresponding with the 4th Phalgun 1279 Fuslee, for arrears of revenue due on the 12th January 1872:—

No. 1886.—Mudunpore Bisanth, Pergunnah Mahilla; recorded proprietors, Audit Sahai and others; sudder jumma, Rs. 670-1-7.

The share of Audit Sahai only, with sudder jumma of Rs. 23-12, will be sold for recovery of Rs. 5-7 on account of Government revenue.

TIRHOOT COLLECTOR'S OFFICE,  
The 22nd January 1872.

F. M. HALLIDAY, *Collector.*

اس تحریر کے رو سے خاص و عام کو دفعہ ۶ اکت ۱۱ سنہ ۱۸۵۹ ع کے مطابق اطلاع دی جائے گی کہ علاقجات موسومہ دیال موقعہ ضلع ترہٹ بعلت زر باقی وغرہ مطالبہ جنکو قوانین اور اکتوں مستحبہ کے رو سے وصول کرنا جایز ہی اور اس زر باقی اور مطالبہ کو تا تاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ ع تاریخ غایت ادای مالگذا ہی سرکار ادا کرنا واجب تھا بالضرور تاریخ ۲۸ ماہ فبروری سنہ ۱۸۷۲ ع مطابق چہارم ماہ پہاگن سنہ ۱۸۷۹ فصلی روز چہار شنبہ کچھری نلکٹری ضلع ترہٹ میں نیلام ہوگا •

نمبر ۱۸۸۶ توزیع—محال مدنپور بشناتہ پرگنہ مہلا کہ جسکے خانہ مالگذا زمین نام ادت سہای وغرہ کا مندرج ہی اور مبلغ ۶۷۰۰-۱-۷ بعلت باقی مالگذا ری سرکار اوسکے جمع صدر ہی اور اس محال میں بعد منہای حصہ سایلن تقسیم جکا حصہ مطابق دفعہ ۳۳ قانون نوزدہم سنہ ۱۸۱۴ ع کے بقعداد ۶۴۶-۵-۷ زیر بتوارہ ہو چکا ہی باقی موازی ۱۴ گندہ حصہ ادت سہای مالک بقعداد ۲۳-۱۲ صدر جمع بعلت باقی مبلغ ۵-۷ باقی مالگذا ری سرکار کے نیلام ہوگا •

اف: ام: ہلیدی

نلکٹر

المرقوم ۲۲ جنوری سنہ ۱۸۷۲ ع

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tipperah, will be put up to public and unreserved sale, at the Collector's Office of district, on the 27th day of February 1872, for arrears of revenue and other demands, which, by Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue on the 12th day of January 1872:—

**PERMANENTLY-SETTLED ESTATE.**

*To be sold for arrears of revenue.*

No. 773.—Mouzah Kamalla in the 10as. 13gds. 1k. 1kl. share of zemindari Pergunnah Bardaki recorded proprietor, Khwaja Ahsanullah; Government revenue, Rs. 1,649-2; road fund, Rs. 16-8 to be sold for arrears of revenue amounting to Rs. 567-2.

No. 310—3 gds. 3k. out of a 1a. 5gds. share in Mouzah Chapitala, in the 10as 13k. 1kl. share of zemindari Pergunnah Bardakhat; recorded proprietors, Jagat Chandra Chaudh; Sib Chandra Pal; Government revenue, Rs. 1,693-12; road fund, Rs. 17; is to be sold for arrears amounting to Rs. 6-12-9. The recorded proprietor of this 3gds. 3k. share is Sib Chandra Pal, and the Sudder Jumma of it is Rs. 20-0 10.

A.B.—A separate account has been opened by the Collector under Section 10, Act XI. of 1859 for the 1a. 5gds. share within which the 3gds. 3k. fall. The entire estate is under partition, and the above 3gds. 3k. share is now advertised for sale in accordance with the terms of Section 33, Regulation XIX. of 1814.

TIPPERAH COLLECTORATE,  
The 19th January 1872.

F. COWLEY, *Officiating Collector.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Hooghly will be put up to public and unreserved sale, at the Collector's office of the district, on Thursday, the 14th March 1872, corresponding with 2nd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class.—Permanently-settled Estates.*

No. 67.—Goorbaree, Pergunnah Chowmooha; recorded proprietors, Radhakanto Chowdry, Issur Muddon Mohun Jew Thakoor's Sabaet Gopeekristo Bose, Ornopoorna Dabee, Mangobindo Biswas, Kasseenauth Koar, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose; sudder jumma, Rs. 2,695-15.

	Rs.	As.	P.	Rs.	As.	P.
Deduct Mangobindo Biswas' 8 annas share of Mouzah Katgara and Kasseepore, comprised in lot Goorbaree	590	0	5			
Deduct Kasseenath Koar's share of Nij Goorbaree and Hurrirampore's land 1,175 beegahs, the revenue of which is	992	2	9			
					1,582	9 2

and for which a separate account has been opened under Act XI. of 1859.

Balance share of sudder jumma of the undermentioned parties to be sold, Radhakanto Chowdoory of Goorbaree, Pergunnah Chowmooha, Issur Muddon Mohun Jew Thakoor's Sabaet Gopee Kisto Bose of Chandernagore, Pergunnah Boro, Ornopoorno Dabee of Etla, Pergunnah Chowmooha, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose of Katgoorah, Pergunnah Chowmooha, and for which separate account has not been opened, Rs. 1,113-5-10.

To be sold for recovery of Rs. 217-11-9 on account of Government revenue.

HOOGHLY,  
The 25th January 1872.

F. H. PELLEW, *Offg. Collector.*

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871.

*Class I.—Permanently-settled Estates.*

To be sold for arrears of Government revenue:—

No. 39.—Taraf Ali Rohollah; proprietor, Tripoora Churn Rai; sudder-jumma, Rs. 994-0-6.

To be sold for arrears of Government revenue:—

No. 51.—Taraf Alear Khan; proprietors, Shahama Ali, Akbar Ali Khan, Akbar Ali Khan, and Asad Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the share of Asad Ali Khan, bearing a jumma of Rs. 468-7-5, and the revenue of that share having been paid, the share of Shahamat Ali, Akbar Ali Khan, and Akbar Ali Khan, will be sold; sudderjumma, Rs. 1,006-0-9.

To be sold for arrears of Government revenue:—

No. 1024.—Taraf Gobindo Anandi; proprietors, Sotronarain, Durponarain, Jan Bebi, Mohamaya, Mahomed Ashrof, Ramjoy, Bam Chunder Dutt, Ishan Chunder, Goluck Chunder, Doorga Churn Chowdry, Gour Chunder Mozumdar, Neel Comul Gupta, Goluck Chunder Chowdry, Pitamber Chunder Doss, Ramkumar Doss, Kali Doss, Puddolochun, Trilochun Dey, and Doolameah. A separate

under Section 13, Act XI of 1859, having been opened for the shares of Ishan Chunder Roy, Goluck Chunder Chowdry, Doorga Churn Chowdry, Gour Chunder Sen, Neel Comul, Ram Coomar Doss, Goluck Chunder Doss, Srimoti Mohamaya, Pitamber Chunder Doss, Kali Sheik Doolameah Chowdry, Puddolochun Chowdry, and Trilochun Chowdry, bearing a jumma of Rs. 58-14-7, and the revenue of their shares having been paid, the shares of Sotronarain, Durpo-in, Jan Nabi, Mahomed Ashof, Ramjoy, and Ram Chunder Dutt, will be sold; sudder jumma, Rs. 1,061-13-1.

To be sold for arrears of Government revenue:—

No. 1238.—Turaff Enos Jop; proprietors, Aloka, Adhoo Khan, Abool Hossein, Anwar Khan, Boro Mohan, Surforaj, Shofur Ali, Aos Khan, Alaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Samed, Mahomed Asad, Magun, Nowagish, Warrish Khan, Yarrim Buksh, Alokah, Aasin Khan, Amir Ali, and Ayar Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Warrish Khan, Mahomed Samed, Anwar Khan, Shorforaj Khan, Ausin Khan, and Ayar Ali Khan, bearing a jumma of Rs. 581-13-10, and the revenue of their shares having been paid, the shares of Aloka, Adhoo Khan, Abool Hossein, Brejo Mohan, Shofur Ali, Aos Khan, Allaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Asad, Magun, Nowagish, Korim Buksh, Aloka, and Amir Ali, will be sold; sudder jumma, Rs. 2,272-7-6.

To be sold for arrears of Government revenue:—

No. 1281.—Taraf Joynarain Kerani; proprietor, Mahomed Rofee Showdagar; sudder jumma, Rs. 563-4-6.

To be sold for arrears of Government revenue:—

No. 2203.—Taraf Nosim Chowdhari; proprietors, Jan Ali, Mohesh Chunder Sen, Nittyundo Sen, Wahed Ali, Jugguth Chunder Sen, Prankristno Sen, Nittyundo Sen, Wahed Ali, Jan Ali, Juggath Chunder Sen, and Ramjan Ali; sudder jumma, Rs. 659-7-6.

To be sold for arrears of Government revenue:—

No. 2411.—Kismut Probabath, formerly Taraf Brojo Kishore; proprietors, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Bonnijan Bebi, Boistab Churn, Futteh Ali, Gour Hari Biswas, Hari Doss, Hashmat Ali, Kalikinker, Kisto Churn, Khalon, Modun Mohan, Mahomed Danis Chupprassi, Noor Bebi, Warrish, Rohoman Syad, Huri Churn, Ram Doss, Ram Doss, Ram Doss, Shorfonessa, Surruth Chunder, Surruth Chunder Rai Kanongoe, Shorindri, Munshi Tilock Chunder Biswas, Boidonath Bachoshpoti, Tilock Chunder Dutt, Ram Doss Bhuttachargea, Nobo Chunder Bhuttachargea, Srimoti Montaj Banoo, Sheik Mahomed Boshirullah, Amir Ali, Boidonath Bachoshpoti, Koilas Chunder Dutt, Mouli Barkatoollah, Najir Ahamed, Noor Ahamed, Wazooddeen, Tarak Chunder Dutt, Oma Churn Dutt, Tarakinker Dutt, and Moonshi Tilock Chunder Biswas. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Surrut Chunder Roy Kanongoe, Srimoti Shorindri, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Hashmat Ali, Babutmalik his mother Shorfonessa, Boidonath Bachoshpoti, Huri Churn Pal, Kristno Churn Pal, Hurri Dass Pal, Tilock Chunder Dutt, Gooroo Doss Dutt, Ram Doss, Nobo Chunder, Koilas Chunder, Mohesh Chunder, Prosono Chunder, Boidonath Bachoshpoti, Montaj Banoo, Mouli Barkatoollah, his minor nephew Najir Ahamed, and Wajuddin, bearing a jumma of Rs. 443-7-8, and the revenue of their shares having been paid, the shares of all other proprietors will be sold; sudder jumma, Rs. 667-11-10.

To be sold for arrears of Government revenue:—

No. 2542.—Teraf Rajah Ambiah; proprietor, Akbar Ali Chowdhuri, sudder jumma, Rs. 608-12.

To be sold for arrears of Government revenue:—

No. 2562.—Taraf Rambhodro Kanongoe; proprietors, Bonijun Bebee, Bhoirub Churn, Chand, Churn, Chundi Churn Nundi, Sadak Ali Moonsee, Doorga Churn Doss, Grish Churn Doss, Nqsuroolah Munshi, Tofer Ali, Kali Churn Doss, Nittyundo, Pitamber, Raj Chunder, Ram Doss, Ram Mohun Sen, Ram Soonder Sen, Ramsoonder, Kalikinker, Tarini Sunker Kanongoe, Tripora Churn, Annoda Churn Sen, Chundi Churn Nundi, Chundi Churn Nundi, Chundi Churn Dhur, Pran Huree Lallah, Boistab Churn Podar, Ram Ruttun Surmah, Gopal Kristno Surmah, Golam Hossein, Chundi Churn Dhur, Ramshebeck Burnik, Abdoola Nillamdar, Ishan Chunder Kanongoe, Ram Ruttun Surmah, Gopal Kristno Surmah, Degambar Sen, Ojer Ali *alias* Potan, Huri Doss Dey, Aradhun, Srimoti Bishashori, Oma Churn, Kantapersaud Hazari, Sheik Mahomed Wasil Chowdri, Gooroo Doss Rai, Ram Chunder Chowdhari, Debi Churn Dey *alias* Deboo Mohajan, Omed Ali, Ram Doss Shikdari Raj Chunder Chowdhari, Nittyundo Sen, Nobo Chunder, Surrut Chunder Sen, Choitanio Churn Sen, Doya Mohun Sen, Hurrinath Porohit, Ramkinker Porohit, Ramkishore Sein, Jowala Bharoti Mohunto, Gobind Chunder Rai Kanongoe, Tara Kinker Dutt, Ramkishore Sen, Aukhil Chunder Sen, Ram Buksh Hazari, Sheik Golam Hossein, Gorib Hossein Chowdhri, Mahomed Wali, Jaker Ali, Chundrohadi Thakurani, and Boidonath Bachoshpoti. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ram Soonder Sen, Bahat Malik, his brother Ram Mohun Sen, Doorga Churn Doss, his brother Grish Chunder Doss, Sadak Ali Moonshi, Nittyundo Sen, Ram Soonder, Kalikinker, Kanta Persad Hazari, Babut Malik, Sustu Churn Chowdhari, Chundi Churn Nundi, Ramruttun Surmah, Gopal Kristno Surmah, Jowal Bharoti Mohunto, Babatshare Arjoon Bharoti Mohunto, Pitamber Kanongoe, Gooroo Doss Rai, Malik Pitamber Kanongoe, Govind Chunder Kanongoe, Golam Hossein Chowdhari, Ishan Chunder Kanongoe, Huri Doss, Aradhun, Ramshebeck Burnik, Digambar Sen, Omed Ali, Nittyundo Sen, Surruth Chunder Sen, bearing a jumma of Rs. 516-15-2, and the revenue of their shares having been paid, and the shares of Pitamber Kanongoe Malik, Tara Kinker Dutt, having been already sold on 22nd December 1871, bearing jumma of Rs. 6-11-11, the shares of all other proprietors will be sold; sudder jumma, Rs. 918-15-7.

To be sold for arrears of Government revenue :—

No. 2933.—Taraf Shasiram Kanongoe; proprietors Afzal- Aitan, Abootalif, Brindabun Sein, Bishumber, Rejoanuddin, Bhikan Chunder, Bholanath, Chotronarain, Digamber Chunder, Doorga Churn, Doorga Mohun, Gogun Chunder, Gonesh Chunder, Gopeenath, Golam Basid, Golam Moksad, Golam Ali, Gopal Dass, Gopal Dass Sein, Gopinath, Golam Ali, Gouri Kanto, Gour Soonder, Jug Mohun, Jugguth Chunder, Jugguthnath Sein, Jan Ali, Jooromoni, Kristo Chunder Kanongoe, Kristo Chunder Kanongoe, Kristo Mohun Gooho, Koolo Chunder, Lukhi Chunder Rai, Mahomed Ashrof Jemadar, Magan Dass Sen, Magan Chunder, Nittyannundo Kanongoe, Nittyannundo Kanongoe, Nittyannundo, Neelkanto Poorohit, Neelkanto, Nittyannundo Kanongoe, Nittyannundo Kanongoe, Nemy Churn Rai, Nittyannundo, Neamutoollah, Warrish, Oopendro Chunder, Prosono Singh, Prosono Coomari, Poorno Chunder Sen, Peary Mohun, Rohimonissa, Russick Chunder, Ramdoolal, Ramdoyal Dey, Ramkanto, Ramdoyal, Ramjoy Potdar, Ramlochun Sen, Rehanuddin, Renooka, Surruth Chunder, Shaha Mahomed, Shahabuddin, Shamsouder, Tiloke Chunder, Tofan Ali, Lall Mahomed Hazi, Golam Ali Nazir, Shoobrati *alias* Shoorjomoni Surdar, Srimoti Beshashori, Mahomed Rohimullah Mohesh Chunder, Mahomed Kamil Chowdhari, Isaf Ali, Nejamut Ali, Mahomed Ali, Monohur Khan, Ujir Ali, Uma Charan Ghose, Doorga Churn Sein, Jugguth Chunder Sein, Modun Mohun, Ramdoolal, Ramanundo, Doorga Churn, Chundi Churn Surmah, Sheik Asanoollah Chowdhari, and Shoodharam Surkar. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Gopal Dass Sein and Degumber Kanongoe and others, bearing a jumma of Rs. 642-1-6, and the revenue of their shares having been paid, the shares of Srimoti Oloka, Ramdoyal Sen, Sreemoti Brojobashi, Juggut Chunder Sen, Shoodaram Surkar Nilamdar babut Frankristno, Peary Mohun, Doorga Mohun, Gour Chunder, will be sold; sudder jumma, Rs. 826-14-3.

To be sold for arrears of revenue:—

No. 3113.—Taraf Sheermustkhan Chowdhari; proprietors, Akbar Ali Khan, Dewan Bebi, Jenat Ali Khan, Mokhool Ali, Milkiat Fuzl Ahamed minor, and Ramsoonder. A separate account having been opened for the share of Fuzl Ahamed minor, and the sudder jumma of that share, Rs. 165-10, and the shares of all other proprietors, will be sold; sudder jumma, Rs. 527-6-6.

To be sold for arrears of revenue :—

Mehal Lakheraj resumed, Mouzah Borghope, Thannah Satkania.

No. 13407.—Taluk Gouri Sunker, Boidonath Kanongoe; proprietors, Grish Chunder Rai and Lolita Thakurani; sudder jumma, Rs. 701-4-3.

J. WHITMORE, *For Offg. Collector.*

NOTICE is hereby given, under Section 2, Act VII. (B.C.) of 1868, and Section 6, Act XI. of 1859, that the undermentioned estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871 :—

*Mehal Noabad.*

To be sold for arrears of Government revenue, Mouzah Chota Sonooah, Thannah Satkania.

No. 303.—Talook Chota Sonooah, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 1,072-0-1.

To be sold for arrears of Government revenue, Mouzah Borghona, Thannah Satkania.

No. 314.—Talook Gouri Sunker, Boidyonath Kanongo, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 639-0-3.

To be sold for arrears of Government revenue, Mouzah Naporah, Thannah Satkania.

No. 541.—Talook Srimoti Bishashori and Nobo Chunder Rai; Proprietors, Sreemoti Bishashori and Nobo Chunder Rai; Sudder Jumma, Rs. 633-11-9.

To be sold for arrears of Government revenue, Mouzah Bakolea, Kismut Chur Shabek Bakolea; Thannah Towa.

No. 559.—Talook Ahamed Ali, Mahomed Esaf, Korban Ali, Ajgar Ali, Srimoti Noor Bebi; Proprietors, said Ahamed Ali, Mahomed Esaf, Korban Ali, Ajgar Ali, and Srimoti Noor Bebi; Sudder Jumma, Rs. 686-4.

J. WHITMORE, *For Officiating Collector.*

NOTICE is hereby given, under Section VI, Act XI. of 1859, that the undermentioned Estate in the district of Furreedpore will be put up to public and unreserved sale, at the Collector's Office of that district, on the 4th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

No. 2793.—Taluk Amanullah, in Pergunnah Jalalpur; recorded proprietors, Amanullah and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs 1,515-4-8½. This mehal will be sold for recovery of Rs. 32-13-0½ on account of arrears of Government revenue.

A. J. FRASER, *Deputy Collector in charge.*

FURREEDPORE COLLECTORATE,  
The 27th January 1872.

NOTICE is hereby given, under Section VI, Act XI of 1859, that the undermentioned Estates in the district of Patna will be put up to public and unreserved sale, at the Collector's Office of that district, on the 12th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class II.—Temporarily-settled Estates.*

No. 1016.—Mehal Dearah More-us-dabed, More-Munoruth, and More-Goburdhun, Pergunnah Gyaspore; recorded proprietors, Mussamat Arfay Begum *oorf* Husseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Allabee Begum, Ali Ahmed Khan, Mussamat Oomrao Begum, Walee Ahmed Khan, Anaetoollah Khan *oorf* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mohamed Ibrahim Hossein Khan, Mujeedoon Nissa Begum, Ubnasee Suhooy *oorf* Rughonath Pershad Sing, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishur Pershad Sing, minor son of Baboo Kandh Pershad Sing, deceased, Bishoon Pershad Sing, Ram Loll Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoor Pershad Sing, Hurpershad Sing, Gobinddharee Sing, Aluckhoharee Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopalnarain Sing, Nursing Narain Sing, Kooldeeparain Sing, Deonarain Sing, Mussamat Soonder Kour, Tookun Sing, Bhojoo Sing, Laulbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *oorf* Ramjee, Mussamat Khoosihal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Gujoo Sing, and Khirbun Sing; Sudder Jumma Rs. 4,211-2-0, of which Rs. 1,098-12-6 to be deducted on account of the jumma of the share of Ubnasee Suhooy *oorf* Rughonath Pershad Sing, Gobinddharee Sing, Ulukdharee Sing, Tookun Sing, Bhojoo Sing, and Mohamed Ibrahim Hossein Khan, with whom separate accounts have been opened, as per Section 10, Act XI of 1859.

The Sudder Jumma advertized for sale is Rs. 3,117-5-6, on account of the share of Mussamat Arfay Begum *oorf* Husseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Alahee Begum, Ali Ahmed Khan, Mussamat Oomrao Begum, Waleeahmud Khan, Anaetoollah Khan *oorf* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mujeedoon Nissa Begum, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishurpershad Sing, minor son of Baboo Kandhpershad Sing, deceased, Bishoonpershad Sing, Ramlall Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoopershad Sing, Hurpershad Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopal Narain Sing, Nursing Narain Sing, Kooldeeparain Sing, Deonarain Sing, Mussamat Soonder Kour, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *oorf* Ramjee, Mussamat Koosheehal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Goojoo Sing, and Khirbun Sing, non-applicants, which will be sold for arrears of Government revenue.

C. F. WORSLEY,  
Deputy Collector, for Collector on tour.

PATNA COLLECTORATE, BANKIPORE,  
The 31st January 1872.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Jessore will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 15th March 1872, corresponding with 3rd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class I.—Permanently-settled Estate.*

No. 19.—Mouzah Borumarrah Pergunnah Essuppore, Talook Joy Chunder, Radha Churn Chunder Kant Ghose, Issur Chunder Roy, and Jogut Chunder Chowdhury; Sudder Jumma, Rs. 998-3-10; to be sold for recovery of Rs. 98-14-9 on account of Government revenue.

No. 261.—Tara Sagerneah, Pergunnah Mahomedshye, Talook Raznaryun, Premnaryun Parry, Lukhimony, Drabomoi, Second Drabomoi, and Joytara Debya; Sudder Jumma, Rs. 1,596-8-9; to be sold for recovery of Rs. 37-2 on account of Government revenue.

No. 4575.—Pergunnah Bhatlah, Talook Rajah Buroda Kant Roy, Bahadoor; Sudder Jumma, Rs. 5,087-1-7-3; to be sold for recovery of Rs. 38-14-1 on account of Government revenue.

JESSORE COLLECTORATE,  
The 2nd February 1872.

J. MONRO, *Offg. Collector.*





# SUPPLEMENT TO The Calcutta Gazette.

WEDNESDAY, FEBRUARY 7, 1872.

## OFFICIAL PAPERS.

*Non-Subscribers to the GAZETTE may receive the SUPPLEMENT, separately, on payment of Six Rupees per annum if delivered in Calcutta, or twelve Rupees if sent by Post.*

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## Proceedings of the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations.

The Council met in the Council Chamber on Saturday, the 3rd February 1872.

### Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, *presiding.*

J. GRAHAM, ESQ., *Advocate-General.*

V. H. SCHALCH, ESQ.,

H. L. DAMPIER, ESQ.,

S. C. BAYLEY, ESQ.,

C. E. BERNARD, ESQ.,

MOULVIE ABDOL LUTEEF, KHAN BAHADOOR,

BABOO DIGUMBER MITTER,

B. D. COLVIN, ESQ.,

T. M. ROBINSON, ESQ.,

F. F. WYMAN, ESQ.,

and

RAJAH JOTEENDRO MOHUN TAGORE, BAHADOOR.

### JUTE WAREHOUSES: FIRE-BRIGADE.

ON the motion of MR. BERNARD the Council proceeded with the further consideration of the report of the select committee in order to the settlement of the clauses of the Bill.



Section 11 having been read by the President—

MR. DAMPIER said he had to propose a slight verbal alteration. He thought that in the three penal sections that followed section 10, rather close attention was required to understand the distinction that was drawn between the several cases which they were intended to meet. It appeared to him, however, that what was intended was not clearly expressed. The 11th section imposed a penalty for continuing to use a place for storing jute after the 31st July next, without taking out a license under this Act, that was to say, without changing the old license which was presumably held from the Justices before the passing of this Act. Then section 12 imposed a higher penalty on any one who used a jute warehouse as a jute warehouse, which had never been so used before the 31st of July. It was the wording of this section particularly that had attracted his attention, and which he thought did not express its meaning very clearly. The 13th section imposed a penalty for a still more gross case, where the Justices had been applied to for a license, and had absolutely refused to grant it. If Mr. Dampier might be allowed to take section 12 first, it would explain what he meant. The wording of this section was, "Any person who shall without a license use any jute warehouse, for keeping or depositing jute or cotton, established after the commencement of this Act, shall be liable, on conviction before a Magistrate, &c." But if the Council would refer to the interpretation of the words "jute warehouse," they would find that, as it now stood, there was no sense in the section. The words "jute warehouse" meant "any warehouse, store depôt, yard, godown, or other place used for the storing, keeping, pressing, or depositing of jute or cotton or other substance for the time being subject to the operation of this Act." Now, with that interpretation, the section as it now stood would mean that any person who for the first time used for the storing of jute a place which had been used for that purpose before! This, Mr. Dampier would submit, did not make sense. Any premises to be a jute warehouse within the meaning of the interpretation section, must have been used for the storing of jute. He would therefore suggest that the words from the second line, "any jute warehouse for keeping or depositing jute or cotton established after" be omitted, and that the words "as a jute warehouse any land or premises which have not been so used before" be substituted for them.

HIS HONOR THE PRESIDENT had no objection to the motion being put on the principle of better late than never; still he thought it proper to represent that it was extremely inconvenient that these matters, which were purely matters of drafting, should be brought forward without any notice. He had at the last meeting of the Council impressed upon hon'ble members the necessity of giving notice of the amendments which were to be brought forward in order that they might be carefully considered in reference to their bearing on the whole Bill. He did therefore trust that hon'ble members who had such motions to make would be good enough to give the Council notice, in order that these matters might be properly considered. However, as he had great confidence in the hon'ble member who had proposed this amendment, he had no objection to put it to the Council.

MR. BERNARD thought that the section did not need amendment, as it was sufficiently clear without it.

HIS HONOR THE PRESIDENT thought it more regular to consider the sections consecutively, and that section 11 should be considered first.

The motion was then by leave withdrawn.

Section 11 provided a penalty for using a jute warehouse without a license after the 31st July next.

MR. WYMAN said this section provided a penalty on the occupier of a jute warehouse for using it as such after the 31st July. It might often happen, in the case of short leases, that the owner of the building might positively refuse to make the alterations required under the Act. The tenant, on the other hand, would have no power to do so without the owner's consent; or the owner might say that it was clearly no business of his, and the tenant might thus be saddled with an unprofitable lease for the remainder of his tenure. It appeared to Mr. Wyman that the tenant should be protected either by the law compelling the owner to render

the building fit for a jute warehouse under the Act, or permitting the tenant, on the refusal of the owner to do so, to cancel the lease. This section introduced a most stringent provision regarding which the tenant had no knowledge when he took the premises. Mr. Wyman would therefore move the substitution of the word "owner" for "person" in line 1, and the insertion after the word "use" in line 3 of the words "or permits to be used," the effect of which would be to throw upon the owner of the premises the responsibility of bringing the premises into a fit state for use as a jute warehouse. He did not think that such a provision would be hard, because the premises would be thereby improved, and would always be lettable for the purpose. If the Council accepted this amendment, section 2 would also require amendment.

HIS HONOR THE PRESIDENT said it seemed to him utterly impossible to exempt the occupier altogether from liability under this section. He thought both the owner and occupier might be held responsible for using an unlicensed warehouse. He would suggest that the hon'ble member should confine himself to his second amendment, which would have the effect of making both the owner and occupier liable under the section. But if this amendment were carried, a fresh clause would be necessary to regulate the position of owners and occupiers, and absolving the occupier from loss in case the owner neglected to conform to the conditions of the Act.

MR. DAMPIER said he thought the proposed amendment would open a door to all sorts of difficulties. A proprietor who had let his premises without any stipulation that they were to be used as a jute warehouse or for any other particular purpose, would have no authority to interfere with his tenant unless a specific section were introduced in the law, giving him authority to do so.

MR. ROBINSON said, he thought the insertion of the words proposed would make the law operate harshly upon the landlord, for how was he to prevent the occupier from using the premises as a jute warehouse? He could not go beyond the terms of his lease, and he would have no power whatever over his tenant during the currency of the lease, and could not interfere in any way with the tenant's action.

MR. WYMAN said it would be optional with the owner to effect these improvements, but they would manifestly effect a great improvement in the owner's property; while on the other hand they would be impossible conditions for the tenant to fulfil, and if the owner did not effect the necessary improvements, the tenant's business would be shut up. If the owner did not comply with the provisions of the Act, and render the premises effective against fire, the tenant's lease ought to be cancelled, as the law said that he must not carry on his business except under certain conditions.

MR. BERNARD said that the hon'ble mover of the amendment considered that the provisions of this Bill would operate with hardship on the occupiers of existing jute warehouses, and he proposed to transfer to owners the duty of fulfilling the requirements of the law. But such a provision might press very hardly upon owners. Suppose the premises in which 100 or 200 drums of jute were stored was worth Rs. 500: the owner would probably have to convert the godown into a brick-house, with an iron or masonry roof and iron beams, for the Justices would have power under the Bill to impose on existing warehouses all the conditions which were applicable to new warehouses; and he might have to expend thousands of rupees on such a work, even though the occupier's tenancy might have but two years to run. He considered it would never do to throw on the owners of small warehouses of that kind the obligation of putting them into a fit condition for the storage of jute.

HIS HONOR THE PRESIDENT thought the hon'ble member should bring on this motion as a separate provision after having given due notice thereof.

Mr. Wyman then by leave withdrew his motion, and intimated his intention to adopt the suggestion of the President.

The Section was then agreed to; and so also was section 12.

Section 13 was agreed to.

Section 14 provided a penalty for introducing in a jute warehouse fire or lucifer matches "in a manner which is not authorized by the conditions of the license granted for such place."

Mr. WYMAN moved the omission of the words printed in italics. He thought that that provision overlooked the provision in section 7, which prescribed that no artificial light or lucifer matches should be introduced in a jute warehouse, and that no person should smoke therein; but the section under consideration permitted them to do so in a particular manner. He thought it very undesirable that it should be permitted at all, and it ought to be distinctly understood that no one should be allowed to smoke or introduce lucifer matches in a jute warehouse.

Mr. BERNARD observed that the Council had already provided for the introduction of fire by the clause which related to engines and furnaces, for by the interpretation clause "warehouse" included the land or yard belonging to it; and it would not do to provide by the present section that no fire should be introduced in a jute warehouse.

THE ADVOCATE-GENERAL said there did seem to him to be some objection to the section as it stood. He thought the objection would be met by the omission of the words suggested by the hon'ble member, and the introduction of the words "in contravention of his license" at the beginning of the section, after the word "whoever."

Mr. Wyman's and the Advocate-General's amendments were then agreed to. Section 15 was agreed to.

Section 16 authorized "the Justices" to frame bye-laws for certain purposes.

MR. WYMAN said this section gave the Justices, or as the Act might be interpreted, the Chairman of the Justices, power to frame bye-laws. He thought that it was by an oversight that the power given under this section was not restricted to the Justices *at a meeting*. For the same reasons which he had urged at the last meeting of the Council, he thought it was desirable, in matters concerning public rights and interests, that this power should be conferred on the body of Justices and not on the Chairman. As the section stood, it would be quite possible for the Chairman to frame bye-laws on his own will and responsibility. He would therefore move the insertion of the words "at a special meeting" after the word "Justices."

MR. SCHALCH said section 218 of Act VI of 1863 enacted that it should be lawful for the "Justices" from time to time to make bye-laws, and a subsequent section provided that such bye-laws should not have any force or effect until they were approved by the Lieutenant-Governor. Mr. Schalch did not see why we should make a distinction as regards bye-laws framed under this Bill. He thought the provision in the Bill was sufficient, for although the Chairman was authorized to exercise all the powers of the Justices not directed to be exercised by the Justices *at a meeting*, it was competent to the Justices by resolution to direct that in matters of this kind the Chairman should not exercise their powers. Practically there had been no bye-laws which were not made by the Justices at a meeting.

HIS HONOR the PRESIDENT said that he understood the Council at the last meeting had thought fit to restrict many of the powers conferred by the Bill to the Justices at a special meeting. It did therefore seem inconsistent, if we required the Justices at a meeting to lay down a scale of fees, to allow the most important power of framing bye-laws to be exercised otherwise than at a meeting.

MR. WYMAN said he could not admit the force of the argument that because the previous enactment did not provide that the power of making bye-laws should be exercised only by the Justices at a meeting, we should not make a distinction in that respect in this Bill. He thought that such a distinction should be made as regards the important power of framing bye-laws. The Council had affirmed the principle of restricting certain other powers under this Bill to the Justices at a meeting, and he submitted that there was every reason that the same amendment should be made in this section in accordance with that principle.

The question being put, the Council divided :—

AYES—6.

Mr. Wyman.  
Moulvy Abdool Luteef.  
Mr. Bernard.  
„ Dampier.  
The Advocate-General.  
The President.

NOES—6.

Mr. Colvin.  
Baboo Digumber Mitter.  
Rajah Joteendro Mohun Tagore.  
Mr. Robinson.  
„ Schalch.  
„ Bayley.

The numbers being equal, the President gave his casting vote with the ayes.

The motion was therefore carried.

MR. WYMAN then moved that paragraph (1), which was as follows, be left out : “ giving of gratuities to persons who have given notice of fires.” He was aware that that clause was in the English Act, when it was at one time considered desirable to give gratuities to persons who might afford early intimation of the occurrence of fires, but he understood that that provision was now felt to be unnecessary. He believed that the provision was introduced for affording assistance to insurance companies, who were largely interested in the prevention of fires. There was therefore very good reason for the introduction of such a provision in England ; but a like state of things did not apply to Calcutta. The fire-brigade here would be under the superintendence of the municipality, who had no personal interest. He would direct the attention of the Council to a case which occurred not many weeks ago in which a man was convicted of having set fire to buildings with the view of obtaining a reward for giving early intimation of the occurrence of the fire, and it was ascertained that the man had earned a large income in this way. It was quite possible therefore, if a gratuity was given for early intimation of fires, that low classes of men, such as coolies and the like, would set fire to houses with the view of obtaining a reward. Some years ago, when the city was filled with thatched villages, it was almost a constant occurrence for fires to take place, and it was believed that the *gharamees* set the houses on fire in order to be employed in rebuilding them. The omission of this provision would avoid the inducement to evil disposed persons ; and as Mr. Wyman could not see any necessity for giving gratuities, and the provision might have some such undesirable result as that which he had referred to, he would wish to avoid the possibility of its having any such result. Any rightly disposed person would give notice of the occurrence of a fire without expecting a reward, and the omission of any provision of the kind would have the effect of making the police feel that it was incumbent upon them to keep a constant watch over the town, and that they would themselves be held responsible for giving early intimation of fires.

MR. SCHALCH pointed out that the next amendment, of which the hon'ble member had himself given notice, would admit of rewards being given for early notice of the occurrence of fires. It was besides in the power of the Commissioner of Police to give rewards when he thought it proper to do so. Mr. Schalch thought it very desirable that when a man gave early notice of the occurrence of a fire he ought to get some reward.

MR. WYMAN said that with regard to the amendment which he proposed to move in paragraph (2), he might observe that that paragraph gave power to confer rewards in exceptional cases. His objection was to the giving of gratuities for simply giving notice of fires.

The Council then divided :—

AYES 4.

Mr. Wyman.  
Baboo Digumber Mitter.  
Mr. Bernard.  
„ Dampier.

NOES 8.

Rajah Joteendro Mohun Tagore.  
Mr. Colvin.  
„ Robinson.  
Moulvy Abdool Luteef.  
Mr. Bayley.  
„ Schalch.  
The Advocate-General.  
The President.

The motion was therefore negatived.

MR. WYMAN said the object of his amendment in paragraph (2) was twofold. This clause appeared to him to provide for the awarding of gratuities in

exceptional cases—a power to give gratuities not simply to those giving timely notice of fires, but to other persons deserving of reward. He would illustrate his meaning by an occurrence which had taken place not long ago in England, when it happened that a fireman lost his life, and another person, who was not an officer of the fire-brigade, was seriously injured; he acted in a most courageous manner, and the result was that he died from the effects of the injuries he had received: the papers were full of his courage and bravery in risking his life when he himself was not a member of the fire-brigade. The fireman's widow and children were provided for; but for the family of the other man, who lost his life under these distressing circumstances, no provision of the kind was made, and his widow and children were left to be provided for by public subscription. The result was that a small amount was subscribed amongst the class to whom the man belonged (the poorer class), but a quite insufficient amount, showing the necessity of some legal provision for such cases. There was no question of the relative bravery of the two men—the man not in the brigade was said to have exceeded the fireman in courage and bravery; yet the provision for one man's family was secure, whilst the other was left to public charity. It might happen that a similar case might occur in Calcutta, and if it did, this provision of the Bill would not allow of any assistance being given in such a desirable case.

The amendment was then agreed to, and the section as amended was passed.

Section 17 prescribed the powers of the fire-brigade in cases of fire.

MR. WYMAN moved the addition to the section of the following words:—

“The Chief Officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have, for the time being, the like powers as the Chief Officer himself possesses under this section.”

He said he did not know whether the practical effect of the amendment would make much difference, but he believed that literally it would make a great difference. Under the section as it stood, the only person who could exercise the powers conferred on the brigade was the Chief Officer on the spot. Mr. Wyman would leave the learned Advocate-General to say whether he (Mr. Wyman) was correct in saying that nobody but the Chief Officer on the spot could exercise those provisions. If Mr. Wyman was right in his construction, then he thought that the Chief Officer should have authority to delegate his powers to some other officer of the brigade whom he might direct to act at a distance. A fire might extend over a distance of half a mile; the Chief Officer would probably be at the centre, but there might be urgent necessity to put down the fire at a place half a mile off, and Mr. Wyman thought that under such circumstances the Chief Officer ought to have power to delegate his authority to another officer of the brigade. It might frequently happen that in cases of large fires, unless this power was given, the conflagration would extend with frightful rapidity. Unless the learned Advocate-General was of opinion that such a power could be exercised under the section as it stood, Mr. Wyman thought the words which he proposed should be added to the section.

THE ADVOCATE-GENERAL said that the section did certainly seem to limit the exercise of the powers conferred under it to the Chief or other officer on the spot; but whether it was desirable to give those powers to other officers deputed by the Chief Officer was a question for the consideration of the Council. As the section stood, the only person who could give orders was the Chief or other officer on the spot.

MR. ROBINSON said, he thought the amendment unnecessary, as the words of the section were very general, and gave power to the Chief Officer by himself *or his men* to break into or through, or pull down any premises, &c.

MR. WYMAN said, he presumed that the Chief Officer would not know what was occurring at one end of the fire, and things that were necessary to be done and which he would do if he were aware of the circumstances, would perhaps remain undone, as a junior officer would probably not like to take the responsibility of acting on his own authority.

MOULVY ABDOOL LUTCEF said, he considered that the powers already proposed to be given to the chief officer regarding the pulling down of houses were very serious, and he therefore thought that it was not further desirable to allow the chief officer to delegate such powers to a person who held a position inferior to his own.

The amendment was then carried after the following division, and the section as amended was agreed to:—

AYES—7.

Rajah Joteendro Mohun Tag  
Mr. Wyman.  
„ Schalch.  
„ Bayley.  
„ Dampier.  
The Advocate-General.  
The President.

NOES—5.

Mr. Colvin.  
Baboo Dignunbor Mitter.  
Mr. Robinson.  
Moulvy Abdool Lutcef.  
Mr. Bernard.

Section 18 related to inquiries into the origin of fires.

MR. WYMAN said the process provided by this section appeared to him to be very circumlocutory. It required, first, that the Chief Officer should ascertain the facts, then that he should make a report to the Justices, then that he should summon witnesses, and if he were not able to procure their attendance, then he was to apply to the Magistrate for assistance to enable him to do so. It seemed to him that instead of all this roundabout way of going to work, the proper officer to conduct the inquiry was the Coroner, who had the power of doing all these things which it was proposed should be done by the Chief Officer; and by his knowledge and experience the Coroner was probably a fitter officer for the conduct of such inquiries than the Chief Officer, who after all would have to go to the Magistrate for assistance in procuring the attendance of witnesses. Mr. Wyman thought therefore that the employment of the Coroner for the investigation of such inquiries would be an advantage to the public, especially as he would have the assistance of a jury. Mr. Wyman would therefore move that all the words after the words “report thereon to tho” in line 6 be omitted, and that the words “Coroner, who shall at his discretion hold an inquest into the cause of such fire,” be substituted for them.

MR. BERNARD said he thought that the Chief Officer of the Fire-brigade was the proper person to conduct the investigation into such inquiries. If the duty were made over to the Coroner, who was also a Magistrate, the Council would have to consider whether the enquiry should be made with the aid of a jury, or how. Such inquiries were not in the nature of judicial investigations; they were merely to be undertaken with the object of making a report to the Justices. He thought that these investigations would be better, more quickly, and more satisfactorily conducted if they were left to the Chief Officer of the Fire-brigade.

HIS HONOR THE PRESIDENT said, he had not had time to give so much attention to all the amendments on the paper as he would have wished, but he thought it very desirable that these inquiries should be made by a responsible public officer; his apprehension was that the inquiry should be of a judicial character, and should be made by a judicial officer, and he thought the magistrate might make the inquiry.

THE ADVOCATE-GENERAL said in England there was an obsolete jurisdiction in the Coroner in such cases, but he believed it had been very seldom exercised. The functions, powers, and duties of Coroners in England were defined by the Act of 33 Geo. III, c. 137; but the operation of that statute in India had been repealed by the Coroner's Act of 1871, and he had now no such jurisdiction here: that he had it previously, was even doubtful. By the Coroner's Act of 1871 his functions and duties were defined, and these inquests into the origin of fires was no part of his duty; he had simply to hold inquests upon deaths. The Advocate-General thought, moreover, that there was no good ground for investing the Coroner with these powers now; but it seemed to him very desirable to have an inquiry before a Magistrate, who was a responsible judicial officer. By requiring the Coroner to hold these investigations, his duties would be greatly increased, and his salary would have to be increased proportionately.

MR. BAYLEY said, there appeared to him to be another difficulty in the way of appointing the Coroner to make these inquiries. The Coroner and his jury would only have jurisdiction in Calcutta; the Chief Officer of the Fire-brigade, on the other hand, would exercise jurisdiction in the suburbs as well as in Calcutta. If an inquiry was to be held in the suburbs, it must be held either by the magistrate or the Chief Officer of the Fire-brigade.

After some further conversation, Mr. Wyman's motion was put and negatived.

On the motion of the PRESIDENT the words "magistrate of police of the town or division of the town in which such fire shall have occurred, and the said magistrate shall have power to summon witnesses and take evidence in order to the due ascertainment of such facts," were substituted for the words proposed to be omitted; and the section as amended was agreed to.

Section 20 empowered the "Commissioner of Police" to grant licenses for the sale or manufacture of fire-works.

MR. WYMAN moved the substitution of the word "Justices" for "Commissioner of Police." He said, his object in proposing this amendment was because he thought it was the duty of the police to control the letting-off of fire-works in the town, and not to grant licenses for their sale or manufacture. He proposed that this power should be exercised by the Justices, and not by the Justices "at a meeting," because it was not necessary for the Justices at a meeting to grant these licenses. It might be urged that the Commissioner of Police and the Chairman of the Justices were one and the same person; but that might not always be the case, and he therefore thought the amendment he proposed should be made.

HIS HONOR the PRESIDENT said, that it appeared to him that these were executive functions, which ought properly to be exercised by the Commissioner of Police, whether the Commissioner of Police and the Chairman of the Justices were one officer or not; and the section was designedly drawn with that view.

The motion was then negatived, and the section passed as it stood.

Sections 21 and 22 were agreed to.

Section 23 gave the Commissioner of Police power to withdraw licenses granted by him under the Act.

MR. WYMAN moved the substitution of the words "Justices of the Peace at a special meeting" for the words "Commissioner of Police." He said, he proposed this amendment on the ground that the Commissioner of Police should not have the power to suspend any license. He thought that even if the power of granting a license was vested in the Commissioner of Police, the power of withdrawing it should be vested in the Justices at a meeting. The Council had affirmed the principle that the granting of these licenses should be in the hands of the Commissioner of Police, and it might be urged that there was no reason why the power to withdraw them should not be vested in the same officer. But Mr. Wyman thought that there was a great difference between the power to grant a license and the power to withdraw it. He thought that when a license was once granted, the power to withdraw it should be vested in a competent body, and not in the person who granted it. The arbitrary exercise of such a power might result in serious injustice to an individual, and therefore he thought we could not surround the power of withdrawal with too many safeguards.

MR. BAYLEY said, that he could not conceive any worse body to try these petty cases than the Justices in special meeting. He would always have those cases exercised by an executive officer of high standing, like the Commissioner of Police. He thought that in the early parts of the Bill the Council had gone a great deal too far in insisting on the Justices at a meeting deciding all these points of executive detail.

THE ADVOCATE-GENERAL said that he thought the withdrawal of a license of this kind was entirely an executive matter; the granting of these licenses was entrusted to the Commissioner of Police, and therefore the power of withdrawing them ought to be entrusted to the same authority.

The motion was then negatived, and the section was passed as it stood.

Sections 24 and 25 were agreed to.



Section 26 provided that Insurance Companies should contribute, towards the expenses of the Fire-brigade, a sum at the rate of half a rupee for every "thousand" rupees of the gross amount insured by it in respect of property insured from fire.

MR. BERNARD explained that the rate paid in London was £35 for every million sterling of property insured. As the premia paid in Calcutta was at a somewhat higher rate than the premia paid in London, it was considered that a fair rate to be paid here by Insurance Companies would be £50 in every million sterling, which would come exactly to half a rupee in every "ten thousand" rupees. MR. BERNARD would therefore move the insertion of the word "ten" before the word "thousand."

The motion was agreed to, and the section as amended was passed.

Sections 27, 28, and 29 were agreed to.

Section 30 empowered the Lieutenant-Governor, on the recommendation of the "Justices," to declare the warehousing of any other substance to be subject to the provisions of this Act.

On the motion of MR. WYMAN, the words "passed by resolution" were inserted after the word "Justices," so as to make the recommendation of the Justices an act of the Justices *in meeting*.

On the motion of MR. COLVIN, the following section was introduced after section 30 and the latter part of the first paragraph of section 15 requiring the Justices to make an annual report of the manner in which the provisions of Parts III and IV of the Act had been carried out, was omitted :

"The Justices and Municipal Commissioners respectively shall make a report to the Lieutenant-Governor as soon as conveniently may be after the 31st July next, showing how the provisions of this Act have been carried out, and specifying the jute warehouses in respect of which licenses have been granted: and such report shall be forthwith published in the *Calcutta Gazette*. And thereafter the Justices and Municipal Commissioners shall make a like report once a year at such time as the Lieutenant-Governor shall direct."

Section 31 related to the power of arrest.

MR. WYMAN said, this section provided for the arrest of a person whose name and address were unknown. But he thought provision should also be made for the arrest of a person whose name and address were known, but who the arresting officer might have reason to believe was about to place himself beyond the jurisdiction of the Magistrate. It appeared to him very undesirable that dishonest persons who committed serious offences should be allowed an opportunity of placing themselves beyond the jurisdiction, and thus escape punishment for their offences.

THE ADVOCATE-GENERAL said, surely the law upon this point was strong enough as it was. If the address of a person who had committed an offence was unknown, he would be taken into custody; but if it was known, why not allow the law to take its course in respect to offences under this Act as in all other cases? On the other hand, by the amendment proposed, you would leave it to the police officer to say that it was probable that the offender would abscond. In nine cases out of ten the police officer would say that the offender's appearance on process was improbable. The Advocate-General did not see any reason why an exception should be made as to offences committed under this Act.

The motion was then negatived.

MR. WYMAN also moved the addition to the section of the words "provided that the arresting officer shall be a sworn constable."

After some conversation this amendment was also negatived, and the section was passed as it stood.

Sections 32 and 33 were agreed to.

MR. WYMAN moved the introduction of the following new section after section 33:—

"It shall be lawful for the Lieutenant-Governor of Bengal to appoint a court, or courts in which Justices of the Peace for Calcutta may sit and determine in a summary manner cases under the several Municipal Acts referred to in this Act and under this Act itself which may be determined by a Justice of the Peace."

He said it appeared to him that a section of this kind was necessitated by the form in which the interpretation of the word "Magistrate" now stood in



the Bill. By section 2 "Magistrate" included a justice of the peace for Calcutta, and any person exercising all or any of the powers of a magistrate. By Act IV of 1866, section 22, the Lieutenant-Governor had power to define the number and extent of police districts, and establish a police court in and for each of such districts. It also empowered the Lieutenant-Governor to appoint a sufficient number of fit persons as magistrates of police for the town, who might sit and act as magistrates in any of the said police courts. But if the present Bill was passed without some such provision as that which he had suggested, the justices who had power to act as magistrates under this Bill would not be compelled to sit in any court at all: they might sit in their own houses, and exercise their powers under this Act. But, apart from what was the case as regards former Acts, the Council had to consider whether the justices would have authority to sit in a court authorized by the Government. If Mr. Wyman was correct in his interpretation of the law, he would press the amendment of which he had given notice.

HIS HONOR THE PRESIDENT observed that the amendment proposed would affect the whole jurisdiction of the justices of the peace, and its operation would not be confined to cases tried by them under this Bill.

MR. SCHALCH said, when justices of the peace were first appointed under Act VI of 1863, it was supposed that a justice could in the course of his morning walk exercise his jurisdiction and summarily convict any person whom he might find committing an offence. Mr. Schalch was not quite sure whether a regular reference was made on the subject, but he believed that it came to be understood that a justice of the peace could not do so unless he was acting judicially, and that he could not act judicially unless he was sitting in a regularly constituted court. He believed that the justices who had exercised judicial powers always sat in the police court.

MR. WYMAN said that he had not supposed for a moment that the general interpretation would be other than what had been stated, that a Justice of the Peace was only a Justice when he was sitting judicially in the police court. It seemed to be supposed that because that had been the general interpretation, the matter should be left to be decided by the good sense that had hitherto prevailed; but it seemed to him that that was not the way in which a law should be framed: on that principle he thought a great many laws might be done away with. As he could not accede to such a doctrine, he thought that some such amendment as that which he had proposed was necessary.

HIS HONOR THE PRESIDENT said that it seemed very clear to him that the hon'ble member's object was to amend the law on the subject of the jurisdiction of Justices of the Peace in all matters. His Honor thought that that was not a matter that was specially connected with this Bill, and that if the hon'ble member wished to raise the question, he should do so by the introduction of a distinct and separate measure.

The motion was then by leave withdrawn; but Mr. Wyman stated that he considered the matter of such importance that he should avail himself hereafter of His Honor the President's permission to introduce a Bill to amend the existing law.

Section 34 and the postponed section 2 were then agreed to.

The postponed section 3 was passed after verbal amendments.

The postponed section 1 and the preamble and title were agreed to.

On the motion of MOULVY ABDOL LUTEEF the words "or the Municipal Commissioners at a meeting respectively" were inserted after the word "Commissioners" in line 9 of section 10, by which section the Municipal Commissioners of the Suburbs and of Howrah were invested with the same powers as the Justices under the Act.

HIS HONOR the PRESIDENT said that as the Council had now gone through all the clauses of the Bill, he thought it was desirable that the Bill should be reprinted, and that the Council should have another opportunity of considering the Bill as a whole.

The Council was then adjourned to Saturday, the 10th instant.

**Baronee Fair.**

No. 17, dated Dacca, the 24th January 1872.

From—F. B. SIMSON, Esq., Commissioner of the Dacca Division,

To—The Secretary to the Government of Bengal, General Department.

I HAVE the honor to submit herewith, in original, a letter, No 140, dated 16th instant, from the magistrate of Dacca, with its enclosure, being a report on the Moonsheegunge Baronee fair, held about the close of 1871, from the Deputy Magistrate of Moonsheegunge.

2. Great sickness was predicted, and though it prevailed generally in the district, and several cases of cholera existed in Dacca, the fair seems to have been healthier than even in towns and villages. This is of course owing to conservancy rules, which have been strictly carried out for three years. From what I see of their efficacy, I think that bad villages should be placed under conservancy rules, by legal enactment, one or two at a time; possibly before long, like the Baronee fair, instead of being remarkable for intense sickness they might become as noted for freedom from disease.

No. 140, dated Dacca, the 16th January 1872.

From—D. R. LYALL, Esq., Officiating Magistrate of Dacca.

To—The Commissioner of Dacca.

I BEG to forward herewith copy of a report received from the deputy magistrate of Moonsheegunge regarding the Baronee fair of this year.

2. I anticipated a very considerable amount of sickness this year, as cholera was prevalent to a considerable extent here in the town, and to a smaller extent at Naraingunge before the fair began. For this reason chiefly I thought it better to send the joint-magistrate to the fair at the commencement of the real concourse of the people (those before the beginning of December being chiefly bathers, who resided but a day or two), in order to secure more perfect conservancy arrangements than the deputy magistrate could manage with his time divided between his own work and the fair. I visited the fair some days after Mr. Rampini took charge, and found everything in perfect order, and I have to thank Mr. Rampini for the trouble he took in the matter.

3. The result has been most satisfactory, as there has not been a single death from sickness (a constable died of over drinking, but that had nothing to do with the fair).

4. The length of street remarked on in the deputy magistrate's paragraph 3 was, I consider, a great gain in a sanitary point of view, as the people were more scattered, and the street being in a single line both front and back could be properly looked after. It is when the backs of two lines of street are together that it is difficult to ensure cleanliness.

5. The point alluded to in the 12th paragraph of the deputy magistrate's letter is one which I consider is impossible, as things are at present, to carry out, and I therefore issued no instruction.

6. Baboo Krishen Chunder Rai has exercised proper supervision over the fair while he was in charge, and has shown considerable energy. He deserves my best thanks.

7. Prag Dutt, sub-inspector, was in charge of the police, and as usual has done good service. In fact, the fair was at one time for some days entirely in his charge, while the deputy magistrate was out on an investigation I directed him to make. He fully understands and carries out the orders given him, and without any unnecessary bother to the people.

8. Paragraph 10 of the deputy magistrate's letter is satisfactory, as showing that the people are beginning to see sanitation rules are not made solely to annoy them, as they appeared to think at first.

9. I am unable to submit the accounts with this report, as they are not yet complete, several medical items being yet not received. They will be submitted in due course.

No. 13, dated Moonsheegunge, the 16th January 1872.

From—BABOO KRISHNA CHANDRA RAI, Deputy Magistrate of Moonsheegunge.

To—the Magistrate of Dacca.

I HAVE the honor to submit the following report on the Kartik Baronee fair held on the chur below Rikabi bazar, close to the head-quarters of the Moonsheegunge sub-division, during the months of November and December 1871 and January 1872.

2. The fair commenced as usual with the bathing festival, which took place on the 26th November, corresponding with 11th Agliran 1278, *i.e.*, on the last day of the moon's age (purnimá or full moon), which was the day on which the Hindu festival "Rash" takes place. The number of bathers was estimated at about 1,300 to 1,400 persons, mostly women from the districts of Backergunge, Tipperah, and Sylhet; the bathers were comparatively very few from Bickrampore and other parts of Dacca. On a reference to the last year's report, I find the number of bathers was about 1,500 in 1870, and about 2,000 in 1869. The small

gathering of bathers this year was probably owing to the collection of boats for the Lushai expedition which took place in October last, and which caused an unfavorable report to be spread out, specially amongst the bathers, who were, as stated above, chiefly Hindu women.

3. Three or four days before the 24th November a few wood merchants came in and made their small huts on the east of the khâl between Moonshcegunge and the chur below Ricabi bazar and Mukhtarporc; they placed ordinary boat timbers and materials which they brought for sale on both the east and west sides of the khâl. The first arrivals of the shopkeepers were on Saturday, the 23rd November. When you visited the fair site, in company with the civil surgeon, on the 24th November, all the principal shopkeepers were present before you, and the site was selected by you with their consent; but shortly after you left the place, there was a difference between the cloth merchants and the banias, probably caused by the agents of the several shareholders of the chur, who were willing to have the main part of the fair on the sites of their respective employers. In consequence of this difference and a high competition amongst the zemindars of the chur, the site of the fair extended, as you have subsequently seen, in one straight line from Kamala ghât to the mouth of the Moonshcegunge khâl, a distance of about two miles if not more. The shops were built along the north and south sides of the chur, keeping a broad street of about fifty feet in the middle. In all the principal arrangements the fair was exactly as in the two previous years; the only deviation from last year's arrangement was on this point, *i.e.*, it was rather more lengthy this year than it was in 1869 and 1870.

4. From the 24th to the 30th November most of the merchants and shopkeepers came in and built their shops and commenced bringing goods, but the fair was not fully crowded with sellers and purchasers till the middle part of December. The *paikars*, *i.e.*, the principal purchasers, did not come till the end of the second week and beginning of the third week of December. This was owing to the Lushai expedition, which frightened the people of the neighbouring districts lest their boats be sent to Cachar. From the 15th December up to the end of the month the fair was full and business carried on very busily.

5. I was in charge of the fair from the commencement to the 2nd December, and from the 14th December till it closed. The joint-magistrate came here on the 2nd and was in charge till 13th December, when he left the place and went to the sudder station. A large staff of police, as noted in the margin, was deputed by you. The district superintendent visited the fair twice, and on both occasions his stay here was for short intervals. Dr. Wise came once with you on the 24th November, and once on the 30th December; on both occasions, as far as I could learn, he found no reason to complain—at least he expressed no unfavorable opinion in respect of the conservancy arrangements.

6. The police force under sub-inspectors Prag Dutta and Gurn Das Dutta behaved in general well. I heard no complaint against any; only in one instance a shopkeeper complained against one of the constables placed in the outpost on the eastern limit of the fair. I made inquiries personally, and found that the constable was unnecessarily over strict with some shopkeepers, perhaps with no honest intention. I immediately placed him under sub-inspector Prag Dutta and ordered another constable to be sent to the outpost.

7. The printed rules sent with your letter No. 2107, dated 6th November, were strictly adhered to. Their purports were made known to all by beat of drums. Cleanliness was preserved to the utmost possible extent. Nineteen melters were employed in keeping the trenches and generally the fair site clean. With reference to rule 6th, the sweepers were made to work both in the morning and evening. Vernacular copies of the paper A were posted in several conspicuous parts of the fair.

8. During the time the fair was under my charge, there were eight cases of nuisance, in which 37 persons were fined in small sums of one anna, two annas, and four annas; the fines amounted in all to Rs. 6-13. There was also one case of theft. A *pirhan* (shirt) was stolen from a shop. The offender was found with it three days after the occurrence, and on his confession, and on the evidence of two witnesses, who identified the stolen shirt, was sentenced to a whipping.

9. The number of shops was 983; number of boats 2,493; number of people, including visitors, about 70,000 to 75,000; the merchandise sold was about Rs. 19,14,679. A detailed list of the principal articles sold, with their value, is sent herewith. List marked A.

10. It is satisfactory to be able to state that almost all the shopkeepers and zemindars' agents now fully appreciate the benefit which resulted from the strict observance of the conservancy rules. I talked with all the principal shopkeepers and zemindars' gomastas, and they frankly confessed to me that they get a healthy fair now simply because there are strict conservancy rules. They are fully convinced that those rules alone prevented any outbreak of disease.

11. A general belief prevailed amongst many that the fair this year will be very thinly attended to, and that it will last only a few days. This was owing to an apprehension on account of a demand for boats and men for the Lushai expedition. No doubt it had interfered a little with the fair, but not to the extent reported out. I found only that the *paikars* and purchasers came late; but to make up for this, the fair lasted longer than usual. It lasted from the 24th November to the 10th January, *i.e.*, more than one month and a half.

2 sub-inspectors.  
5 head constables.  
48 constables.  
4 guard boats.

12. In one point I was not a strict observer of the rules laid down by Dr. Smith, *i.e.*, his recommendation that no prostitute should be allowed to come to the fair except provided with clean bills of health. My predecessor, Mr. Page, did not observe this last year, nor did I get any special instruction from you this year. The question was one of a delicate nature, and I could not find any practicable suggestion to submit to you beforehand. There were 38 prostitutes in the fair; they came from all the neighbouring village markets and some from Dacca.

13. The arrangement adopted last year for removing the nuisance occasioned by masses of floating weed on the river-bank was also followed this year with great success.

14. The amount of sickness this year was even comparatively less than what has been last year. No cases of fever came to my notice. There were only two admissions into the hospital; one during the time when the joint-magistrate was in charge. It was a case of diarrhoea, and the man remained under treatment for four days. He was cured and discharged on the 9th December. The second was a case of cholera. A woman aged about 35 years was attacked with cholera on the 25th December. She was immediately sent to the hospital. She remained under treatment for eight days and fully recovered, and was then discharged on the 2nd January. She got the sickness 20 days after her arrival into the fair. She came from thannah Hurrirampore. No death took place this year. There were two hospitals built a little way off from each of the eastern and western extremities of the fair. These were placed under the charge of two native doctors sent by the civil surgeon. As one of the native doctors was sick before he came here, the sub-divisional native doctor was kept in the fair from the commencement till the fair broke up.

No money was sent to me, and I disbursed nothing for the fair. I desired Prag Dutta to lay his accounts before you.

The printed papers sent with your letter No. 2107, dated 6th November, are herewith returned.

A.—*List of the articles sold.*

NAMES OF ARTICLES.	Rs.
Shall ornaments ... ..	13,814
Hooka (pipe for smoking) ... ..	8,540
Wood (sunder)... ..	7,360
Wooden chests... ..	2,750
Wooden plates and paus, &c. ... ..	6,850
Mooly bamboos... ..	3,400
Drums ... ..	1,100
Grinding stones ... ..	7,370
Shoes ... ..	16,750
Mats (pati, mandul, &c.) ... ..	14,050
Gold and silver ornaments... ..	58,000
Iron paus, &c. ... ..	2,120
Paper ... ..	2,900
Miscellaneous articles ... ..	1,89,825
Cloth ... ..	9,28,650
Brass, copper, utensils ... ..	1,63,000
Spices (including rocksalt) ... ..	4,20,000
Cinnamon leaves ... ..	38,000
Rice, dāl, oil, and goor, &c. ... ..	25,000
Fish ... ..	2,200
Nets ... ..	3,000
Total ... ..	...19,14,679

N.B.—I have every reason to suspect that the shopkeepers, specially the cloth merchants, did not give the correct amount of their sale proceeds for fear of income tax assessments.

KRISHNA CHUNDRA RAI, *Deputy Magistrate.*

## Rainfall, Weather and State and Prospects of the Crops.

Statement showing Rainfall, Weather and State and Prospects of the Crops in the different Districts of the Lower Provinces of Bengal, as reported to Government during the week ending 3rd February 1872.

No.	District.	Date of return from each district.	Rainfall at Sudder Station, in inches.	Character of the weather in the district, as far as known.	State and prospects of the crops at date.	REMARKS.
		1872.				
1	Bhaugulpore	.. Feb. 3rd	0.3	Very favorable...	All very good. The rain has greatly benefited the crops and the cultivation operations generally.	
2	Monghyr	... .. 3rd	0.2	Rainy and stormy	Good. The crops do not appear to have suffered from the storms.	
3	Purneah	... .. 3rd	*	Rainy and cloudy	A full harvest is expected	* There has been rain, but the quantity not given.
4	Rajmehal	... .. 3rd	Slight	Hot for the season.	Wheat good; mustard fair; it is being gathered; other crops require rain.	
5	Deoghur	... .. 3rd	0	Cloudy	Satisfactory.	
6	Nya Doomka	... .. 3rd	0.3	Cloudy and warm	Urhar only is now on the ground.	
7	Godda	... .. 3rd	† Heavy shower.	Cloudy and warm	The rain has improved gram, linseed, khesary, and sugar-cane.	† No rain gauge.
8	Pakour	... .. 3rd	‡	Cloudy and rainy	Rain is injurious to the winter crops.	‡ Not given owing to the officer's absence at Rajmahal.
9	Jamtarra	... .. 3rd	0.5	Rainy and stormy	Mustard, the only crop on the ground, is poor for want of rain; it is being reaped.	
10	Patna	... .. 3rd	0.5	Partly cloudy and partly clear	Good.	
11	Gya	... .. 3rd	0	Fine	Thriving.	
12	Chumparun.	... .. 3rd	0	Cloudy	Cloudiness and easterly wind have injured the wheat and mustard very much; poppy very uneven.	A westerly wind has set in lately, which will do good.
13	Sarun	... .. 3rd	0	Cloudy	Cloudiness and easterly wind have injured the wheat and mustard very much; poppy very uneven.	
14	Shahabad	... .. 3rd	0.5	Cloudy with easterly wind.	The winter crops promise well; the rain has injured the peas and mustard; for a full crop a steady west wind and a bright sun are required.	
15	Tirhoot	... .. 3rd	0.2	Fair and cold	The rain has done the spring crops good; they are generally flourishing.	
16	Rajshahye	... .. 1st	0	Cloudy and warm	The spring crops daily improving.	
17	Bograh.	... .. 3rd	0.6	Mornings cloudy and misty, and days are bright and clear.	Mustard scanty for want of rain; very little of other cold weather crops grow in the district.	
18	Dinagepore	... .. 3rd	0.6	Mornings cloudy and misty, and days are bright and clear.	Mustard scanty for want of rain; very little of other cold weather crops grow in the district.	
19	Maldah	... .. 3rd	0.4	Getting warmer	Good.	
20	Moorshedabad	... .. 3rd	0.4	Fair	Good.	
21	Pubna	... .. 3rd	0.1	Seasonable, but rather warm.	Good.	... A severe shock of earthquake at 14 A.M. on 31st January 1872.
22	Rungpore	... .. 3rd	0	Fine and warm	Only the tobacco remaining to be cut; it is good.	
23	Burdwan	... .. 3rd	0	Fair and rather warm for the season.	Favorable. Winter crops flourishing.	
24	Bancoorah	... .. 2nd	0.1	Cool and cloudy	The rain has been too slight to be of any use to the crops which are suffering from want of it.	
25	Beerbhcom	... .. 3rd	1.3	Cool and fresh	The rain has improved the winter crops.	
26	Hooghly	... .. 3rd	0	Clear	Winter crops good.	
27	Howrah	... .. 3rd	0	Favorable	Satisfactory.	
28	Midnapore	... .. 2nd	0	Fair	Good.	
29	Nuddea	... .. 3rd	0.1	Cloudy	Not good as usual.	
30	Jessore	... .. 2nd	0	Fair and warm	Good.	
31	24-Pergunnahs	... .. 3rd	0	Fair	Winter crops satisfactory, and spring crops good.	

No.	District.	Date of return from each district.	Rainfall at Sudder Station, in inches.	Character of the weather in the district, as far as known.	State and prospects of the crops at date.	REMARKS.
1872.						
32	Dacca	... Feb. 3rd	0	Fair and dry	... Good.	General health, good.
33	Backergunge	... " 2nd	0	Fair and cold	... Good. Rice nearly all cut.	
34	Furcedpore	... " 3rd	0	Fair and pleasant	Good	
35	Mymensingh.	...				
36	Sylhet	... Jan. 27th	0	Good	... Very good.	
37	Cachar	... " 27th	0.4	Fair and warm	... Very good.	
38	Chittagong	... " 27th	0	Fine and rather warm.	Winter crops fair.	
39	Noakhally or Bulloah	... " 26th	0	Fair	... Good.	
40	Tipperah.	...				
41	Hill Tracts of Chittagong.	... " 27th	0	Foggy	... Good.	
42	Cuttack	... Feb. 3rd	0	Hot	... Good generally.	Exportation of rice to Ganjam continues, though lessened in some places.
43	Balasore	... " 3rd	0	Fair	... Satisfactory.	
44	Pooree	... Jan. 27th	0	Warm for the time of the year.	Good, except in the Chilka tracts of Parikud, &c.; rice all reaped; winter and spring miscellaneous crops poor for want of rain.	
45	Hazareebaugh	... Feb. 3rd	0.6	Cloudy, fair, and warm at times.	Improved by the rain.	
46	Lohardugga	... " 2nd	0.5	Cool	... Spring crops benefited by the rain.	
47	Maunbhoom	... " 3rd	0.3	Fine	... Owing to want of rain there will be a loss of 8 annas in rice, 6 in spring crops, and 10 in mustard and other oil seeds.	
48	Singhloom	... Jan. 26th	0	Dry and cold	... Unfavorable for the pulses.	
49	Durrung	... " 26th	0.5	Cloudy	... Paddy and pulses reaped; sugar-cane and mustard doing well.	
50	Nowgong	... " 26th	2.4	Cold	... Spring crops promising well.	
51	Seeksangor	... " 27th	0.4	Cool, cloudy, damp, and foggy.	Satisfactory. Harvest is over, except of the winter crops.	
52	Kamroop	... " 27th	1.7	Dry	... Rice favorable.	
53	Luckimpore	... " 27th	0.9	Fair	... Satisfactory.	
54	Khasi and Jynteah Hills.	... " 26th	0	Fair	... No crop standing, except a little cotton.	
55	Naga Hills	... " 19th	0	Exceedingly fine	Nagas, Kukics, Kacharies, and Mikirs clearing new jhums for the ensuing year.	
56	Julpigoree	... Feb. 3rd	0	Cloudy and variable.	Not very good	Price of rice increasing.
57	Gowalparah	... Jan. 27th	0.7	Misty and rainy	Winter crops reaped; mustard not good.	
58	Garo Hills	... " 27th	0	Fair	... No crops on the ground.	
59	Darjeeling	... Feb. 2nd	0.2	Good	... Wheat and barley on the hills, and mustard on the plains promising.	
60	Cooch Behar	... Jan. 27th	1.2	Cloudy and cold	Good.	

N. B.—The columns of the districts from which returns have not been received remain blank.

Published for general information.

FORT WILLIAM,  
The 6th February 1872.

R. H. WILSON,  
Offg. Under-Secy. to the Govt. of Bengal.

Weekly Report of Rainfall compiled at the Meteorological Reporter's Office.

DIVISIONS.	Stations.	Rain from 15th to 21st Jan. 1872.	Rain from 22nd to 28th Jan. 1872.	RAIN FROM 1ST JANUARY 1872.		REMARKS.	
				Inches.	Up to date.		
CUTTACK.	Cuttack { Telegraph Office ...	Nil	Nil	Nil	28th Jan. 1872.		
	False Point { Jail ...	ditto	ditto	ditto	ditto		
	Jajipore ...	ditto	ditto	ditto	21st Jan. 1872.		
	Kendraparah ...	ditto	ditto	ditto	ditto		
	Jugutsingapore ...	ditto	ditto	ditto	ditto		
	Sumbulpore ...	Not received	ditto	ditto	7th Jan. 1872.		
	Batasore ...	ditto	Nil	ditto	28th Jan. 1872.	Not received 15th to 21st Jan.	
	Bhuddruck ...	Nil	ditto	ditto	ditto		
CHOTA NAGPORE.	Pooree ...	ditto	ditto	ditto	ditto	Not received 8th to 14th Jan.	
	Khoordah ...	Not received	Not received	ditto	7th Jan. 1872.		
	Hazareebaugh { Jail ...	0.24	Nil	0.24	28th Jan. 1872.		
	Dispensary ...	0.12	ditto	0.12	ditto		
	Burhee ...	0.10	Not received	0.10	21st Jan. 1872.		
	Puchumba ...	Nil	Nil	Nil	28th Jan. 1872.		
	Ranchee ...	ditto	ditto	ditto	ditto		
	Palamow ...	0.55	ditto	0.55	ditto		
PATNA.	Purulia ...	Nil	ditto	Nil	ditto		
	Gobindpore ...	ditto	ditto	ditto	ditto		
	Chyebassa ...	ditto	ditto	ditto	ditto		
	Patna (Bankipore) ..	0.10	Not received	0.70	21st Jan. 1872.		
	Dinapore { Jail ...	0.25	1.58	2.46	28th Jan. 1872.		
	Cantonment ...	0.25	1.70	2.55	ditto		
	Behar ...	0.15	0.69	1.00	ditto	Not received 8th to 14th Jan.	
	Barh ...	Nil	1.18	1.08	ditto		
	Gya ...	Not received	Not received	0.14	14th Jan. 1872.		
	Sherghotty ...	0.10	Nil	0.10	28th Jan. 1872.		
	Nowadah ...	Nil	ditto	Nil	ditto		
	Arungabad ...	1.03	1.03	2.14	ditto		
	Chumparun ...	Not received	Not received	Nil	14th Jan. 1872.	Not received 1st to 7th Jan.	
	Betiah ...	0.70	ditto	0.70	21st Jan. 1872.		
	Chuprah ...	Nil	1.50	2.30	28th Jan. 1872.		
	Sewan ...	0.22	0.43	1.10	ditto	Not received 8th to 14th Jan.	
	Mozufferpore ...	0.40	1.40	2.10	ditto		
	Durlhangah ...	0.03	0.04	0.06	ditto		
	Sootanaroo ...	0.10	0.35	0.95	ditto		
	Tajpore ...	Nil	1.20	3.40	ditto		
	Mudhubani ...	0.20	2.00	2.42	ditto		
	Hujipore ...	0.12	1.59	2.07	ditto		
	Arrah ...	0.23	1.45	2.22	ditto		
	Buxar ...	0.15	1.15	2.58	ditto		
	Sasseram ...	0.11	0.45	0.64	ditto		
	Hbubhoob ...	0.20	1.15	1.40	ditto		
	Benarus ...	Nil	1.55	1.55	ditto		
	Bhaugulpore ...	0.10	0.11	0.21	ditto		
Mudheypoorah ...	Nil	0.50	0.50	ditto			
Banka ...	ditto	0.26	0.62	ditto			
Soopool ...	ditto	0.99	0.99	ditto			
Monghyr ...	0.20	1.05	1.27	ditto			
BHAUGPUR.	Jamooee ...	Nil	Not received	Nil	21st Jan. 1872.		
	Begoorai ...	Not received	ditto	ditto	7th Jan. 1872.		
	Deoghur ...	Nil	ditto	0.03	21st Jan. 1872.		
	Jamtara ...	ditto	Nil	Nil	28th Jan. 1872.		
	Rajmahal ...	ditto	ditto	ditto	ditto		
	Pakour ...	Not received	Not received	ditto	14th Jan. 1872.		
	Nya-Doomka ...	Nil	Nil	ditto	28th Jan. 1872.		
	Purneah ...	ditto	1.20	1.20	ditto		
	Kishengunge ...	ditto	Not received	Nil	21st Jan. 1872.		
	Arrarrah ...	Not received	ditto	...	...		
	RAJSHAHEE.	Rampore Beaulah... ..	Nil	Nil	Nil	28th Jan. 1872.	
		Nattore ...	ditto	ditto	ditto	ditto	
		Bograh ...	ditto	Not received	ditto	21st Jan. 1872.	
		Dinapore ...	0.35	0.00	0.95	28th Jan. 1872.	
Muldah ...		Nil	0.04	0.09	ditto		
Berhampore ...		ditto	Nil	0.04	ditto		
Jungipore ...		0.03	ditto	0.09	ditto		
Lalbagh ...		Nil	ditto	0.11	ditto		
Jamooakandi ...		ditto	Not received	Nil	21st Jan. 1872.	Not received 1st to 14th Jan.	
Pubna ...		ditto	Nil	ditto	25th Jan. 1872.		
BURDWAN.	Seragunge ...	ditto	ditto	ditto	ditto		
	Rungpore ...	ditto	ditto	ditto	ditto		
	Bhowanungunge ...	ditto	ditto	ditto	ditto		
	Titaiya ...	ditto	1.28	1.28	ditto		
	Burdwan ...	ditto	Not received	Nil	21st Jan. 1872.		
	Cutwa ...	ditto	ditto	0.12	ditto		
	Culna ...	ditto	ditto	0.02	ditto	Not received 1st to 7th Jan.	
	Bood-Bood ...	ditto	ditto	Nil	ditto		
	Bancoorah ...	ditto	Nil	ditto	23rd Jan. 1872.		
	Raneegunge ...	ditto	ditto	0.15	ditto		
BURDWAN.	Soorer ...	ditto	ditto	0.07	ditto		
	Hooghly ...	ditto	ditto	0.50	ditto		
	Serampore ...	ditto	ditto	0.22	ditto		
	Jehansbad ...	Not received	Not received	...	...		
	Howrah ...	Nil	Nil	Nil	28th Jan. 1872.		
	Midnapore ...	ditto	ditto	ditto	ditto		
	Contai { Dy. Collr.'s Office...}	ditto	ditto	1.35	ditto		
	{ Kze. Engr.'s Office ...}	ditto	ditto	1.00	ditto		
Gurbhatta ...	ditto	ditto	Nil	ditto			
Tanlook ...	Not received	0.13	0.13	ditto	Not received 8th to 21st Jan.		

DIVISION.	Stations.	Rain from 15th to 21st Jan. 1872.	Rain from 22nd to 28th Jan. 1872.	RAIN FROM 1ST JANUARY 1872.		REMARKS.
				Inches.	Up to date.	
PRESIDENCY.	Kishnaghur ...	Inches. Not received	Inches. Not received	0-08	14th Jan. 1872.	Not received 1st to 7th Jan.
	Bongoug ...	ditto	ditto	Nil	ditto.	
	Ranaghat ...	ditto	ditto	ditto	ditto.	
	Meherpore ...	ditto	ditto	ditto	7th Jan. 1872.	
	Choudangah ...	ditto	ditto	ditto	ditto.	
	Kooshtea ...	Nil	Nil	ditto	28th Jan. 1872.	
	Jessore ...	ditto	ditto	0-09	ditto.	
	Khoolnah ...	ditto	ditto	Nil	ditto.	
	Jenidah ...	ditto	Not received	0-20	21st Jan. 1872.	
	Nurail ...	ditto	ditto	0-06	ditto.	
	Magoorah ...	ditto	ditto	Nil	ditto.	
	Bagirhaut ...	ditto	ditto	ditto	ditto.	
	Saugor Island ...	ditto	ditto	0-02	28th Jan. 1872.	
	Calcutta ...	ditto	ditto	0-22	ditto.	
	Alipore { Hospital ...	ditto	ditto	Nil	ditto.	
	{ Jail ...	ditto	ditto	ditto	ditto.	
	Barrackpore ...	ditto	ditto	0-70	ditto.	
	Dum-Dum ...	ditto	ditto	0-10	ditto.	
	Baraset ...	ditto	ditto	0-31	ditto.	
	Satkerah ...	ditto	ditto	0-16	ditto.	
Buseerhaut ...	ditto	ditto	Nil	ditto.		
Diamond Harbour ...	ditto	ditto	ditto	ditto.		
Barripore ...	ditto	ditto	ditto	ditto.		
DACC.	Dacca { Telegraph Office ...	Not received	Not received	0-51	14th Jan. 1872.	Not received 15th to 21st Jan.
	{ Jail ...	Nil	Nil	0-05	28th Jan. 1872.	
	Burrisaul ...	ditto	ditto	0-37	ditto.	
	Bowlat Khan ...	ditto	Not received	Nil	21st Jan. 1872.	
	Perozepore ...	ditto	Nil	0-37	28th Jan. 1872.	
	Madaripore ...	ditto	ditto	0-70	ditto.	
	Furreedpore ...	ditto	ditto	Nil	ditto.	
	Goalundo ...	Not received	ditto	ditto	ditto.	
	Mymensing ...	Nil	Not received	ditto	21st Jan. 1872.	
	Jannalpure ...	ditto	ditto	ditto	ditto.	
Atteah ...	ditto	ditto	ditto	ditto.		
Kishoregunge ...	ditto	ditto	ditto	ditto.		
Sylhet ...	ditto	ditto	ditto	ditto.		
Cachar ...	ditto	ditto	0-25	ditto.		
Hylakandy ...	ditto	ditto	0-39	ditto.		
Koyah ...	ditto	ditto	0-47	ditto.		
CHITTAGONG.	Chittagong { Telegraph Office ...	ditto	Nil	0-40	28th Jan. 1872.	Not received 8th to 21st Jan.
	{ Jail ...	ditto	ditto	0-14	ditto.	
	Cox's Bazar ...	ditto	Not received	0-10	21st Jan. 1872.	
	Rangamatee Hill ...	ditto	Nil	0-59	28th Jan. 1872.	
	Noakhally ...	ditto	ditto	0-59	ditto.	
Tipperah ...	ditto	ditto	0-26	ditto.		
Brahmanbariah ...	Not received	Not received	...	.....		
COOCH BEHAR.	Akyah ...	Nil	Nil	0-10	28th Jan. 1872.	Not received 8th to 21st Jan.
	Cooch Behar ...	Not received	1-20	1-20	ditto.	
	Duxa ...	0-18	0-80	0-08	ditto.	
	Goulparah ...	Nil	Not received	Nil	21st Jan. 1872.	
	Dhoobree ...	ditto	1-00	1-00	28th Jan. 1872.	
	Tura (Garo Hills) ...	ditto	Nil	Nil	ditto.	
	Darjeeling { Telegraph Office ...	Not received	Not received	...	.....	
{ Hospital ...	Nil	0-36	0-36	28th Jan. 1872.		
Rungber ...	Not received	Not received	...	.....		
Julpigooree ...	Nil	0-06	0-06	28th Jan. 1872.		
Boda ...	ditto	2-00	2-00	ditto.		
ASSAM.	Tezporo ...	ditto	Not received	Nil	21st Jan. 1872.	Not received 1st to 7th Jan.
	Nowgong ...	ditto	2-40	2-80	28th Jan. 1872.	
	Mungledyo ...	ditto	Not received	Nil	21st Jan. 1872.	
	Burpetch ...	ditto	ditto	ditto	ditto.	
	Gowhatty ...	ditto	1-70	1-70	28th Jan. 1872.	
	Sechsangur ...	ditto	Not received	0-18	21st Jan. 1872.	
	Jorehaut ...	Not received	ditto	0-10	14th Jan. 1872.	
	Golaghat ...	Nil	ditto	0-08	21st Jan. 1872.	
	Nazecrah ...	0-02	ditto	0-22	ditto.	
	Debrooghur ...	Nil	ditto	0-50	ditto.	
	Suddya ...	Not received	ditto	0-80	14th Jan. 1872.	
	Shillong ...	Nil	ditto	Nil	21st Jan. 1872.	
	Cherrapoonjee ...	Not received	ditto	0-02	14th Jan. 1872.	
Jaowai ...	Nil	ditto	Nil	21st Jan. 1872.		
Samoogoodting ...	ditto	ditto	ditto	ditto.		

HENRY F. BLANFORD,  
*Meteorological Reporter to the Govt. of Bengal.*

CALCUTTA,  
 The 3rd February 1872.



Meteorological Telegraphic Report for the period 28th January to 3rd February 1872.

STATIONS.	Date.	Hour.	Barometre reduced to 32°.	Barometer reduced to sea-level.	THERMOMETER		Humidity Sat. =100	WIND.		Rain.	Clouds.	Weather initials.
					Dry.	Wet.		Direction.	Velocity.			
CALCUTTA.	Jan. 28th	10	30.114	30.153	73.0	65.0	62	ENE	...	...	...	b
		16	30.011	30.029	78.0	69.7	65	S	...	...	...	b
	29th	10	30.161	30.183	72.0	65.7	71	ENE	...	...	CS	...
		16	30.020	30.038	78.0	69.5	63	NE	...	...	...	...
	30th	10	30.138	30.157	71.5	69.5	78	ESE	...	...	C	...
		16	30.000	30.024	79.0	68.4	55	NNW	...	...	...	...
	31st	10	30.119	30.137	75.0	65.6	59	WSW	...	...	...	...
	Feb. 1st	10	29.908	30.016	80.0	68.3	53	WSW	...	...	...	...
		16	30.120	30.139	73.0	71.0	90	WSW	...	...	...	...
	2nd	10	29.978	29.993	80.0	70.5	60	S by W	...	...	...	...
		16	30.086	30.104	76.5	68.0	62	ENE	...	...	CK	...
	3rd	10	29.913	29.981	81.6	70.9	52	W by N	...	...	...	...
	16	30.075	30.093	75.0	67.0	63	E	...	...	...	...	
	18	29.960	29.978	79.7	70.0	58	NW	...	...	CS	...	
SAGOR ISLAND.	Jan. 28th	10	30.123	30.128	74	71	85	W	6.2*	...	N	b, m
		16	30.008	30.012	79	73	73	SSW	7.8*	...	K	h, m
	29th	10	30.141	30.147	74	70	81	NE	4.8*	...	K	h, m
		16	30.025	30.031	82	79	87	WSW	5.2*	...	K	b, m
	30th	10	30.142	30.148	71	71	100	N	3.5*	...	...	f
		16	30.024	30.039	78	73	77	SNW	8.0*	...	K	h, m
	31st	10	30.130	30.136	75	73	90	N	3.8*	...	N	b, m
	Feb. 1st	10	30.007	30.013	70	73	73	SW	8.2*	...	CS	h, m
		16	30.131	30.137	75	72	85	NW	3.1*	...	K	h, m
	2nd	10	30.007	30.013	81	71	70	WSW	8.0*	...	...	h, m
		16	30.003	30.009	75	69	73	ENE	9.0*	...	...	h, m
	3rd	10	29.977	29.983	79	72	69	SW	8.8*	...	...	h, m
	16	30.064	30.070	74	72	81	NW	8.3*	...	K	h, m	
	18	29.957	29.963	80	73	70	S	4.5*	...	K	b	
CHITTAGONG.	Jan. 28th	10	30.028	30.122	75	67	63	NNE	4.5*	...	...	b, m
		16	29.930	30.023	81	67	44	W	5.8*	...	K	b
	29th	10	30.032	30.127	70	63	65	N	4.0*	...	...	b, m
		16	29.955	30.049	70	65	43	W	8.2*	...	C	b, m
	30th	10	29.938	30.031	73	63	58	N	5.1*	...	...	b, m
		16	29.900	29.994	76	64	48	WSW	6.4*	...	...	b, m
	31st	10	30.019	30.114	72	64	62	NNE	5.8*	...	...	b, m
	Feb. 1st	10	29.925	30.018	73	61	40	W	5.7*	...	C	b
		16	30.014	30.108	74	67	67	NNE	5.1*	...	...	b, m
	2nd	10	29.920	30.013	81	67	44	WSW	6.0*	...	...	h, m
		16	29.999	30.092	76	67	60	N	3.0*	...	...	h, m
	3rd	10	29.970	29.963	80	69	51	W	5.5*	...	...	h, m
	16	29.988	30.082	77	69	64	NNW	4.3*	...	...	h, m	
	18	29.990	29.983	80	69	54	W	5.1*	...	...	b, m	
MADRAS.	Jan. 27th	10	30.045	30.075	62	67	42	ENE	6*	...	...	bc
		16	29.923	29.953	81	71	59	ENE	11*	...	...	bc
	28th	10	30.031	30.061	83	73	60	ENE by E	13*	...	...	bc
		16	29.950	29.980	80	71	62	ENE	17*	...	...	bc
	29th	10	30.058	30.088	82	71	53	NE	12*	...	...	bc
		16	29.959	29.989	82	71	55	NNE	13*	...	...	bc
	30th	10	30.076	30.106	80	73	70	NNE	12*	...	...	bc
		16	29.952	29.982	89	74	66	ENE by E	15*	...	...	bc
	31st	10	30.075	30.105	84	73	56	ENE by E	12*	...	...	bc
	Feb. 1st	10	29.980	29.990	81	71	59	ENE	13*	...	...	bc
		16	30.053	30.080	82	73	63	ENE by E	9*	...	...	bc
	2nd	10	29.944	29.974	83	73	69	E by N	12*	...	...	bc
	16	29.927	29.957	83	73	50	ENE	12*	...	...	bc	
CUTTACK.	Jan. 27th	10	30.031	30.114	79	70	61	S	1.7*	...	KS	fair
		16	29.873	29.955	85	69	41	NE	2.1*	...	KS, C	...
	28th	10	30.024	30.107	76	70	72	ENE	1.0*	...	KS	u, cloudy
		16	29.858	29.970	86	70	41	SE	2.7*	...	KS	fair
	29th	10	30.054	30.138	75	70	76	ENE	1.2*	...	C, KS	u, cloudy
		16	29.924	30.010	86	70	41	E	2.0*	...	N, KS	cloudy
	30th	10	30.054	30.137	77	69	64	ENE	1.2*	...	C	fair
		16	29.948	30.039	87	69	80	NNE	2.0*	...	KS	fair
	31st	10	30.071	30.154	78	70	65	SW	1.2*	...	C	fair
	Feb. 1st	10	30.061?	30.178?	80	70	41	E	3.6*	...	KS	fair
		16	29.888	29.970	80	69	38	SSW	1.0*	...	KS	cloudy
	2nd	10	30.024	30.108	73	69	72	ENE	3.2*	...	KS	fair
	16	29.868	29.950	86	68	35	SSE	1.5*	...	KS	fair	
ARXAS.	Jan. 28th	10	30.086	30.108	73	69	65	ENE	1	...	...	b
		16	29.972	29.994	80	73	70	SW	1	...	...	b
	29th	10	30.118	30.138	71	67	80	NE	1	...	CS	h
		16	30.004	30.026	70	66	58	W	1	...	...	h
	30th	10	30.098	30.120	71	68	83	ENE	1	...	...	h
		16	30.044	30.066	78	71	69	WSW	1	...	...	h
	31st	10	30.101	30.123	69	67	80	ENE	1	...	...	h
	Feb. 1st	10	29.992	30.014	80	70	58	SW	1	...	...	h
		16	30.088	30.118	71	68	85	NE	1	...	...	h
	2nd	10	29.979	30.001	81	72	69	NNW	1	...	...	h
		16	30.070	30.092	74	70	81	W	1	...	...	h
	3rd	10	29.942	29.964	79	71	65	NNW	1	...	...	h
	16	30.018	30.070	70	68	80	E	1	...	...	h	
	18	29.932	29.954	69	59	51	SSE	1	...	...	b	

\* Velocity of wind in miles per hour.

Results of the Meteorological Observations taken at the Surveyor-General's Office, Calcutta, from 22nd to 31st January 1872.

Month.	Inches.	THERMOMETER.			Mean dry bulb.	Mean wet bulb.	Baromet. alt.	WIND.	Miles.	GENERAL REMARKS.	
		Highest reading.	Lowest reading.	Max. solar radiation.							
Jan. 22nd	29.098	78.0	61.0	133.0	68.2	62.6	58.1	0.72	W N W	20.3	Clear and cirri. Foggy from midnight to 2 A.M., and 7 to 10 P.M.
23rd	0982	81.0	60.8	135.6	70.3	65.4	61.5	.75	W by S & S by W	20.2	Clear and cirri. Foggy at 7 A.M.
24th	0904	80.7	64.5	136.0	71.4	66.8	63.1	.70	S by W & S S W	21.9	Clear and stratus. Slightly foggy from 3 to 9 A.M.
25th	0900	82.3	62.8	137.3	71.3	67.2	63.0	.70	S S W	22.2	Clear and cumuli. Foggy from 4 to 8 A.M.
26th	30 020	76.8	65.0	136.3	71.2	67.4	64.4	.80	S S W & S by E	23.5	Clear, cirrostrati, and cumuli.
27th	020	78.6	67.4	128.2	72.0	68.4	65.5	.81	S S E & S S W	24.4	Cirrostrati and cumuli. Slightly foggy at 7 and 8 A.M., and 9 P.M.
28th	047	78.3	65.6	134.5	71.7	66.4	62.2		S S W & S	26.1	Cirrostrati and cumuli.
29th	078	79.0	65.0	134.0	71.6	66.5	62.4		E S E & N E	26.7	Chiefly clear. Slightly foggy at 10 P.M.
30th		79.5	64.5	139.0	71.7	66.8	62.0	.75	E S E & N N W	27.2	Clear and cumuli. Slightly foggy from 6 to 8 A.M., and 8 to 10 P.M.
31st	045	80.5	65.2	130.5	72.5	66.3	61.3	.60	W S W	26.1	Clear and cirri. Slightly foggy at 9 P.M.

The mean barometer as likewise the dry and wet bulb thermometer means are derived from the twenty-four hourly observations made during the day.

The dew-point is computed with the Greenwich constants.—The figures in column 10 represent the humidity of the air, the complete saturation of which being taken at unity.—The receiver of the lower rain gauge is 1½ feet, and that of the anemometer 70 feet 10 inches above the level of the ground.—The velocity of wind, as indicated by Robinson's anemometer, is registered from noon to noon.

The extreme variation of temperature during the past ten days	...	21.5
The max. temperature during the past ten days	...	82.3
The max. temperature during the corresponding period of the past year	...	81.5
The mean humidity during the past ten days	...	0.75
The mean humidity during the corresponding period of the past year	...	0.66
Inches.		
The total fall of rain from 22nd to 31st	... { by lower rain gauge	Nil
	... { by anemometer gauge	Nil
Ditto ditto average of eighteen previous years	...	0.28
Ditto between the 1st January and the 31st January	...	0.22
Ditto ditto ditto ditto, average of eighteen previous years	...	0.44

CALCUTTA,  
The 5th February 1872.

MURRAY LALL SEN,  
For Officer in charge of the Observatory.





## Weekly Return of Traffic Receipts on Indian Railways.

## EAST INDIAN RAILWAY—MAIN LINE.

Approximate Return of Traffic for week ended 20th January 1872, on 1,280 miles open.

	COACHING TRAFFIC.				MERCHANDISE AND MINERAL TRAFFIC.				Total traffic receipts.
	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		£ s. d.		
		Rs. As. P.	£ s. d.		Mds. Srs.	Rs. As. P.			
Total traffic for the week ...	95,851	1,39,543 4 9	12,791 9 4	666,694 0	4,31,582 9 3	30,561 14 9	62,353 4 1		
Or per mile of railway ...	168 0 4	108 0 4	9 19 10	...	337 2 9	30 18 2	40 18 0		
For previous 2 weeks of half-year ...	171,278	2,92,594 12 8	26,821 3 10	1,410,938 20	9,50,548 0 3	87,133 11 4	113,954 15 2		
Total for 3 weeks ...	267,129	4,32,138 1 5	39,612 13 2	2,107,632 20	13,82,130 9 6	126,695 6 1	166,307 19 3		
COMPARISON.									
Total for corresponding week of previous year ...	100,378	1,49,074 6 10	13,665 3 1	672,184 0	3,81,801 8 7	34,098 9 6	48,663 12 7		
Per mile of railway corresponding week of previous year ...	...	116 8 2	10 13 7	...	298 6 5	27 7 1	38 0 8		
Total to corresponding date of previous year ...	285,569	4,16,892 12 11	38,215 3 6	1,752,653 30	10,72,661 8 8	96,327 6 2	130,542 9 8		

## EAST INDIAN RAILWAY—JUBBULPORE LINE.

Approximate Return of Traffic for week ended 20th January 1872, on 223 miles open.

	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		£ s. d.
		Rs. As. P.	£ s. d.		Mds. Srs.	Rs. As. P.	
	Total traffic for the week ...	5,075	12,986 13 5	1,190 9 2	85,670 0	23,807 15 3	2,182 7 11
Or per mile of railway ...	...	58 3 10	5 6 9	...	106 12 2	9 15 9	6
For previous 2 weeks of half-year ...	10,166	30,160 11 5	2,761 14 8	140,869 20	45,390 7 3	4,161 12 4	6,926 7 0
Total for 3 weeks ...	15,241	42,147 8 10	3,956 3 10	226,539 20	69,297 6 6	6,344 0 3	10,399 4 1
COMPARISON.							
Total for corresponding week of previous year ...	3,124	14,071 0 0	1,289 16 11	25,421 10	7,343 7 6	673 3 0	1,062 10 11
Per mile of railway corresponding week of previous year ...	...	63 1 7	5 15 8	...	32 14 11	3 0 5	8 16 1
Total to corresponding date of previous year ...	11,698	48,601 9 3	4,455 8 5	92,658 30	24,095 10 10	2,290 10 5	6,655 18 10

## EASTERN BENGAL RAILWAY.

Approximate Return of Traffic for week ended 20th January 1872, on 156½ miles open.

	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		£ s. d.
		Rs. As. P.	£ s. d.		Mds. Srs.	Rs. As. P.	
	Total traffic for the week ...	32,357	19,917 0 6	1,828 9 7	97,195 18 2	18,890 0 11	1,724 5 1
Or per mile of railway ...	207	127 7 1	11 14 8	621 0	120 3 1	11 0 4	22 14 0
For previous 2 weeks of half-year ...	57,655	37,044 14 6	3,395 15 8	161,179 21 4	35,911 9 0	4,291 17 10	6,987 13 6
Total for 3 weeks ...	89,792	56,961 15 0	5,223 5 3	258,375 0	54,721 9 11	6,016 2 11	10,240 8 2
COMPARISON.							
Total for corresponding week of previous year ...	26,507	17,778 4 8	1,629 13 6	112,438 35	24,212 13 10	2,219 10 3	3,819 3 9
Per mile of railway corresponding week of previous year ...	169	112 9 7	10 8 3	718 0	154 11 5	14 3 8	24 11 11
Total to corresponding date of previous year ...	79,367	48,629 5 9	4,457 13 10	305,385 9	65,262 1 2	6,982 7 1	10,440 0 11

## CALCUTTA AND SOUTH-EASTERN STATE RAILWAY.

Approximate Return of Traffic for Week ended 20th January 1872, on 28 miles open.

	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		£ s. d.
		Rs. As. P.	£ s. d.		Mds. Srs.	Rs. As. P.	
	Total traffic for the week ...	13,080½	1,568 10 6	156 17 4	14,263 0	387 6 0	38 14 9
Or per mile of railway ...	467	56 0 5	5 12 1	509 16	13 13 4	1 7 8	6 19 9
For previous 15 weeks of half-year ...	83,844	12,725 6 9	1,272 10 10	176,742 10	5,560 5 9	556 0 7	1,828 11 5
Total for 16 weeks ...	96,915	14,294 1 3	1,429 8 2	191,005 10	5,947 11 0	594 15 4	2,024 3 6
COMPARISON.							
Total for corresponding week of previous year ...	10,792	1,467 3 0	146 14 5	9,829 0	318 15 3	31 17 11	178 12 4
Per mile of railway corresponding week of previous year ...	385	52 6 4	5 4 9	354 0	11 6 3	1 3 0	6 7 6
Total to corresponding date of previous year ...	96,683	15,297 11 6	1,529 15 5	176,398 28	5,769 15 9	676 2 0	2,006 17 5



APPENDIX TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 7, 1872

**ADVERTISEMENT OF SALE.**

NOTICE is hereby given that the undermentioned plots of lands no longer required by the Government, situated in the District of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 4th of March 1872, corresponding with 9th Fagoon 1279 F.S.

2. The purchasers of these plots will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plots will be sold revenue free to the highest bidders above the upset price.

Number in Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.			Upset Price.		
			A.	R.	P.	Rs.	As.	P.
		Pukri, Pergunnah Arrah	3	0	3	45	0	0
		Ditto ...	1	1	37	25	0	0

D. BARBOUR, *Deputy Collector, for Offy. Collector.*

SHAHABAD COLLECTORATE,  
*The 6th December 1871.*





APPENDIX (No. II.) TO

# The Calcutta Gazette.

WEDNESDAY, FEBRUARY 7, 1872.

## LAND SALE NOTICES.

NOTICE is hereby given, under Section 6, Act XI. of 1859, and under Section 11, Act II. of 1871, amending Section 7, Act VII. of 1868, that the undermentioned estate, in Zillah Pubna, will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 16th February 1872, corresponding with 5th Falgoun 1278 B.S., for arrears of revenue, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 28th September 1871; the date of sale originally fixed for the 30th December 1871 having been altered, and the sale postponed to 16th February next:—

*Permanently-settled-Estate.*

To be sold for arrears of revenue.—Towjee No. 1172.—Alluvial increments of 15 mouzahs, viz. Mouzah Peerpur, Khordo Chandpur, &c., Pergunnah Islampur; Sudder Jumma Rs. 2,623-4. Mehal will be sold for arrears of Government revenue to Rs. 3,950-4 for the years 1277-78 B.S.

W. V. G. TAYLER, *Collector.*

PUBNA COLLECTORATE,  
The 5th January 1872.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tirhoot will be put up to public and unreserved sale, at the Collector's Office of that District, on Wednesday, the 28th February 1872, corresponding with the 4th Phalgun 1279 Fuslee, for arrears of revenue due on the 12th January 1872:—

No. 1886.—Mudunpore Bisanth, Pergunnah Mahilla; recorded proprietors, Audit Sahai and others; sudder jumma, Rs. 670-1-7.

The share of Audit Sahai only, with sudder jumma of Rs. 23-12, will be sold for recovery of Rs. 5-7 on account of Government revenue.

TIRHOOT COLLECTOR'S OFFICE,  
The 22nd January 1872.

F. M. HALLIDAY, *Collector.*

اس تحریر کے رو سے خاص و عام کو دفعہ ۶ اکت ۱۱ سنہ ۱۸۵۹ ع کے مطابق اطلاع دی جائے گی کہ علاقہ موسومہ دیال موقعہ ضلع ترہت بعلت زر باقی وغرہ مطالبہ جنکو قوانین اور اکتوں مستبدہ کے رو سے وصول کرنا جایز ہی اور اس زر باقی اور مطالبہ کو تا تاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ ع تاریخ غایت ادای مالگذا ہی سرکار ادا کرنا واجب تھا بالضرور تاریخ ۲۸ ماہ فبروری سنہ ۱۸۷۲ ع مطابق چہارم ماہ پہاگن سنہ ۱۸۷۹ فصلی روز چہار شنبہ کچھری نلکٹری ضلع ترہت میں نیلام ہوگا •

نمبر ۱۸۸۶ توزیع—محال مدنپور بشناتہ پرگنہ مہلا کہ جسکے خانہ مالگذا زمین نام ادت سہای وغرہ کا مندرج ہی اور مبلغ ۶۷۰۰-۱-۷ بعلت باقی مالگذا ری سرکار اوسکے جمع صدر ہی اور اس محال میں بعد منہای حصہ سایلن تقسیم جکا حصہ مطابق دفعہ ۳۳ قانون نوزدہم سنہ ۱۸۱۴ ع کے بقعداد ۷-۵-۶۴۶ زیر بتوارہ ہو چکا ہی باقی موازی ۱۴ گندہ حصہ ادت سہای مالک بقعداد ۱۲-۲۳ صدر جمع بعلت باقی مبلغ ۵-۷ باقی مالگذا ری سرکار کے نیلام ہوگا •

اف: ام: ہلیدی

نلکٹر

المرقوم ۲۲ جنوری سنہ ۱۸۷۲ ع



NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tipperah, will be put up to public and unreserved sale, at the Collector's Office of district, on the 27th day of February 1872, for arrears of revenue and other demands, which, by Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue on the 12th day of January 1872:—

**PERMANENTLY-SETTLED ESTATE.**

*To be sold for arrears of revenue.*

No. 773.—Mouzah Kamalla in the 10as. 13gds. 1k. 1kl. share of zemindari Pergunnah Bardaki recorded proprietor, Khwaja Ahsanullah; Government revenue, Rs. 1,649-2; road fund, Rs. 16-8 to be sold for arrears of revenue amounting to Rs. 567-2.

No. 310—3 gds. 3k. out of a 1a. 5gds. share in Mouzah Chapitala, in the 10as 13k. 1kl. share of zemindari Pergunnah Bardakhat; recorded proprietors, Jagat Chandra Chaudh; Sib Chandra Pal; Government revenue, Rs. 1,693-12; road fund, Rs. 17; is to be sold for arre amounting to Rs. 6-12-9. The recorded proprietor of this 3gds. 3k. share is Sib Chandra Pal, and the Sudder Jumma of it is Rs. 20-0 10.

A.B.—A separate account has been opened by the Collector under Section 10, Act XI. of 1859 for the 1a. 5gds. share within which the 3gds. 3k. fall. The entire estate is under partition, and the above 3gds. 3k. share is now advertized for sale in accordance with the terms of Section 33, Regulation XIX. of 1814.

TIPPERAH COLLECTORATE,  
The 19th January 1872.

F. COWLEY, *Officiating Collector.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Hooghly will be put up to public and unreserved sale, at the Collector's office of the district, on Thursday, the 14th March 1872, corresponding with 2nd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class.—Permanently-settled Estates.*

No. 67.—Goorbaree, Pergunnah Chowmooha; recorded proprietors, Radhakanto Chowdry, Issur Muddon Mohun Jew Thakoor's Sabaet Gopeekristo Bose, Ornopoorna Dabee, Mangobindo Biswas, Kasseenauth Koar, Juggessur Ghose, Issur Chunder Ghose, and Makhoulaul Ghose; sudder jumma, Rs. 2,695-15.

	Rs.	As.	P.	Rs.	As.	P.
Deduct Mangobindo Biswas' 8 annas share of Mouzah Katgara and Kasseepore, comprised in lot Goorbaree	590	0	5			
Deduct Kasseenath Koar's share of Nij Goorbaree and Hurrirampore's land 1,475 beegahs, the revenue of which is	992	2	9			
				1,582	9	2

and for which a separate account has been opened under Act XI. of 1859.

Balance share of sudder jumma of the undermentioned parties to be sold, Radhakanto Chowdoory of Goorbaree, Pergunnah Chowmooha, Issur Muddon Mohun Jew Thakoor's Sabaet Gopee Kisto Bose of Chandernagore, Pergunnah Boro, Ornopoorno Dabee of Etla, Pergunnah Chowmooha, Juggessur Ghose, Issur Chunder Ghose, and Makhoulaul Ghose of Katgoorah, Pergunnah Chowmooha, and for which separate account has not been opened, Rs. 1,113-5-10.

To be sold for recovery of Rs. 217-11-9 on account of Government revenue.

HOOGHLY,  
The 25th January 1872.

F. H. PELLEW, *Offg. Collector.*

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871.

*Class I.—Permanently-settled Estates.*

To be sold for arrears of Government revenue:—

No. 39.—Taraf Ali Rohollah; proprietor, Tripoora Churn Rai; sudder-jumma, Rs. 994-0-6.

To be sold for arrears of Government revenue:—

No. 51.—Taraf Alear Khan; proprietors, Shahama Ali, Akbar Ali Khan, Akbar Ali Khan, and Asad Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the share of Asad Ali Khan, bearing a jumma of Rs. 468-7-5, and the revenue of that share having been paid, the share of Shahamat Ali, Akbar Ali Khan, and Akbar Ali Khan, will be sold; sudder jumma, Rs. 1,606-0-9.

To be sold for arrears of Government revenue:—

No. 1024.—Taraf Gobindo Anandi; proprietors, Sotronarain, Durponarain, Jan Bibi, Mohamaya, Mahomed Ashrof, Ramjoy, Bam Chunder Dutt, Ishan Chunder, Goluck Chunder, Doorga Churn Chowdry, Gour Chunder Mozumdar, Neel Comul Gupta, Goluck Chunder Chowdry, Pitamber Chunder Doss, Ramkumar Doss, Kali Doss, Puddolochun, Trilochun Dey, and Doolameah. A separate

it under Section 13, Act XI of 1859, having been opened for the shares of Ishan Chunder Ary, Goluck Chunder Chowdry, Doorga Churn Chowdry, Gour Chunder Sen, Neel Comul, Ram Coomar Doss, Goluck Chunder Doss, Srimoti Mohamaya, Pitamber Chunder Doss, Kali Sheik Doolameah Chowdry, Puddolochun Chowdry, and Trilochun Chowdry, bearing a jumma of Rs. 53-14-7, and the revenue of their shares having been paid, the shares of Sotronarain, Durpo-in, Jan Babi, Mahomed Ashof, Ramjoy, and Ram Chunder Dutt, will be sold; sudder jumma, 1,061-13-1.

To be sold for arrears of Government revenue:—

No. 1238.—Taraff Enos Jop; proprietors, Aloka, Adhoo Khan, Abool Hossein, Anwar Khan, Abo Mohan, Surforaj, Shofur Ali, Aos Khan, Alaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Samed, Mahomed Asud, Magun, Nowagish, Warrish Khan, Surrin Buksh, Alokah, Aasin Khan, Amir Ali, and Ayar Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Warrish Khan, Mahomed Samed, Anwar Khan, Shorforaj Khan, Aasin Khan, and Ayar Ali Khan, bearing a jumma of Rs. 581-13-10, and the revenue of their shares having been paid, the shares of Aloka, Adhoo Khan, Abool Hossein, Brejo Mohan, Shofur Ali, Aos Khan, Allaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Asud, Magun, Nowagish, Korim Buksh, Aloka, and Amir Ali, will be sold; sudder jumma, Rs. 2,272-7-6.

To be sold for arrears of Government revenue:—

No. 1281.—Taraf Joynarain Kerani; proprietor, Mahomed Rofee Showdagar; sudder jumma, Rs. 563-4-6.

To be sold for arrears of Government revenue:—

No. 2203.—Taraf Nosim Chowdhari; proprietors, Jan Ali, Mohesh Chunder Sen, Nittyundo Sen, Wahed Ali, Jugguth Chunder Sen, Prankristno Sen, Nittyundo Sen, Wahed Ali, Jan Ali, Juggath Chunder Sen, and Ramjan Ali; sudder jumma, Rs. 659-7-6.

To be sold for arrears of Government revenue:—

No. 2411.—Kismut Probabath, formerly Taraf Brojo Kishore; proprietors, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Bonnijan Bebi, Boistab Churn, Futteh Ali, Gour Hari Biswas, Hari Doss, Hashmat Ali, Kalikinker, Kisto Churn, Khalon, Modun Mohan, Mahomed Danis Chupprassi, Noor Bebi, Warrish, Rohoman Syad, Huri Churn, Ram Doss, Ram Doss, Ram Doss, Shorfonessa, Surruth Chunder, Surruth Chunder Rai Kanongoe, Shorindri, Munshi Tilock Chunder Biswas, Boidonath Bachoshpoti, Tilock Chunder Dutt, Ram Doss Bhuttachargea, Nobo Chunder Bhuttachargea, Srimoti Montaj Banoo, Sheik Mahomed Boshirullah, Amir Ali, Boidonath Bachoshpoti, Koilas Chunder Dutt, Moulvi Barkatoollah, Najir Ahamed, Noor Ahamed, Wazooddeen, Tarak Chunder Dutt, Oma Churn Dutt, Tarakinker Dutt, and Moonshi Tilock Chunder Biswas. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Surrut Chunder Roy Kanongoe, Srimoti Shorindri, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Hashmat Ali, Babutmalik his mother Shorfonessa, Boidonath Bachoshpoti, Huri Churn Pal, Kristno Churn Pal, Hurri Dass Pal, Tilock Chunder Dutt, Gooroo Doss Dutt, Ram Doss, Nobo Chunder, Koilas Chunder, Mohesh Chunder, Prosono Chunder, Boidonath Bachoshpoti, Montaj Banoo, Moulvi Borkatoollah, his minor nephew Najir Ahamed, and Wajuddin, bearing a jumma of Rs. 443-7-8, and the revenue of their shares having been paid, the shares of all other proprietors will be sold; sudder jumma, Rs. 667-11-10.

To be sold for arrears of Government revenue:—

No. 2542.—Teraf Rajah Ambiah; proprietor, Akbar Ali Chowdhuri, sudder jumma, Rs. 608-12.

To be sold for arrears of Government revenue:—

No. 2562.—Taraf Rambhodro Kanongoe; proprietors, Bonijun Bebec, Bhoirub Churn, Chand, Churn, Chundi Churn Nundi, Sadak Ali Moonsee, Doorga Churn Doss, Grish Churn Doss, Nquroollah Munshi, Tofer Ali, Kali Churn Doss, Nittyundo, Pitamber, Raj Chunder, Ram Doss, Ram Mohun Sen, Ram Soonder Sen, Ramsoonder, Kalikinker, Tarini Sunker Kanongoe, Tripora Churn, Annoda Churn Sen, Chundi Churn Nundi, Chundi Churn Nundi, Chundi Churn Dhur, Pran Huree Lallah, Boistab Churn Podar, Ram Ruttun Surmah, Gopal Kristno Surmah, Golam Hossein, Chundi Churn Dhur, Ramshebeck Burnik, Abdoola Nillamdar, Ishan Chunder Kanongoe, Ram Ruttun Surmah, Gopal Kristno Surmah, Degambar Sen, Ojer Ali *alias* Potan, Huri Doss Dey, Aradhun, Srimoti Bishashori, Oma Churn, Kantapersaud Hazari, Sheik Mahomed Wasil Chowdri, Gooroo Doss Rai, Ram Chunder Chowdhari, Debi Churn Dey *alias* Deboo Mohajan, Omed Ali, Ram Doss Shikdari Raj Chunder Chowdhari, Nittyundo Sen, Nobo Chunder, Surrut Chunder Sen, Choitanio Churn Sen, Doya Mohun Sen, Hurrinath Porohit, Ramkinker Porohit, Ramkishore Sein, Jowala Bharoti Mohunto, Gobind Chunder Rai Kanongoe, Tara Kinker Dutt, Ramkishore Sen, Aukhil Chunder Sen, Ram Buksh Hazari, Sheik Golam Hossein, Gorib Hossein Chowdhri, Mahomed Wali, Jaker Ali, Chundrohadi Thakurani, and Boidonath Bachoshpoti. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ram Soonder Sen, Bahat Malik, his brother Ram Mohun Sen, Doorga Churn Doss, his brother Grish Chunder Doss, Sadak Ali Moonshi, Nittyundo Sen, Ram Soonder, Kalikinker, Kanta Persad Hazari, Babut Malik, Susti Churn Chowdhari, Chundi Churn Nundi, Ramruttun Surmah, Gopal Kristno Surmah, Jowal Bharoti Mohunto, Babatshare Arjoon Bharoti Mohunto, Pitamber Kanongoe, Gooroo Doss Rai, Malik Pitamber Kanongoe, Govind Chunder Kanongoe, Golam Hossein Chowdhari, Ishan Chunder Kanongoe, Huri Doss, Aradhun, Ramshebeck Burnick, Digambar Sen, Omed Ali, Nittyundo Sen, Surruth Chunder Sen, bearing a jumma of Rs. 516-15-2, and the revenue of their shares having been paid, and the shares of Pitamber Kanongoe Malik, Tara Kinker Dutt, having been already sold on 22nd December 1871, bearing jumma of Rs. 6-11-11, the shares of all other proprietors will be sold; sudder jumma, Rs. 918-15-7.

To be sold for arrears of Government revenue :—

No. 2933.—Tara! Shasiram Kanongoe; proprietors Afzal- Aitan, Abootalif, Brindabun Sein, Bishumber, Rejoanuddin, Bhikan Chunder, Bholanath, Chotronarain, Digamber Chunder, Doorga Churn, Doorga Mohun, Gogun Chunder, Gonesh Chunder, Gopeenath, Golam Basid, Golam Moksad, Golam Ali, Gopal Dass, Gopal Dass Sein, Gopinath, Golam Ali, Gouri Kanto, Gour Soonder, Jug Mohun, Jugguth Chunder, Jugguthnath Sein, Jan Ali, Jooromoni, Kristo Chunder Kanongoe, Kristo Chunder Kanongoe, Kristo Mohun Gooho, Koolo Chunder, Lukhi Chunder Rai, Mahomed Ashrof Jemadar, Magan Dass Sen, Magan Chunder, Nittyannundo Kanongoe, Nittyannundo Kanongoe, Nittyannundo, Neelkanto Poorohit, Neelkanto, Nittyannundo Kanongoe, Nittyannundo Kanongoe, Nemy Churn Rai, Nittyannundo, Neamutoollah, Warrish, Oopendro Chunder, Prosono Singh, Prosono Coomari, Poorno Chunder Sen, Peary Mohun, Rohimonissa, Russick Chunder, Ramdoolal, Ramdoyal Dey, Ramkanto, Ramdoyal, Ramjoy Potdar, Ramlochun Sen, Rehanuddin, Renooka, Surruth Chunder, Shaha Mahomed, Shahabuddin, Shamsouder, Tiloke Chunder, Tofan Ali, Lall Mahomed Hazi, Golam Ali Nazir, Shoorbrati *alias* Shoorjomoni Surdar, Srimoti Beshashori, Mahomed Rohimullah Mohesh Chunder, Mahomed Kamil Chowdhari, Isaf Ali, Nejamut Ali, Mahomed Ali, Monohur Khan, Ujir Ali, Uma Charan Ghose, Doorga Churn Sein, Jugguth Chunder Sein, Modun Mohun, Ramdoolal, Ramanundo, Doorga Churn, Chundi Churn Surmah, Sheik Asanoollah Chowdhari, and Shoodharam Surkar. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Gopal Dass Sein and Degumber Kanongoe and others, bearing a jumma of Rs. 642-1-6, and the revenue of their shares having been paid, the shares of Srimoti Oloka, Ramdoyal Sen, Sreemoti Brojoshahi, Juggut Chunder Sen, Shoodaram Surkar Nilamdar babut Frankristno, Peary Mohun, Doorga Mohun, Gour Chunder, will be sold; sudder jumma, Rs. 826-14-3.

To be sold for arrears of revenue:—

No. 3113.—Tara! Sheermustkhan Chowdhari; proprietors, Akbar Ali Khan, Dewan Bebi, Jenat Ali Khan, Mokhool Ali, Milkiat Fuzl Ahamed minor, and Ramsouder. A separate account having been opened for the share of Fuzl Ahamed minor, and the sudder jumma of that share, Rs. 165-10, and the shares of all other proprietors, will be sold; sudder jumma, Rs. 527-6-6.

To be sold for arrears of revenue :—

Mehal Lakheraj resumed, Mouzah Borghope, Thannah Satkania.

No. 13407.—Taluk Gouri Sunker, Boidonath Kanongoe; proprietors, Grish Chunder Rai and Lolita Thakurani; sudder jumma, Rs. 701-4-3.

J. WHITMORE, *For Offg. Collector.*

NOTICE is hereby given, under Section 2, Act VII. (B.C.) of 1868, and Section 6, Act XI. of 1859, that the undermentioned estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871 :—

*Mehal Noabad.*

To be sold for arrears of Government revenue, Mouzah Chota Sonooah, Thannah Satkania.

No. 303.—Talook Chota Sonooah, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 1,072-0-1.

To be sold for arrears of Government revenue, Mouzah Borghona, Thannah Satkania.

No. 314.—Talook Gouri Sunker, Boidyonath Kanongo, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 639-0-3.

To be sold for arrears of Government revenue, Mouzah Naporah, Thannah Satkania.

No. 541.—Talook Srimoti Bishashori and Nobo Chunder Rai; Proprietors, Sreemoti Bishashori and Nobo Chunder Rai; Sudder Jumma, Rs. 633-11-9.

To be sold for arrears of Government revenue, Mouzah Bakolea, Kismut Chur Shabek Bakolea; Thannah Towa.

No. 559.—Talook Ahamed Ali, Mahomed Esaf, Korban Ali, Ajgar Ali, Srimoti Noor Bebi; Proprietors, said Ahamed Ali, Mahomed Esaf, Korban Ali, Ajgar Ali, and Srimoti Noor Bebi; Sudder Jumma, Rs. 686-4.

J. WHITMORE, *For Officiating Collector.*

NOTICE is hereby given, under Section VI, Act XI. of 1859, that the undermentioned Estate in the district of Furreedpore will be put up to public and unreserved sale, at the Collector's Office of that district, on the 4th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

No. 2793.—Taluk Amanullah, in Pergunnah Jalalpur; recorded proprietors, Amanullah and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs 1,515-4-8½. This mehal will be sold for recovery of Rs. 32-13-0½ on account of arrears of Government revenue.

A. J. FRASER, *Deputy Collector in charge.*

FURREEDPORE COLLECTORATE,  
The 27th January 1872.

NOTICE is hereby given, under Section VI, Act XI of 1859, that the undermentioned Estates in the district of Patna will be put up to public and unreserved sale, at the Collector's Office of that district, on the 12th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class II.—Temporarily-settled Estates.*

No. 1016.—Mehal Dearah More-us-dabed, More-Munoruth, and More-Goburdhun, Pergunnah Gyaspore; recorded proprietors, Mussamat Arfay Begum *oorf* Husseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Allabee Begum, Ali Ahmed Khan, Mussamat Oomrao Begum, Walee Ahmud Khan, Anaetollah Khan *oorf* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mohamed Ibrahim Hossein Khan, Mujeedoon Nissa Begum, Ubnasee Suhooy *oorf* Rughonath Pershad Sing, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishur Pershad Sing, minor son of Baboo Kandh Pershad Sing, deceased, Bishoon Pershad Sing, Ram Loll Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoor Pershad Sing, Hurpershad Sing, Gobinddharee Sing, Aluckhoharee Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopalnarain Sing, Nursing Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Tookun Sing, Bhojoo Sing, Laulbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *oorf* Ramjee, Mussamat Khoosihal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Gujoo Sing, and Khirbun Sing; Sudder Jumma Rs. 4,211-2-0, of which Rs. 1,093-12-6 to be deducted on account of the jumma of the share of Ubnasee Suhooy *oorf* Rughonath Pershad Sing, Gobinddharee Sing, Ulukdharee Sing, Tookun Sing, Bhojoo Sing, and Mohamed Ibrahim Hossein Khan, with whom separate accounts have been opened, as per Section 10, Act XI of 1859.

The Sudder Jumma advertized for sale is Rs. 3,117-5-6, on account of the share of Mussamat Arfay Begum *oorf* Husseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmud Khan, Mussamat Alahee Begum, Ali Ahmud Khan, Mussamat Oomrao Begum, Waleeahmud Khan, Anaetollah Khan *oorf* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mujeedoon Nissa Begum, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishurpershad Sing, minor son of Baboo Kandhpershad Sing, deceased, Bishoonpershad Sing, Ramlall Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoopershad Sing, Hurpershad Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopal Narain Sing, Nursing Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *oorf* Ramjee, Mussamat Koosheehal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Goojoo Sing, and Khirbun Sing, non-applicants, which will be sold for arrears of Government revenue.

C. F. WORSLEY,  
*Deputy Collector, for Collector on tour.*

PATNA COLLECTORATE, BANKIPORE,  
*The 31st January 1872.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Jessore will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 15th March 1872, corresponding with 3rd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class I.—Permanently-settled Estate.*

No. 19.—Mouzah Borunnarrah Pergunnah Essuppore, Talook Joy Chunder, Radha Churn Chunder Kant Ghose, Issur Chunder Roy, and Jogut Chunder Chowdhury; Sudder Jumma, Rs. 993-3-10; to be sold for recovery of Rs. 98-14-9 on account of Government revenue.

No. 261.—Tara Sagerneah, Pergunnah Mahomedshye, Talook Raznaryun, Premnaryun Parry, Lukhimony, Drabomoi, Second Drabomoi, and Joytara Debya; Sudder Jumma, Rs. 1,596-8-9; to be sold for recovery of Rs. 37-2 on account of Government revenue.

No. 4575.—Pergunnah Bhatlah, Talook Rajah Buroda Kant Roy, Bahadoor; Sudder Jumma, Rs. 5,087-1-7-3; to be sold for recovery of Rs. 38-14-1 on account of Government revenue.

JESSORE COLLECTORATE,  
*The 2nd February 1872.*

J. MONRO, *Offg. Collector.*





# SUPPLEMENT TO The Calcutta Gazette.

WEDNESDAY, FEBRUARY 7, 1872.

## OFFICIAL PAPERS.

*Non-Subscribers to the GAZETTE may receive the SUPPLEMENT, separately, on payment of Six Rupees per annum if delivered in Calcutta, or twelve Rupees if sent by Post.*

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## Proceedings of the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations.

The Council met in the Council Chamber on Saturday, the 3rd February 1872.

### Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, *presiding.*

J. GRAHAM, ESQ., *Advocate-General.*

V. H. SCHALCH, ESQ.,

H. L. DAMPIER, ESQ.,

S. C. BAYLEY, ESQ.,

C. E. BERNARD, ESQ.,

MOULVIE ABDOL LUTEEF, KHAN BAHADOOR,

BABOO DIGUMBER MITTER,

B. D. COLVIN, ESQ.,

T. M. ROBINSON, ESQ.,

F. F. WYMAN, ESQ.,

and

RAJAH JOTEENDRO MOHUN TAGORE, BAHADOOR.

### JUTE WAREHOUSES: FIRE-BRIGADE.

ON the motion of MR. BERNARD the Council proceeded with the further consideration of the report of the select committee in order to the settlement of the clauses of the Bill.

Section 11 having been read by the President—

MR. DAMPIER said he had to propose a slight verbal alteration. He thought that in the three penal sections that followed section 10, rather close attention was required to understand the distinction that was drawn between the several cases which they were intended to meet. It appeared to him, however, that what was intended was not clearly expressed. The 11th section imposed a penalty for continuing to use a place for storing jute after the 31st July next, without taking out a license under this Act, that was to say, without changing the old license which was presumably held from the Justices before the passing of this Act. Then section 12 imposed a higher penalty on any one who used a jute warehouse as a jute warehouse, which had never been so used before the 31st of July. It was the wording of this section particularly that had attracted his attention, and which he thought did not express its meaning very clearly. The 13th section imposed a penalty for a still more gross case, where the Justices had been applied to for a license, and had absolutely refused to grant it. If Mr. Dampier might be allowed to take section 12 first, it would explain what he meant. The wording of this section was, "Any person who shall without a license use any jute warehouse, for keeping or depositing jute or cotton, established after the commencement of this Act, shall be liable, on conviction before a Magistrate, &c." But if the Council would refer to the interpretation of the words "jute warehouse," they would find that, as it now stood, there was no sense in the section. The words "jute warehouse" meant "any warehouse, store depôt, yard, godown, or other place used for the storing, keeping, pressing, or depositing of jute or cotton or other substance for the time being subject to the operation of this Act." Now, with that interpretation, the section as it now stood would mean that any person who for the first time used for the storing of jute a place which had been used for that purpose before! This, Mr. Dampier would submit, did not make sense. Any premises to be a jute warehouse within the meaning of the interpretation section, must have been used for the storing of jute. He would therefore suggest that the words from the second line, "any jute warehouse for keeping or depositing jute or cotton established after" be omitted, and that the words "as a jute warehouse any land or premises which have not been so used before" be substituted for them.

HIS HONOR THE PRESIDENT had no objection to the motion being put on the principle of better late than never; still he thought it proper to represent that it was extremely inconvenient that these matters, which were purely matters of drafting, should be brought forward without any notice. He had at the last meeting of the Council impressed upon hon'ble members the necessity of giving notice of the amendments which were to be brought forward in order that they might be carefully considered in reference to their bearing on the whole Bill. He did therefore trust that hon'ble members who had such motions to make would be good enough to give the Council notice, in order that these matters might be properly considered. However, as he had great confidence in the hon'ble member who had proposed this amendment, he had no objection to put it to the Council.

MR. BERNARD thought that the section did not need amendment, as it was sufficiently clear without it.

HIS HONOR THE PRESIDENT thought it more regular to consider the sections consecutively, and that section 11 should be considered first.

The motion was then by leave withdrawn.

Section 11 provided a penalty for using a jute warehouse without a license after the 31st July next.

MR. WYMAN said this section provided a penalty on the occupier of a jute warehouse for using it as such after the 31st July. It might often happen, in the case of short leases, that the owner of the building might positively refuse to make the alterations required under the Act. The tenant, on the other hand, would have no power to do so without the owner's consent; or the owner might say that it was clearly no business of his, and the tenant might thus be saddled with an unprofitable lease for the remainder of his tenure. It appeared to Mr. Wyman that the tenant should be protected either by the law compelling the owner to render

the building fit for a jute warehouse under the Act, or permitting the tenant, on the refusal of the owner to do so, to cancel the lease. This section introduced a most stringent provision regarding which the tenant had no knowledge when he took the premises. Mr. Wyman would therefore move the substitution of the word "owner" for "person" in line 1, and the insertion after the word "use" in line 3 of the words "or permits to be used," the effect of which would be to throw upon the owner of the premises the responsibility of bringing the premises into a fit state for use as a jute warehouse. He did not think that such a provision would be hard, because the premises would be thereby improved, and would always be lettable for the purpose. If the Council accepted this amendment, section 2 would also require amendment.

HIS HONOR THE PRESIDENT said it seemed to him utterly impossible to exempt the occupier altogether from liability under this section. He thought both the owner and occupier might be held responsible for using an unlicensed warehouse. He would suggest that the hon'ble member should confine himself to his second amendment, which would have the effect of making both the owner and occupier liable under the section. But if this amendment were carried, a fresh clause would be necessary to regulate the position of owners and occupiers, and absolving the occupier from loss in case the owner neglected to conform to the conditions of the Act.

MR. DAMPIER said he thought the proposed amendment would open a door to all sorts of difficulties. A proprietor who had let his premises without any stipulation that they were to be used as a jute warehouse or for any other particular purpose, would have no authority to interfere with his tenant unless a specific section were introduced in the law, giving him authority to do so.

MR. ROBINSON said, he thought the insertion of the words proposed would make the law operate harshly upon the landlord, for how was he to prevent the occupier from using the premises as a jute warehouse? He could not go beyond the terms of his lease, and he would have no power whatever over his tenant during the currency of the lease, and could not interfere in any way with the tenant's action.

MR. WYMAN said it would be optional with the owner to effect these improvements, but they would manifestly effect a great improvement in the owner's property; while on the other hand they would be impossible conditions for the tenant to fulfil, and if the owner did not effect the necessary improvements, the tenant's business would be shut up. If the owner did not comply with the provisions of the Act, and render the premises effective against fire, the tenant's lease ought to be cancelled, as the law said that he must not carry on his business except under certain conditions.

MR. BERNARD said that the hon'ble mover of the amendment considered that the provisions of this Bill would operate with hardship on the occupiers of existing jute warehouses, and he proposed to transfer to owners the duty of fulfilling the requirements of the law. But such a provision might press very hardly upon owners. Suppose the premises in which 100 or 200 drums of jute were stored was worth Rs. 500: the owner would probably have to convert the godown into a brick-house, with an iron or masonry roof and iron beams, for the Justices would have power under the Bill to impose on existing warehouses all the conditions which were applicable to new warehouses; and he might have to expend thousands of rupees on such a work, even though the occupier's tenancy might have but two years to run. He considered it would never do to throw on the owners of small warehouses of that kind the obligation of putting them into a fit condition for the storage of jute.

HIS HONOR THE PRESIDENT thought the hon'ble member should bring on this motion as a separate provision after having given due notice thereof.

Mr. Wyman then by leave withdrew his motion, and intimated his intention to adopt the suggestion of the President.

The Section was then agreed to; and so also was section 12. •

Section 13 was agreed to.

Section 14 provided a penalty for introducing in a jute warehouse fire or lucifer matches "in a manner which is not authorized by the conditions of the license granted for such place."



Mr. WYMAN moved the omission of the words printed in italics. He thought that that provision overlooked the provision in section 7, which prescribed that no artificial light or lucifer matches should be introduced in a jute warehouse, and that no person should smoke therein; but the section under consideration permitted them to do so in a particular manner. He thought it very undesirable that it should be permitted at all, and it ought to be distinctly understood that no one should be allowed to smoke or introduce lucifer matches in a jute warehouse.

Mr. BERNARD observed that the Council had already provided for the introduction of fire by the clause which related to engines and furnaces, for by the interpretation clause "warehouse" included the land or yard belonging to it; and it would not do to provide by the present section that no fire should be introduced in a jute warehouse.

THE ADVOCATE-GENERAL said there did seem to him to be some objection to the section as it stood. He thought the objection would be met by the omission of the words suggested by the hon'ble member, and the introduction of the words "in contravention of his license" at the beginning of the section, after the word "whoever."

Mr. Wyman's and the Advocate-General's amendments were then agreed to. Section 15 was agreed to.

Section 16 authorized "the Justices" to frame bye-laws for certain purposes.

MR. WYMAN said this section gave the Justices, or as the Act might be interpreted, the Chairman of the Justices, power to frame bye-laws. He thought that it was by an oversight that the power given under this section was not restricted to the Justices *at a meeting*. For the same reasons which he had urged at the last meeting of the Council, he thought it was desirable, in matters concerning public rights and interests, that this power should be conferred on the body of Justices and not on the Chairman. As the section stood, it would be quite possible for the Chairman to frame bye-laws on his own will and responsibility. He would therefore move the insertion of the words "at a special meeting" after the word "Justices."

MR. SCHALCH said section 218 of Act VI of 1863 enacted that it should be lawful for the "Justices" from time to time to make bye-laws, and a subsequent section provided that such bye-laws should not have any force or effect until they were approved by the Lieutenant-Governor. Mr. Schalch did not see why we should make a distinction as regards bye-laws framed under this Bill. He thought the provision in the Bill was sufficient, for although the Chairman was authorized to exercise all the powers of the Justices not directed to be exercised by the Justices *at a meeting*, it was competent to the Justices by resolution to direct that in matters of this kind the Chairman should not exercise their powers. Practically there had been no bye-laws which were not made by the Justices at a meeting.

HIS HONOR the PRESIDENT said that he understood the Council at the last meeting had thought fit to restrict many of the powers conferred by the Bill to the Justices at a special meeting. It did therefore seem inconsistent, if we required the Justices at a meeting to lay down a scale of fees, to allow the most important power of framing bye-laws to be exercised otherwise than at a meeting.

MR. WYMAN said he could not admit the force of the argument that because the previous enactment did not provide that the power of making bye-laws should be exercised only by the Justices at a meeting, we should not make a distinction in that respect in this Bill. He thought that such a distinction should be made as regards the important power of framing bye-laws. The Council had affirmed the principle of restricting certain other powers under this Bill to the Justices at a meeting, and he submitted that there was every reason that the same amendment should be made in this section in accordance with that principle.

The question being put, the Council divided :—

AYES—6.

Mr. Wyman.  
Moulvy Abdool Luteef.  
Mr. Bernard.  
„ Dampier.  
The Advocate-General.  
The President.

NOES—6.

Mr. Colvin.  
Baboo Digumber Mitter.  
Rajah Joteendro Mohun Tagore.  
Mr. Robinson.  
„ Schalch.  
„ Bayley.

The numbers being equal, the President gave his casting vote with the ayes.

The motion was therefore carried.

MR. WYMAN then moved that paragraph (1), which was as follows, be left out : “giving of gratuities to persons who have given notice of fires.” He was aware that that clause was in the English Act, when it was at one time considered desirable to give gratuities to persons who might afford early intimation of the occurrence of fires, but he understood that that provision was now felt to be unnecessary. He believed that the provision was introduced for affording assistance to insurance companies, who were largely interested in the prevention of fires. There was therefore very good reason for the introduction of such a provision in England ; but a like state of things did not apply to Calcutta. The fire-brigade here would be under the superintendence of the municipality, who had no personal interest. He would direct the attention of the Council to a case which occurred not many weeks ago in which a man was convicted of having set fire to buildings with the view of obtaining a reward for giving early intimation of the occurrence of the fire, and it was ascertained that the man had earned a large income in this way. It was quite possible therefore, if a gratuity was given for early intimation of fires, that low classes of men, such as coolies and the like, would set fire to houses with the view of obtaining a reward. Some years ago, when the city was filled with thatched villages, it was almost a constant occurrence for fires to take place, and it was believed that the *gharamees* set the houses on fire in order to be employed in rebuilding them. The omission of this provision would avoid the inducement to evil disposed persons ; and as Mr. Wyman could not see any necessity for giving gratuities, and the provision might have some such undesirable result as that which he had referred to, he would wish to avoid the possibility of its having any such result. Any rightly disposed person would give notice of the occurrence of a fire without expecting a reward, and the omission of any provision of the kind would have the effect of making the police feel that it was incumbent upon them to keep a constant watch over the town, and that they would themselves be held responsible for giving early intimation of fires.

MR. SCHALCH pointed out that the next amendment, of which the hon'ble member had himself given notice, would admit of rewards being given for early notice of the occurrence of fires. It was besides in the power of the Commissioner of Police to give rewards when he thought it proper to do so. Mr. Schalch thought it very desirable that when a man gave early notice of the occurrence of a fire he ought to get some reward.

MR. WYMAN said that with regard to the amendment which he proposed to move in paragraph (2), he might observe that that paragraph gave power to confer rewards in exceptional cases. His objection was to the giving of gratuities for simply giving notice of fires.

The Council then divided :—

AYES 4.

Mr. Wyman.  
Baboo Digumber Mitter.  
Mr. Bernard.  
„ Dampier.

NOES 8.

Rajah Joteendro Mohun Tagore.  
Mr. Colvin.  
„ Robinson.  
Moulvy Abdool Lutoof.  
Mr. Bayley.  
„ Schalch.  
The Advocate-General.  
The President.

The motion was therefore negatived.

MR. WYMAN said the object of his amendment in paragraph (2) was twofold. This clause appeared to him to provide for the awarding of gratuities in

exceptional cases—a power to give gratuities not simply to those giving timely notice of fires, but to other persons deserving of reward. He would illustrate his meaning by an occurrence which had taken place not long ago in England, when it happened that a fireman lost his life, and another person, who was not an officer of the fire-brigade, was seriously injured; he acted in a most courageous manner, and the result was that he died from the effects of the injuries he had received: the papers were full of his courage and bravery in risking his life when he himself was not a member of the fire-brigade. The fireman's widow and children were provided for; but for the family of the other man, who lost his life under these distressing circumstances, no provision of the kind was made, and his widow and children were left to be provided for by public subscription. The result was that a small amount was subscribed amongst the class to whom the man belonged (the poorer class), but a quite insufficient amount, showing the necessity of some legal provision for such cases. There was no question of the relative bravery of the two men—the man not in the brigade was said to have exceeded the fireman in courage and bravery; yet the provision for one man's family was secure, whilst the other was left to public charity. It might happen that a similar case might occur in Calcutta, and if it did, this provision of the Bill would not allow of any assistance being given in such a desirable case.

The amendment was then agreed to, and the section as amended was passed.

Section 17 prescribed the powers of the fire-brigade in cases of fire.

MR. WYMAN moved the addition to the section of the following words:—

“The Chief Officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have, for the time being, the like powers as the Chief Officer himself possesses under this section.”

He said he did not know whether the practical effect of the amendment would make much difference, but he believed that literally it would make a great difference. Under the section as it stood, the only person who could exercise the powers conferred on the brigade was the Chief Officer on the spot. Mr. Wyman would leave the learned Advocate-General to say whether he (Mr. Wyman) was correct in saying that nobody but the Chief Officer on the spot could exercise those provisions. If Mr. Wyman was right in his construction, then he thought that the Chief Officer should have authority to delegate his powers to some other officer of the brigade whom he might direct to act at a distance. A fire might extend over a distance of half a mile; the Chief Officer would probably be at the centre, but there might be urgent necessity to put down the fire at a place half a mile off, and Mr. Wyman thought that under such circumstances the Chief Officer ought to have power to delegate his authority to another officer of the brigade. It might frequently happen that in cases of large fires, unless this power was given, the conflagration would extend with frightful rapidity. Unless the learned Advocate-General was of opinion that such a power could be exercised under the section as it stood, Mr. Wyman thought the words which he proposed should be added to the section.

THE ADVOCATE-GENERAL said that the section did certainly seem to limit the exercise of the powers conferred under it to the Chief or other officer on the spot; but whether it was desirable to give those powers to other officers deputed by the Chief Officer was a question for the consideration of the Council. As the section stood, the only person who could give orders was the Chief or other officer on the spot.

MR. ROBINSON said, he thought the amendment unnecessary, as the words of the section were very general, and gave power to the Chief Officer by himself *or his men* to break into or through, or pull down any premises, &c.

MR. WYMAN said, he presumed that the Chief Officer would not know what was occurring at one end of the fire, and things that were necessary to be done and which he would do if he were aware of the circumstances, would perhaps remain undone, as a junior officer would probably not like to take the responsibility of acting on his own authority.

MOULVY ABDOOL LUTEF said, he considered that the powers already proposed to be given to the chief officer regarding the pulling down of houses were very serious, and he therefore thought that it was not further desirable to allow the chief officer to delegate such powers to a person who held a position inferior to his own.

The amendment was then carried after the following division, and the section as amended was agreed to:—

AYES—7.

Rajah Joteendro Mohun Tag  
Mr. Wyman.  
„ Schalch.  
„ Bayley.  
„ Dampier.  
The Advocate-General.  
The President.

NOES—5.

Mr. Colvin.  
Baboo Dignumber Mitter.  
Mr. Robinson.  
Moulvy Abdool Lutef.  
Mr. Bernard.

Section 18 related to inquiries into the origin of fires.

MR. WYMAN said the process provided by this section appeared to him to be very circumlocutory. It required, first, that the Chief Officer should ascertain the facts, then that he should make a report to the Justices, then that he should summon witnesses, and if he were not able to procure their attendance, then he was to apply to the Magistrate for assistance to enable him to do so. It seemed to him that instead of all this roundabout way of going to work, the proper officer to conduct the inquiry was the Coroner, who had the power of doing all these things which it was proposed should be done by the Chief Officer; and by his knowledge and experience the Coroner was probably a fitter officer for the conduct of such inquiries than the Chief Officer, who after all would have to go to the Magistrate for assistance in procuring the attendance of witnesses. Mr. Wyman thought therefore that the employment of the Coroner for the investigation of such inquiries would be an advantage to the public, especially as he would have the assistance of a jury. Mr. Wyman would therefore move that all the words after the words “report thereon to the” in line 6 be omitted, and that the words “Coroner, who shall at his discretion hold an inquest into the cause of such fire,” be substituted for them.

MR. BERNARD said he thought that the Chief Officer of the Fire-brigade was the proper person to conduct the investigation into such inquiries. If the duty were made over to the Coroner, who was also a Magistrate, the Council would have to consider whether the enquiry should be made with the aid of a jury, or how. Such inquiries were not in the nature of judicial investigations; they were merely to be undertaken with the object of making a report to the Justices. He thought that these investigations would be better, more quickly, and more satisfactorily conducted if they were left to the Chief Officer of the Fire-brigade.

HIS HONOR THE PRESIDENT said, he had not had time to give so much attention to all the amendments on the paper as he would have wished, but he thought it very desirable that these inquiries should be made by a responsible public officer; his apprehension was that the inquiry should be of a judicial character, and should be made by a judicial officer, and he thought the magistrate might make the inquiry.

THE ADVOCATE-GENERAL said in England there was an obsolete jurisdiction in the Coroner in such cases, but he believed it had been very seldom exercised. The functions, powers, and duties of Coroners in England were defined by the Act of 33 Geo. III, c. 137; but the operation of that statute in India had been repealed by the Coroner's Act of 1871, and he had now no such jurisdiction here: that he had it previously, was even doubtful. By the Coroner's Act of 1871 his functions and duties were defined, and these inquests into the origin of fires was no part of his duty; he had simply to hold inquests upon deaths. The Advocate-General thought, moreover, that there was no good ground for investing the Coroner with these powers now; but it seemed to him very desirable to have an inquiry before a Magistrate, who was a responsible judicial officer. By requiring the Coroner to hold these investigations, his duties would be greatly increased, and his salary would have to be increased proportionately.

MR. BAYLEY said, there appeared to him to be another difficulty in the way of appointing the Coroner to make these inquiries. The Coroner and his jury would only have jurisdiction in Calcutta; the Chief Officer of the Fire-brigade, on the other hand, would exercise jurisdiction in the suburbs as well as in Calcutta. If an inquiry was to be held in the suburbs, it must be held either by the magistrate or the Chief Officer of the Fire-brigade.

After some further conversation, Mr. Wyman's motion was put and negatived.

On the motion of the PRESIDENT the words "magistrate of police of the town or division of the town in which such fire shall have occurred, and the said magistrate shall have power to summon witnesses and take evidence in order to the due ascertainment of such facts," were substituted for the words proposed to be omitted; and the section as amended was agreed to.

Section 20 empowered the "Commissioner of Police" to grant licenses for the sale or manufacture of fire-works.

MR. WYMAN moved the substitution of the word "Justices" for "Commissioner of Police." He said, his object in proposing this amendment was because he thought it was the duty of the police to control the letting-off of fire-works in the town, and not to grant licenses for their sale or manufacture. He proposed that this power should be exercised by the Justices, and not by the Justices "at a meeting," because it was not necessary for the Justices at a meeting to grant these licenses. It might be urged that the Commissioner of Police and the Chairman of the Justices were one and the same person; but that might not always be the case, and he therefore thought the amendment he proposed should be made.

HIS HONOR the PRESIDENT said, that it appeared to him that these were executive functions, which ought properly to be exercised by the Commissioner of Police, whether the Commissioner of Police and the Chairman of the Justices were one officer or not; and the section was designedly drawn with that view.

The motion was then negatived, and the section passed as it stood.

Sections 21 and 22 were agreed to.

Section 23 gave the Commissioner of Police power to withdraw licenses granted by him under the Act.

MR. WYMAN moved the substitution of the words "Justices of the Peace at a special meeting" for the words "Commissioner of Police." He said, he proposed this amendment on the ground that the Commissioner of Police should not have the power to suspend any license. He thought that even if the power of granting a license was vested in the Commissioner of Police, the power of withdrawing it should be vested in the Justices at a meeting. The Council had affirmed the principle that the granting of these licenses should be in the hands of the Commissioner of Police, and it might be urged that there was no reason why the power to withdraw them should not be vested in the same officer. But Mr. Wyman thought that there was a great difference between the power to grant a license and the power to withdraw it. He thought that when a license was once granted, the power to withdraw it should be vested in a competent body, and not in the person who granted it. The arbitrary exercise of such a power might result in serious injustice to an individual, and therefore he thought we could not surround the power of withdrawal with too many safeguards.

MR. BAYLEY said, that he could not conceive any worse body to try these petty cases than the Justices in special meeting. He would always have these cases exercised by an executive officer of high standing, like the Commissioner of Police. He thought that in the early parts of the Bill the Council had gone a great deal too far in insisting on the Justices at a meeting deciding all these points of executive detail.

THE ADVOCATE-GENERAL said that he thought the withdrawal of a license of this kind was entirely an executive matter; the granting of these licenses was entrusted to the Commissioner of Police, and therefore the power of withdrawing them ought to be entrusted to the same authority.

The motion was then negatived, and the section was passed as it stood.

Sections 24 and 25 were agreed to.

Section 26 provided that Insurance Companies should contribute, towards the expenses of the Fire-brigade, a sum at the rate of half a rupee for every "thousand" rupees of the gross amount insured by it in respect of property insured from fire.

MR. BERNARD explained that the rate paid in London was £35 for every million sterling of property insured. As the premia paid in Calcutta was at a somewhat higher rate than the premia paid in London, it was considered that a fair rate to be paid here by Insurance Companies would be £50 in every million sterling, which would come exactly to half a rupee in every "ten thousand" rupees. MR. BERNARD would therefore move the insertion of the word "ten" before the word "thousand."

The motion was agreed to, and the section as amended was passed.

Sections 27, 28, and 29 were agreed to.

Section 30 empowered the Lieutenant-Governor, on the recommendation of the "Justices," to declare the warehousing of any other substance to be subject to the provisions of this Act.

On the motion of MR. WYMAN, the words "passed by resolution" were inserted after the word "Justices," so as to make the recommendation of the Justices an act of the Justices *in meeting*.

On the motion of MR. COLVIN, the following section was introduced after section 30 and the latter part of the first paragraph of section 15 requiring the Justices to make an annual report of the manner in which the provisions of Parts III and IV of the Act had been carried out, was omitted :

"The Justices and Municipal Commissioners respectively shall make a report to the Lieutenant-Governor as soon as conveniently may be after the 31st July next, showing how the provisions of this Act have been carried out, and specifying the jute warehouses in respect of which licenses have been granted: and such report shall be forthwith published in the *Calcutta Gazette*. And thereafter the Justices and Municipal Commissioners shall make a like report once a year at such time as the Lieutenant-Governor shall direct."

Section 31 related to the power of arrest.

MR. WYMAN said, this section provided for the arrest of a person whose name and address were unknown. But he thought provision should also be made for the arrest of a person whose name and address were known, but who the arresting officer might have reason to believe was about to place himself beyond the jurisdiction of the Magistrate. It appeared to him very undesirable that dishonest persons who committed serious offences should be allowed an opportunity of placing themselves beyond the jurisdiction, and thus escape punishment for their offences.

THE ADVOCATE-GENERAL said, surely the law upon this point was strong enough as it was. If the address of a person who had committed an offence was unknown, he would be taken into custody; but if it was known, why not allow the law to take its course in respect to offences under this Act as in all other cases? On the other hand, by the amendment proposed, you would leave it to the police officer to say that it was probable that the offender would abscond. In nine cases out of ten the police officer would say that the offender's appearance on process was improbable. The Advocate-General did not see any reason why an exception should be made as to offences committed under this Act.

The motion was then negatived.

MR. WYMAN also moved the addition to the section of the words "provided that the arresting officer shall be a sworn constable."

After some conversation this amendment was also negatived, and the section was passed as it stood.

Sections 32 and 33 were agreed to.

MR. WYMAN moved the introduction of the following new section after section 33:—

"It shall be lawful for the Lieutenant-Governor of Bengal to appoint a court, or courts in which Justices of the Peace for Calcutta may sit and determine in a summary manner cases under the several Municipal Acts referred to in this Act and under this Act itself which may be determined by a Justice of the Peace."

He said it appeared to him that a section of this kind was necessitated by the form in which the interpretation of the word "Magistrate" now stood in

the Bill. By section 2 "Magistrate" included a justice of the peace for Calcutta, and any person exercising all or any of the powers of a magistrate. By Act IV of 1866, section 22, the Lieutenant-Governor had power to define the number and extent of police districts, and establish a police court in and for each of such districts. It also empowered the Lieutenant-Governor to appoint a sufficient number of fit persons as magistrates of police for the town, who might sit and act as magistrates in any of the said police courts. But if the present Bill was passed without some such provision as that which he had suggested, the justices who had power to act as magistrates under this Bill would not be compelled to sit in any court at all: they might sit in their own houses, and exercise their powers under this Act. But, apart from what was the case as regards former Acts, the Council had to consider whether the justices would have authority to sit in a court authorized by the Government. If Mr. Wyman was correct in his interpretation of the law, he would press the amendment of which he had given notice.

HIS HONOR THE PRESIDENT observed that the amendment proposed would affect the whole jurisdiction of the justices of the peace, and its operation would not be confined to cases tried by them under this Bill.

MR. SCHALCH said, when justices of the peace were first appointed under Act VI of 1863, it was supposed that a justice could in the course of his morning walk exercise his jurisdiction and summarily convict any person whom he might find committing an offence. Mr. Schalch was not quite sure whether a regular reference was made on the subject, but he believed that it came to be understood that a justice of the peace could not do so unless he was acting judicially, and that he could not act judicially unless he was sitting in a regularly constituted court. He believed that the justices who had exercised judicial powers always sat in the police court.

MR. WYMAN said that he had not supposed for a moment that the general interpretation would be other than what had been stated, that a Justice of the Peace was only a Justice when he was sitting judicially in the police court. It seemed to be supposed that because that had been the general interpretation, the matter should be left to be decided by the good sense that had hitherto prevailed; but it seemed to him that that was not the way in which a law should be framed: on that principle he thought a great many laws might be done away with. As he could not accede to such a doctrine, he thought that some such amendment as that which he had proposed was necessary.

HIS HONOR THE PRESIDENT said that it seemed very clear to him that the hon'ble member's object was to amend the law on the subject of the jurisdiction of Justices of the Peace in all matters. His Honor thought that that was not a matter that was specially connected with this Bill, and that if the hon'ble member wished to raise the question, he should do so by the introduction of a distinct and separate measure.

The motion was then by leave withdrawn; but Mr. Wyman stated that he considered the matter of such importance that he should avail himself hereafter of His Honor the President's permission to introduce a Bill to amend the existing law.

Section 34 and the postponed section 2 were then agreed to.

The postponed section 3 was passed after verbal amendments.

The postponed section 1 and the preamble and title were agreed to.

On the motion of MOULVY ABDOL LUTEEF the words "or the Municipal Commissioners at a meeting respectively" were inserted after the word "Commissioners" in line 9 of section 10, by which section the Municipal Commissioners of the Suburbs and of Howrah were invested with the same powers as the Justices under the Act.

HIS HONOR the PRESIDENT said that as the Council had now gone through all the clauses of the Bill, he thought it was desirable that the Bill should be reprinted, and that the Council should have another opportunity of considering the Bill as a whole.

The Council was then adjourned to Saturday, the 10th instant.



**Baronee Fair.**

No. 17, dated Dacca, the 24th January 1872.

From—F. B. SIMSON, Esq., Commissioner of the Dacca Division,

To—The Secretary to the Government of Bengal, General Department.

I HAVE the honor to submit herewith, in original, a letter, No 140, dated 16th instant, from the magistrate of Dacca, with its enclosure, being a report on the Moonsheegunge Baronee fair, held about the close of 1871, from the Deputy Magistrate of Moonsheegunge.

2. Great sickness was predicted, and though it prevailed generally in the district, and several cases of cholera existed in Dacca, the fair seems to have been healthier than even in towns and villages. This is of course owing to conservancy rules, which have been strictly carried out for three years. From what I see of their efficacy, I think that bad villages should be placed under conservancy rules, by legal enactment, one or two at a time; possibly before long, like the Baronee fair, instead of being remarkable for intense sickness they might become as noted for freedom from disease.

No. 140, dated Dacca, the 16th January 1872.

From—D. R. LYALL, Esq., Officiating Magistrate of Dacca.

To—The Commissioner of Dacca.

I BEG to forward herewith copy of a report received from the deputy magistrate of Moonsheegunge regarding the Baronee fair of this year.

2. I anticipated a very considerable amount of sickness this year, as cholera was prevalent to a considerable extent here in the town, and to a smaller extent at Naraingunge before the fair began. For this reason chiefly I thought it better to send the joint-magistrate to the fair at the commencement of the real concourse of the people (those before the beginning of December being chiefly bathers, who resided but a day or two), in order to secure more perfect conservancy arrangements than the deputy magistrate could manage with his time divided between his own work and the fair. I visited the fair some days after Mr. Rampini took charge, and found everything in perfect order, and I have to thank Mr. Rampini for the trouble he took in the matter.

3. The result has been most satisfactory, as there has not been a single death from sickness (a constable died of over drinking, but that had nothing to do with the fair).

4. The length of street remarked on in the deputy magistrate's paragraph 3 was, I consider, a great gain in a sanitary point of view, as the people were more scattered, and the street being in a single line both front and back could be properly looked after. It is when the backs of two lines of street are together that it is difficult to ensure cleanliness.

5. The point alluded to in the 12th paragraph of the deputy magistrate's letter is one which I consider is impossible, as things are at present, to carry out, and I therefore issued no instruction.

6. Baboo Krishen Chunder Rai has exercised proper supervision over the fair while he was in charge, and has shown considerable energy. He deserves my best thanks.

7. Prag Dutt, sub-inspector, was in charge of the police, and as usual has done good service. In fact, the fair was at one time for some days entirely in his charge, while the deputy magistrate was out on an investigation I directed him to make. He fully understands and carries out the orders given him, and without any unnecessary bother to the people.

8. Paragraph 10 of the deputy magistrate's letter is satisfactory, as showing that the people are beginning to see sanitation rules are not made solely to annoy them, as they appeared to think at first.

9. I am unable to submit the accounts with this report, as they are not yet complete, several medical items being yet not received. They will be submitted in due course.

No. 13, dated Moonsheegunge, the 16th January 1872.

From—BABOO KRISHNA CHANDRA RAI, Deputy Magistrate of Moonsheegunge.

To—the Magistrate of Dacca.

I HAVE the honor to submit the following report on the Kartik Baronee fair held on the chur below Rikabi bazar, close to the head-quarters of the Moonsheegunge sub-division, during the months of November and December 1871 and January 1872.

2. The fair commenced as usual with the bathing festival, which took place on the 26th November, corresponding with 11th Aghran 1278, *i.e.*, on the last day of the moon's age (purnimá or full moon), which was the day on which the Hindu festival "Rash" takes place. The number of bathers was estimated at about 1,300 to 1,400 persons, mostly women from the districts of Backergunge, Tipperah, and Sylhet; the bathers were comparatively very few from Bickrampore and other parts of Dacca. On a reference to the last year's report, I find the number of bathers was about 1,500 in 1870, and about 2,000 in 1869. The small



gathering of bathers this year was probably owing to the collection of boats for the Lushai expedition which took place in October last, and which caused an unfavorable report to be spread out, specially amongst the bathers, who were, as stated above, chiefly Hindu women.

3. Three or four days before the 24th November a few wood merchants came in and made their small huts on the east of the khâl between Moonshcegunge and the chur below Ricabi bazar and Mukhtarpore; they placed ordinary boat timbers and materials which they brought for sale on both the east and west sides of the khâl. The first arrivals of the shopkeepers were on Saturday, the 23rd November. When you visited the fair site, in company with the civil surgeon, on the 24th November, all the principal shopkeepers were present before you, and the site was selected by you with their consent; but shortly after you left the place, there was a difference between the cloth merchants and the banias, probably caused by the agents of the several shareholders of the chur, who were willing to have the main part of the fair on the sites of their respective employers. In consequence of this difference and a high competition amongst the zemindars of the chur, the site of the fair extended, as you have subsequently seen, in one straight line from Kamala ghât to the mouth of the Moonshcegunge khâl, a distance of about two miles if not more. The shops were built along the north and south sides of the chur, keeping a broad street of about fifty feet in the middle. In all the principal arrangements the fair was exactly as in the two previous years; the only deviation from last year's arrangement was on this point, *i.e.*, it was rather more lengthy this year than it was in 1869 and 1870.

4. From the 24th to the 30th November most of the merchants and shopkeepers came in and built their shops and commenced bringing goods, but the fair was not fully crowded with sellers and purchasers till the middle part of December. The *paikars*, *i.e.*, the principal purchasers, did not come till the end of the second week and beginning of the third week of December. This was owing to the Lushai expedition, which frightened the people of the neighbouring districts lest their boats be sent to Cachar. From the 15th December up to the end of the month the fair was full and business carried on very busily.

5. I was in charge of the fair from the commencement to the 2nd December, and from the 14th December till it closed. The joint-magistrate came here on the 2nd and was in charge till 13th December, when he left the place and went to the sudder station. A large staff of police, as noted in the margin, was deputed by you. The district superintendent visited the fair twice, and on both occasions his stay here was for short intervals. Dr. Wise came once with you on the 24th November, and once on the 30th December; on both occasions, as far as I could learn, he found no reason to complain—at least he expressed no unfavorable opinion in respect of the conservancy arrangements.

6. The police force under sub-inspectors Prag Dutta and Guru Das Dutta behaved in general well. I heard no complaint against any; only in one instance a shopkeeper complained against one of the constables placed in the outpost on the eastern limit of the fair. I made inquiries personally, and found that the constable was unnecessarily over strict with some shopkeepers, perhaps with no honest intention. I immediately placed him under sub-inspector Prag Dutta and ordered another constable to be sent to the outpost.

7. The printed rules sent with your letter No. 2107, dated 6th November, were strictly adhered to. Their purports were made known to all by beat of drums. Cleanliness was preserved to the utmost possible extent. Nineteen mehters were employed in keeping the trenches and generally the fair site clean. With reference to rule 6th, the sweepers were made to work both in the morning and evening. Vernacular copies of the paper A were posted in several conspicuous parts of the fair.

8. During the time the fair was under my charge, there were eight cases of nuisance, in which 37 persons were fined in small sums of one auna, two annas, and four annas; the fines amounted in all to Rs. 6-13. There was also one case of theft. A *pirhan* (shirt) was stolen from a shop. The offender was found with it three days after the occurrence, and on his confession, and on the evidence of two witnesses, who identified the stolen shirt, was sentenced to a whipping.

9. The number of shops was 983; number of boats 2,493; number of people, including visitors, about 70,000 to 75,000; the merchandise sold was about Rs. 19,14,679. A detailed list of the principal articles sold, with their value, is sent herewith. List marked A.

10. It is satisfactory to be able to state that almost all the shopkeepers and zemindars' agents now fully appreciate the benefit which resulted from the strict observance of the conservancy rules. I talked with all the principal shopkeepers and zemindars' gomastas, and they frankly confessed to me that they get a healthy fair now simply because there are strict conservancy rules. They are fully convinced that those rules alone prevented any outbreak of disease.

11. A general belief prevailed amongst many that the fair this year will be very thinly attended to, and that it will last only a few days. This was owing to an apprehension on account of a demand for boats and men for the Lushai expedition. No doubt it had interfered a little with the fair, but not to the extent reported out. I found only that the *paikars* and purchasers came late; but to make up for this, the fair lasted longer than usual. It lasted from the 24th November to the 10th January, *i.e.*, more than one month and a half.

2 sub-inspectors.  
5 head constables.  
48 constables.  
4 guard boats.

12. In one point I was not a strict observer of the rules laid down by Dr. Smith, *i.e.*, his recommendation that no prostitute should be allowed to come to the fair except provided with clean bills of health. My predecessor, Mr. Page, did not observe this last year, nor did I get any special instruction from you this year. The question was one of a delicate nature, and I could not find any practicable suggestion to submit to you beforehand. There were 38 prostitutes in the fair; they came from all the neighbouring village markets and some from Dacca.

13. The arrangement adopted last year for removing the nuisance occasioned by masses of floating weed on the river-bank was also followed this year with great success.

14. The amount of sickness this year was even comparatively less than what has been last year. No cases of fever came to my notice. There were only two admissions into the hospital; one during the time when the joint-magistrate was in charge. It was a case of diarrhoea, and the man remained under treatment for four days. He was cured and discharged on the 9th December. The second was a case of cholera. A woman aged about 35 years was attacked with cholera on the 25th December. She was immediately sent to the hospital. She remained under treatment for eight days and fully recovered, and was then discharged on the 2nd January. She got the sickness 20 days after her arrival into the fair. She came from thannah Hurrirampore. No death took place this year. There were two hospitals built a little way off from each of the eastern and western extremities of the fair. These were placed under the charge of two native doctors sent by the civil surgeon. As one of the native doctors was sick before he came here, the sub-divisional native doctor was kept in the fair from the commencement till the fair broke up.

No money was sent to me, and I disbursed nothing for the fair. I desired Prag Dutta to lay his accounts before you.

The printed papers sent with your letter No. 2107, dated 6th November, are herewith returned.

A.—*List of the articles sold.*

NAMES OF ARTICLES.	Rs.
Shall ornaments ... ..	13,814
Hooka (pipe for smoking) ... ..	8,540
Wood (sunder)... ..	7,360
Wooden chests... ..	2,750
Wooden plates and pans, &c. ... ..	6,850
Mooly bamboos... ..	3,400
Drums ... ..	1,100
Grinding stones ... ..	7,370
Shoes ... ..	16,750
Mats (pati, maudul, &c.) ... ..	14,050
Gold and silver ornaments... ..	58,000
Iron pans, &c. ... ..	2,120
Paper ... ..	2,900
Miscellaneous articles ... ..	1,89,825
Cloth ... ..	9,28,650
Brass, copper, utensils ... ..	1,63,000
Spices (including rocksalt) ... ..	4,20,000
Cinnamon leaves ... ..	38,000
Rice, dāl, oil, and goor, &c. ... ..	25,000
Fish ... ..	2,200
Nets ... ..	3,000
Total ... ..	...19,14,679

N.B.—I have every reason to suspect that the shopkeepers, specially the cloth merchants, did not give the correct amount of their sale proceeds for fear of income tax assessments.

KRISHNA CHUNDRA RAI, *Deputy Magistrate.*

## Rainfall, Weather and State and Prospects of the Crops.

Statement showing Rainfall, Weather and State and Prospects of the Crops in the different Districts of the Lower Provinces of Bengal, as reported to Government during the week ending 3rd February 1872.

No.	District.	Date of return from each district.	Rainfall at Sudder Station, in inches.	Character of the weather in the district, as far as known.	State and prospects of the crops at date.	REMARKS.
		1872.				
1	Bhaugulpore	.. Feb. 3rd	0.3	Very favorable...	All very good. The rain has greatly benefited the crops and the cultivation operations generally.	
2	Monghyr	... .. 3rd	0.2	Rainy and stormy	Good. The crops do not appear to have suffered from the storms.	
3	Purneah	... .. 3rd	*	Rainy and cloudy	A full harvest is expected	* There has been rain, but the quantity not given.
4	Rajmehal	... .. 3rd	Slight	Hot for the season.	Wheat good; mustard fair; it is being gathered; other crops require rain.	
5	Deoghur	... .. 3rd	0	Cloudy	Satisfactory.	
6	Nya Doomka	... .. 3rd	0.3	Cloudy and warm	Urhar only is now on the ground.	
7	Godda	... .. 3rd	† Heavy shower.	Cloudy and warm	The rain has improved gram, linseed, khesary, and sugar-cane.	† No rain gauge.
8	Pakour	... .. 3rd	‡	Cloudy and rainy	Rain is injurious to the winter crops.	‡ Not given owing to the officer's absence at Rajmehal.
9	Jamtarra	... .. 3rd	0.5	Rainy and stormy	Mustard, the only crop on the ground, is poor for want of rain; it is being reaped.	
10	Patna	... .. 3rd	0.5	Partly cloudy and partly clear	Good.	
11	Gya	... .. 3rd	0	Fine	Thriving.	
12	Chumparun.	... .. 3rd	0	Cloudy	Cloudiness and easterly wind have injured the wheat and mustard very much; poppy very uneven.	A westerly wind has set in lately, which will do good.
13	Sarun	... .. 3rd	0	Cloudy	Cloudiness and easterly wind have injured the wheat and mustard very much; poppy very uneven.	
14	Shahabad	... .. 3rd	0.5	Cloudy with easterly wind.	The winter crops promise well; the rain has injured the peas and mustard; for a full crop a steady west wind and a bright sun are required.	
15	Tirhoot	... .. 3rd	0.2	Fair and cold	The rain has done the spring crops good; they are generally flourishing.	
16	Rajshahye	... .. 1st	0	Cloudy and warm	The spring crops daily improving.	
17	Bograh.	... .. 3rd	0.6	Mornings cloudy and misty, and days are bright and clear.	Mustard scanty for want of rain; very little of other cold weather crops grow in the district.	
18	Dinagepore	... .. 3rd	0.6	Mornings cloudy and misty, and days are bright and clear.	Mustard scanty for want of rain; very little of other cold weather crops grow in the district.	
19	Maldah	... .. 3rd	0.4	Getting warmer	Good.	
20	Moorshedabad	... .. 3rd	0.4	Fair	Good.	
21	Pubna	... .. 3rd	0.1	Seasonable, but rather warm.	Good.	... A severe shock of earthquake at 14 A.M. on 31st January 1872.
22	Rungpore	... .. 3rd	0	Fine and warm	Only the tobacco remaining to be cut; it is good.	
23	Burdwan	... .. 3rd	0	Fair and rather warm for the season.	Favorable. Winter crops flourishing.	
24	Bancoorah	... .. 2nd	0.1	Cool and cloudy	The rain has been too slight to be of any use to the crops which are suffering from want of it.	
25	Beerbhcom	... .. 3rd	1.3	Cool and fresh	The rain has improved the winter crops.	
26	Hooghly	... .. 3rd	0	Clear	Winter crops good.	
27	Howrah	... .. 3rd	0	Favorable	Satisfactory.	
28	Midnapore	... .. 2nd	0	Fair	Good.	
29	Nuddea	... .. 3rd	0.1	Cloudy	Not good as usual.	
30	Jessore	... .. 2nd	0	Fair and warm	Good.	
31	24-Pergunnahs	... .. 3rd	0	Fair	Winter crops satisfactory, and spring crops good.	

No.	District.	Date of return from each district.	Rainfall at Sudder Station, in inches.	Character of the weather in the district, as far as known.	State and prospects of the crops at date.	REMARKS.	
1872.							
32	Dacca	... Feb. 3rd	0	Fair and dry	... Good.	General health, good.	
33	Backergunge	... „ 2nd	0	Fair and cold	... Good. Rice nearly all cut.		
34	Furcedpore	... „ 3rd	0	Fair and pleasant	Good		
35	Mymensingh.	...			...		
36	Sylhet	... Jan. 27th	0	Good	... Very good.		
37	Cachar	... „ 27th	0.4	Fair and warm	... Very good.		
38	Chittagong	... „ 27th	0	Fine and rather warm.	Winter crops fair.		
39	Noakhally or Bulloah	... „ 26th	0	Fair	... Good.		
40	Tipperah.	...			...		
41	Hill Tracts of Chittagong.	... „ 27th	0	Foggy	... Good.		
42	Cuttack	... Feb. 3rd	0	Hot	... Good generally.		
43	Balasore	... „ 3rd	0	Fair	... Satisfactory.		
44	Pooree	... Jan. 27th	0	Warm for the time of the year.	Good, except in the Chilka tracts of Parikud, &c.; rice all reaped; winter and spring miscellaneous crops poor for want of rain.		Exportation of rice to Ganjam continues, though lessened in some places.
45	Hazareebaugh	... Feb. 3rd	0.6	Cloudy, fair, and warm at times.	Improved by the rain.		
46	Lohardugga	... „ 2nd	0.5	Cool	... Spring crops benefited by the rain.		
47	Maunbhoom	... „ 3rd	0.3	Fine	... Owing to want of rain there will be a loss of 8 annas in rice, 6 in spring crops, and 10 in mustard and other oil seeds.		
48	Singhloom	... Jan. 26th	0	Dry and cold	... Unfavorable for the pulses.		
49	Durrung	... „ 26th	0.5	Cloudy	... Paddy and pulses reaped; sugar-cane and mustard doing well.		
50	Nowgong	... „ 26th	2.4	Cold	... Spring crops promising well.		
51	Seeksaugor	... „ 27th	0.4	Cool, cloudy, damp, and foggy.	Satisfactory. Harvest is over, except of the winter crops.		
52	Kamroop	... „ 27th	1.7	Dry	... Rice favorable.		
53	Luckimpore	... „ 27th	0.9	Fair	... Satisfactory.		
54	Khasi and Jynteah Hills.	... „ 26th	0	Fair	... No crop standing, except a little cotton.		
55	Naga Hills	... „ 19th	0	Exceedingly fine	Nagas, Kukies, Kacharies, and Mikirs clearing new jhums for the ensuing year.		
56	Julpigoree	... Feb. 3rd	0	Cloudy and variable.	Not very good	Price of rice increasing.	
57	Gowalparah	... Jan. 27th	0.7	Misty and rainy	Winter crops reaped; mustard not good.		
58	Garo Hills	... „ 27th	0	Fair	... No crops on the ground.		
59	Darjeeling	... Feb. 2nd	0.2	Good	... Wheat and barley on the hills, and mustard on the plains promising.		
60	Cooch Behar	... Jan. 27th	1.2	Cloudy and cold	Good.		

N. B.—The columns of the districts from which returns have not been received remain blank.

Published for general information.

FORT WILLIAM,  
The 6th February 1872.

R. H. WILSON,  
Offg. Under-Secy. to the Govt. of Bengal.

Weekly Report of Rainfall compiled at the Meteorological Reporter's Office.

DIVISIONS.	Stations.	Rain from 15th to 21st Jan. 1872.	Rain from 22nd to 28th Jan. 1872.	RAIN FROM 1ST JANUARY 1872.		REMARKS.
				Inches.	Up to date.	
CUTTACK.	Cuttack { Telegraph Office ...	Nil	Nil	Nil	28th Jan. 1872.	
	{ Jail ...	ditto	ditto	ditto	ditto	
	False Point ...	ditto	Not received	ditto	21st Jan. 1872.	
	Jajipore ...	ditto	ditto	ditto	ditto	
	Kendraparah ...	ditto	ditto	ditto	ditto	
	Jugutsingpore ...	ditto	ditto	ditto	ditto	
	Sumbulpore ...	Not received	ditto	ditto	7th Jan. 1872.	
	Batasore ...	ditto	Nil	ditto	28th Jan. 1872.	Not received 15th to 21st Jan.
Bhuddruck ...	Nil	ditto	ditto	ditto		
Pooree ...	ditto	ditto	ditto	ditto	Not received 8th to 14th Jan.	
Khoordah ...	Not received	Not received	ditto	7th Jan. 1872.		
CHOTA NAGPORE.	Hazareebaugh { Jail ...	0.24	Nil	0.24	28th Jan. 1872.	
	{ Dispensary ...	0.12	ditto	0.12	ditto	
	Burhee ...	0.10	Not received	0.10	21st Jan. 1872.	
	Puchumba ...	Nil	Nil	Nil	28th Jan. 1872.	
	Ranchee ...	ditto	ditto	ditto	ditto	
	Palamow ...	0.55	ditto	0.55	ditto	
	Purulia ...	Nil	ditto	Nil	ditto	
Gobindpore ...	ditto	ditto	ditto	ditto		
Chyebassa ...	ditto	ditto	ditto	ditto		
PATNA.	Patna (Bankipore) ..	0.10	Not received	0.70	21st Jan. 1872.	
	Dinapore { Jail ...	0.25	1.58	2.46	28th Jan. 1872.	
	{ Cantonment ...	0.25	1.70	2.55	ditto	
	Behar ...	0.15	0.09	1.00	ditto	Not received 8th to 14th Jan.
	Barh ...	Nil	1.18	1.08	ditto	
	Gya ...	Not received	Not received	0.14	14th Jan. 1872.	
	Sherghotty ...	0.10	Nil	0.10	28th Jan. 1872.	
	Nowadah ...	Nil	ditto	Nil	ditto	
	Arungabad ...	1.03	1.03	2.14	ditto	
	Chumparun ...	Not received	Not received	Nil	14th Jan. 1872.	Not received 1st to 7th Jan.
	Bettiah ...	0.70	ditto	0.70	21st Jan. 1872.	
	Chuprah ...	Nil	1.50	2.30	28th Jan. 1872.	
	Sewan ...	0.22	0.43	1.10	ditto	Not received 8th to 14th Jan.
	Mozufferpore ...	0.40	1.40	2.10	ditto	
	Durlhangah ...	0.03	0.04	0.06	ditto	
	Sootanaroo ...	0.10	0.35	0.95	ditto	
	Tajpore ...	Nil	1.20	3.40	ditto	
	Mudhubani ...	0.20	2.00	2.12	ditto	
	Hujipore ...	0.12	1.59	2.07	ditto	
	Arrah ...	0.23	1.45	2.22	ditto	
	Buxar ...	0.15	1.15	2.58	ditto	
	Sasseram ...	0.11	0.45	0.64	ditto	
	Bhubhoobah ...	0.20	1.15	1.40	ditto	
Benares ...	Nil	1.55	1.55	ditto		
Bhaugulpore ...	0.10	0.11	0.21	ditto		
Mudheypoorah ...	Nil	0.50	0.50	ditto		
Banka ...	ditto	0.26	0.62	ditto		
Soopool ...	ditto	0.09	0.09	ditto		
Monghyr ...	0.20	1.05	1.27	ditto		
Jamouee ...	Nil	Not received	Nil	21st Jan. 1872.		
Begoorai ...	Not received	ditto	ditto	7th Jan. 1872.		
Deoghur ...	Nil	ditto	0.03	21st Jan. 1872.		
Janatara ...	ditto	Nil	Nil	28th Jan. 1872.		
Rajmahal ...	ditto	ditto	ditto	ditto		
Pakour ...	Not received	Not received	ditto	14th Jan. 1872.		
Nya-Doomka ...	Nil	Nil	ditto	28th Jan. 1872.		
Purneah ...	ditto	1.20	1.20	ditto		
Kishengunge ...	ditto	Not received	Nil	21st Jan. 1872.		
Arrarrah ...	Not received	ditto	...	...		
RAJSHYHE.	Rampore Beaulah ...	Nil	Nil	Nil	28th Jan. 1872.	
	Nattore ...	ditto	ditto	ditto	ditto	
	Bograh ...	ditto	Not received	ditto	21st Jan. 1872.	
	Dinapore ...	0.35	0.00	0.95	28th Jan. 1872.	
	Muldah ...	Nil	0.04	0.09	ditto	
	Berhampore ...	ditto	Nil	0.04	ditto	
	Jungipore ...	0.03	ditto	0.09	ditto	
	Lalbugh ...	Nil	ditto	0.11	ditto	
	Jamooakandi ...	ditto	Not received	Nil	21st Jan. 1872.	Not received 1st to 14th Jan.
	Pubna ...	ditto	Nil	ditto	25th Jan. 1872.	
Serajgunge ...	ditto	ditto	ditto	ditto		
Rungpore ...	ditto	ditto	ditto	ditto		
Bhowangunge ...	ditto	ditto	ditto	ditto		
Titaiya ...	ditto	1.28	1.28	ditto		
BURDWAN.	Burdwan ...	ditto	Not received	Nil	21st Jan. 1872.	
	Cutwa ...	ditto	ditto	0.12	ditto	
	Culna ...	ditto	ditto	0.02	ditto	Not received 1st to 7th Jan.
	Bood-Bood ...	ditto	ditto	Nil	ditto	
	Bancoorah ...	ditto	Nil	ditto	23rd Jan. 1872.	
	Raneegunge ...	ditto	ditto	0.15	ditto	
	Sooree ...	ditto	ditto	0.07	ditto	
	Hooghly ...	ditto	ditto	0.50	ditto	
	Serampore ...	ditto	0.00	0.22	ditto	
	Jehanabad ...	Not received	Not received	...	...	
Howrah ...	Nil	Nil	Nil	28th Jan. 1872.		
Midnapore ...	ditto	ditto	ditto	ditto		
Contai { Dy. Collr.'s Office ...	ditto	ditto	1.35	ditto		
{ Exe. Engr.'s Office ...	ditto	ditto	1.00	ditto		
Gurbotta ...	ditto	ditto	Nil	ditto		
Tanlook ...	Not received	0.13	0.13	ditto	Not received 8th to 21st Jan.	

DIVISIONS.	Stations.	Rain from 15th to 21st Jan. 1872.	Rain from 22nd to 28th Jan. 1872.	RAIN FROM 1ST JANUARY 1872.		REMARKS.
				Inches.	Up to date.	
PRESIDENCY.	Kishnaghur ...	Inches. Not received	Inches. Not received	0-08	14th Jan. 1872.	Not received 1st to 7th Jan.
	Bongong ...	ditto	ditto	Nil	ditto.	
	Ranaghat ...	ditto	ditto	ditto	ditto.	
	Meherpore ...	ditto	ditto	ditto	7th Jan. 1872.	
	Choudangah ...	ditto	ditto	ditto	ditto.	
	Kooshtea ...	Nil	Nil	ditto	28th Jan. 1872.	
	Jessore ...	ditto	ditto	0-09	ditto.	
	Khoolnah ...	ditto	ditto	Nil	ditto.	
	Jenidah ...	ditto	Not received	0-20	21st Jan. 1872.	
	Nurail ...	ditto	ditto	0-06	ditto.	
	Magoorah ...	ditto	ditto	Nil	ditto.	
	Bagirhaut ...	ditto	ditto	ditto	ditto.	
	Saugor Island ...	ditto	ditto	0-02	28th Jan. 1872.	
	Calcutta ...	ditto	ditto	0-22	ditto.	
	Alipore { Hospital ...	ditto	ditto	Nil	ditto.	
	{ Jail ...	ditto	ditto	ditto	ditto.	
	Barrackpore ...	ditto	ditto	0-70	ditto.	
	Dum-Dum ...	ditto	ditto	0-10	ditto.	
	Haraset ...	ditto	ditto	0-31	ditto.	
	Satkherah ...	ditto	ditto	0-16	ditto.	
Buseerhaut ...	ditto	ditto	Nil	ditto.		
Diamond Harbour ...	ditto	ditto	ditto	ditto.		
Barripore ...	ditto	ditto	ditto	ditto.		
Dacca.	Dacca { Telegraph Office ...	Not received	Not received	0-51	14th Jan. 1872.	Not received 15th to 21st Jan.
	{ Jail ...	Nil	Nil	0-05	28th Jan. 1872.	
	Burrisaul ...	ditto	ditto	0-37	ditto.	
	Bowlat Khan ...	ditto	Not received	Nil	21st Jan. 1872.	
	Perozepore ...	ditto	Nil	0-37	28th Jan. 1872.	
	Madaripore ...	ditto	ditto	0-70	ditto.	
	Furzedpore ...	ditto	ditto	Nil	ditto.	
	Goalundo ...	Not received	ditto	ditto	ditto.	
	Mymensing ...	Nil	Not received	ditto	21st Jan. 1872.	
	Jannalpoore ...	ditto	ditto	ditto	ditto.	
Attenh ...	ditto	ditto	ditto	ditto.		
Kishoregunge ...	ditto	ditto	ditto	ditto.		
Sylhet ...	ditto	ditto	ditto	ditto.		
Cachar ...	ditto	ditto	0-25	ditto.		
Hylakandy ...	ditto	ditto	0-39	ditto.		
Koyah ...	ditto	ditto	0-47	ditto.		
CHITTAGONG.	Chittagong { Telegraph Office ...	ditto	Nil	0-40	28th Jan. 1872.	Not received 8th to 21st Jan.
	{ Jail ...	ditto	ditto	0-14	ditto.	
	Cox's Bazar ...	ditto	Not received	0-10	21st Jan. 1872.	
	Rangamatee Hill ...	ditto	Nil	0-59	28th Jan. 1872.	
	Noakhally ...	ditto	ditto	0-59	ditto.	
	Tipperah ...	ditto	ditto	0-26	ditto.	
Brahmanbariah ...	Not received	Not received	...	.....		
COOCH BEHAR.	Akyah ...	Nil	Nil	0-10	28th Jan. 1872.	Not received 8th to 21st Jan.
	Cooch Behar ...	Not received	1-20	1-20	ditto.	
	Buxa ...	0-18	0-80	0-08	ditto.	
	Goolparah ...	Nil	Not received	Nil	21st Jan. 1872.	
	Dhoobree ...	ditto	1-00	1-00	28th Jan. 1872.	
	Tura (Garoo Hills) ...	ditto	Nil	Nil	ditto.	
ASSAM.	Darjeeling { Telegraph Office ...	Not received	Not received	...	.....	Not received 1st to 7th Jan.
	{ Hospital ...	Nil	0-36	0-36	28th Jan. 1872.	
	Rungbee ...	Not received	Not received	...	.....	
	Julpigooree ...	Nil	0-96	0-96	28th Jan. 1872.	
Boda ...	ditto	2-00	2-00	ditto.		
ASSAM.	Tezpoore ...	ditto	Not received	Nil	21st Jan. 1872.	Not received 1st to 7th Jan.
	Nowgong ...	ditto	2-40	2-80	28th Jan. 1872.	
	Mungledyo ...	ditto	Not received	Nil	21st Jan. 1872.	
	Burpettuh ...	ditto	ditto	ditto	ditto.	
	Gowhaty ...	ditto	1-70	1-70	28th Jan. 1872.	
	Sechsangor ...	ditto	Not received	0-18	21st Jan. 1872.	
	Jorehaut ...	Not received	ditto	0-10	11th Jan. 1872.	
	Golghat ...	Nil	ditto	0-08	21st Jan. 1872.	
	Nazecrah ...	0-02	ditto	0-22	ditto.	
	Debrooghur ...	Nil	ditto	0-50	ditto.	
	Suddya ...	Not received	ditto	0-80	14th Jan. 1872.	
	Shillong ...	Nil	ditto	Nil	21st Jan. 1872.	
Cherrapoonjee ...	Not received	ditto	0-02	14th Jan. 1872.		
Jaowai ...	Nil	ditto	Nil	21st Jan. 1872.		
Samoogoodting ...	ditto	ditto	ditto	ditto.		

HENRY F. BLANFORD,  
*Meteorological Reporter to the Govt. of Bengal.*

CALCUTTA,  
 The 3rd February 1872.

Meteorological Telegraphic Report for the period 28th January to 3rd February 1872.

STATION.	Date.	Hour.	Baromet. reduced to 32°.	Barometer reduced to sea-level.	THERMOMETER		Humidity Sat. =100	WIND.		Rain.	Clouds.	Weather initials.
					Dry.	Wet.		Direction.	Velocity.			
CALCUTTA.	Jan. 28th	10	30.114	30.153	73.0	65.0	62	ENE	...	...	CS	b
		16	30.011	30.029	78.0	69.7	65	S	...	...	...	b
	29th	10	30.161	30.183	72.0	65.7	71	ENE	...	...	CS	b
		16	30.020	30.038	78.0	69.5	63	NE	...	...	C	b
	30th	10	30.138	30.157	71.5	69.5	78	ESE	...	...	CK	b
		16	30.000	30.024	79.0	68.4	55	NNW	...	...	CC	b
	31st	10	30.119	30.137	75.0	65.6	59	WSW	...	...	CC	b
	Feb. 1st	10	29.908	30.016	80.0	68.3	53	WSW	...	...	CC	b
		16	30.120	30.139	73.0	71.0	90	WSW	...	...	...	b
	2nd	10	29.978	30.093	79.0	70.5	60	S by W	...	...	...	b
		16	30.086	30.104	76.5	68.0	62	ENE	...	...	CK	b
	3rd	10	29.913	29.961	81.6	70.9	52	W by N	...	...	...	b
	16	30.075	30.093	75.0	67.0	63	E	...	...	...	b	
	18	29.960	29.978	79.7	70.0	58	NW	...	...	CS	b	
SAGOR ISLAND.	Jan. 28th	10	30.123	30.128	74	71	85	W	6.2*	...	NK	b, m
		16	30.006	30.012	79	73	73	SSW	7.8*	...	KK	b, m
	29th	10	30.111	30.147	74	70	81	NE	4.8*	...	KK	b, m
		16	30.025	30.031	82	79	87	WSW	5.2*	...	KK	b, m
	30th	10	30.142	30.148	71	71	100	N	3.5*	...	...	f
		16	30.024	30.039	78	73	77	SSW	8.0*	...	KN	b, m
	31st	10	30.130	30.136	75	73	90	N	3.8*	...	KN	b, m
	Feb. 1st	10	30.007	30.013	79	73	73	SW	8.2*	...	CS	b, m
		16	30.131	30.137	75	72	85	NW	3.1*	...	K	b, m
	2nd	10	30.007	30.013	81	74	70	WSW	8.0*	...	...	b, m
		16	30.037	30.069	75	69	72	ENE	9.0*	...	...	b
	3rd	10	29.977	29.983	79	72	69	SW	8.6*	...	...	b, m
	16	30.064	30.070	74	72	81	NW	8.3*	...	K	b, m	
	18	29.957	29.963	80	73	70	S	4.5*	...	KK	b	
CHITTAGONG.	Jan. 28th	10	30.028	30.122	75	67	63	NNE	4.5*	...	...	b, m
		16	29.980	30.073	81	67	44	W	5.8*	...	K	b
	29th	10	30.032	30.127	70	63	65	N	4.0*	...	...	b, m
		16	29.955	30.049	70	65	43	W	8.2*	...	C	b, m
	30th	10	29.936	30.031	73	63	58	N	5.1*	...	...	b, m
		16	29.900	29.994	76	64	48	WSW	6.4*	...	...	b, m
	31st	10	30.019	30.114	72	64	62	NNE	5.8*	...	...	b, m
	Feb. 1st	10	29.925	30.019	73	61	40	W	5.7*	...	C	b
		16	30.014	30.108	74	67	67	NNE	5.1*	...	...	b, m
	2nd	10	29.920	30.013	81	67	44	WSW	6.0*	...	...	b, m
		16	29.999	30.092	76	67	60	N	3.0*	...	...	b, m
	3rd	10	29.870	29.963	80	68	51	W	5.5*	...	...	b, m
	16	29.988	30.082	77	69	64	NNW	4.3*	...	...	b, m	
	18	29.890	29.983	80	63	54	W	5.1*	...	...	b, m	
MADRAS.	Jan. 27th	10	30.045	30.075	62	67	42	ENE	6*	...	...	bc
		16	29.923	29.953	81	71	59	ENE	11*	...	...	bc
	28th	10	30.031	30.061	83	73	60	ENE by E	13*	...	...	bc
		16	29.950	29.980	80	71	62	ENE	17*	...	...	bc
	29th	10	30.058	30.088	82	71	53	NE	12*	...	...	bc
		16	29.959	29.989	82	71	55	NNE	13*	...	...	bc
	30th	10	30.076	30.106	80	73	70	NNE	12*	...	...	bc
		16	29.952	29.982	82	74	66	ENE by E	15*	...	...	bc
	31st	10	30.075	30.105	84	73	56	ENE by E	12*	...	...	bc
	Feb. 1st	10	29.900	29.930	81	71	59	ENE	13*	...	...	bc
		16	30.053	30.083	82	73	63	ENE by E	9*	...	...	bc
	2nd	10	29.944	29.974	83	73	63	E by N	12*	...	...	bc
	16	30.014	30.074	82	71	55	E by N	7*	...	...	bc	
	18	29.927	29.957	83	73	56	ENE	12*	...	...	bc	
CUTTACK.	Jan. 27th	10	30.031	30.114	79	70	61	S	1.7*	...	KS	fair
		16	29.873	29.955	85	69	41	NE	2.1*	...	KS, C	fair
	28th	10	30.024	30.107	76	70	72	ENE	1.0*	...	KS	w, cloudy
		16	29.888	29.970	86	70	41	SE	2.7*	...	KS	fair
	29th	10	30.054	30.138	75	70	76	ENE	1.2*	...	C, KS	w, cloudy
		16	29.924	30.010	86	70	41	E	2.0*	...	N, KS	cloudy
	30th	10	30.054	30.137	77	69	64	ENE	1.2*	...	C	fair
		16	29.948	30.034	87	69	80	NNE	2.0*	...	KS	fair
	31st	10	30.071	30.154	78	70	65	SW	1.2*	...	C	fair
	Feb. 1st	10	30.001?	30.178?	86	70	41	E	3.6*	...	KS	fair
		16	30.041	30.124	76	69	68	SSW	1.0*	...	KS	cloudy
	2nd	10	29.888	29.970	86	69	38	SE	3.2*	...	KS	fair
	16	30.024	30.108	75	69	72	ENE	1.5*	...	KS	fair	
	18	29.868	29.950	86	68	35	SSE	3.4*	...	...	fair	
AKYAB.	Jan. 28th	10	30.086	30.108	73	69	85	ENE	1	...	...	b
		16	29.972	29.994	80	73	70	SW	1	...	...	b
	29th	10	30.116	30.138	71	67	80	NE	1	...	CS	b
		16	30.004	30.026	70	69	58	W	1	...	CS	b
	30th	10	30.098	30.120	71	68	83	ENE	1	...	...	b
		16	30.044	30.066	78	71	69	WSW	1	...	...	b
	31st	10	30.101	30.123	69	67	89	ENE	1	...	...	b
	Feb. 1st	10	29.992	30.014	80	70	58	SE	1	...	...	b
		16	30.068	30.118	71	68	85	NE	1	...	...	b
	2nd	10	29.979	30.001	81	72	62	NW	1	...	...	b
		16	30.070	30.092	74	70	81	NNW	1	...	...	b
	3rd	10	29.942	29.964	79	71	65	W	1	...	...	b
	16	30.018	30.070	70	68	80	ENE	1	...	...	b	
	18	29.932	29.954	69	59	51	SSE	1	...	...	b	

\* Velocity of wind in miles per hour.

Results of the Meteorological Observations taken at the Surveyor-General's Office, Calcutta, from 22nd to 31st January 1872.

Month.	Inches.	THERMOMETER.			Mean dry bulb.	Mean wet bulb.	Dew-point.	Baromet.	WIND.	Miles.	GENERAL REMARKS.
		Highest reading.	Lowest reading.	Max. solar radiation.							
Jan. 22nd	29.098	78.0	61.0	133.0	68.2	62.6	68.1	0.72	W N W	20.3	Clear and cirri. Foggy from midnight to 2 A.M., and 7 to 10 P.M.
23rd	0982	81.0	60.8	135.6	70.3	65.4	61.5	.75	W by S & S by W	20.2	Clear and cirri. Foggy at 7 A.M.
24th	0904	80.7	64.5	136.0	71.4	66.8	63.1	.76	S by W & S S W	21.9	Clear and strati. Slightly foggy from 3 to 9 A.M.
25th	0900	82.3	62.8	137.3	71.3	67.2	63.9	.76	S S W	22.2	Clear and cumuli. Foggy from 4 to 8 A.M.
26th	30 020	76.8	65.0	136.3	71.2	67.4	64.4	.80	S S W & S by E	23.5	Clear, cirrostrati, and cumuli.
27th	020	78.6	67.4	128.2	72.0	68.4	65.5	.81	S S E & S S W	24.4	Cirrostrati and cumuli. Slightly foggy at 7 and 8 A.M., and 9 P.M.
28th	047	78.3	65.6	134.5	71.7	66.4	62.2		S S W & S	26.1	Cirrostrati and cumuli.
29th	078	79.0	65.0	134.0	71.0	66.5	62.4		E S E & N E	28.7	Chiefly clear. Slightly foggy at 10 P.M.
30th		79.5	64.5	139.0	71.7	66.8	62.0	.75	E S E & N N W	27.2	Clear and cumuli. Slightly foggy from 6 to 8 A.M., and 8 to 10 P.M.
31st	045	80.5	65.2	136.5	72.5	66.3	61.3	.69	W S W	26.1	Clear and cirri. Slightly foggy at 9 P.M.

The mean barometer as likewise the dry and wet bulb thermometer means are derived from the twenty-four hourly observations made during the day.

The dew-point is computed with the Greenwich constants.—The figures in column 10 represent the humidity of the air, the complete saturation of which being taken at unity.—The receiver of the lower rain gauge is 1½ feet, and that of the anemometer 70 feet 10 inches above the level of the ground.—The velocity of wind, as indicated by Robinson's anemometer, is registered from noon to noon.

The extreme variation of temperature during the past ten days	...	21.5
The max. temperature during the past ten days	...	82.3
The max. temperature during the corresponding period of the past year	...	81.5
The mean humidity during the past ten days	...	0.75
The mean humidity during the corresponding period of the past year	...	0.66
		Inches.
The total fall of rain from 22nd to 31st	... { by lower rain gauge	Nil
	... { by anemometer gauge	Nil
Ditto ditto average of eighteen previous years	...	0.28
Ditto between the 1st January and the 31st January	...	0.22
Ditto ditto ditto ditto, average of eighteen previous years	...	0.44

CALCUTTA,  
The 5th February 1872.

MURRAY LALL SEN,  
For Officer in charge of the Observatory.



**GOVERNMENT OF BENGAL.**  
**PUBLIC WORKS DEPARTMENT.**  
**Irrigation Branch.**  
**Irrigation Operations of Lower Bengal up to 31st December 1871.**

Circles.	Canal.	WATER SUPPLIED DURING 1871-72.				APPROXIMATE AREA IRRIGATED DURING DECEMBER 1871.				RAINFALL.				NAVIGATION RETURNS.				CROP IRRIGATION.		REMARKS.	
		Full supply depth.	Estimated fall discharge in cubic feet per second.	Average depth throughout the month.	Average discharge in cubic feet per second through-out the month.	District.	Area actually receiving water during month in acres.	Of column 8 area receiving water for first time during current year.	Total of column 9 for all previous months of current year.	Total area irrigated up to year.	Inches during the month.	Inches up to date during the year.	Average of ten previous years for the same period.	Nature of traffic.	Number of boats.	Tonnage.	Ton mileage.	Approximate value of goods.	Per column 8.		Per column 9.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	High Level	8	675	4.80	Still water.	Cuttack	10,721	...	10,721	10,721	...	40.24	58.13	Local	31	55	771	261 8 0	Rice	...	Canal closed from 15th December 1871. Escape at Hussulpore closed for repairs.
	Kendrapara	7	1,262	5.09	749.592	Ditto	15,847	79	15,568	15,647	0.18	49.40	58.23	Local	33	174	3,728	4,151 0 0	Cotton & other articles.	...	Canal closed from 15th December 1871 for repairs. Discharge through No. 8 Lock is 1,082 c. ft. per second. Discharge over Man-tree escape, 237 72 c. ft. per second.
	Taldanda	6	1,300	6.25	14.51 or 30 c. ft.	Ditto	...	13	1,363	1,376	0.16	49.40	58.23	Local	15	85	1,028	90 0 0	...	...	Canal closed from 15th December 1871.
	Mac bhong	...	...	...	...	Ditto	310	5	305	310	0.14	49.40	58.23	...	...	...	...	3,107 0 0	...	...	Only a little water let down to bring boats into Upper Reach.

Orissa



## Weekly Return of Traffic Receipts on Indian Railways.

## EAST INDIAN RAILWAY—MAIN LINE.

Approximate Return of Traffic for week ended 20th January 1872, on 1,280 miles open.

	COACHING TRAFFIC.				MERCHANDISE AND MINERAL TRAFFIC.				Total traffic receipts.
	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		£ s. d.		
		Rs. As. P.	£ s. d.		Mds. Srs.	Rs. As. P.		£ s. d.	
Total traffic for the week ...	95,851	1,39,543 4 9	12,791 9 4	666,694 0	4,31,582 9 3	39,561 14 9	62,353 4 1		
Or per mile of railway ...	100 0 4	108 0 4	9 19 10	...	337 2 9	30 18 2	40 18 0		
For previous 2 weeks of half-year ...	171,278	2,92,594 12 8	26,821 3 10	1,410,938 20	9,50,548 0 3	87,133 11 4	113,964 15 2		
Total for 3 weeks ...	267,129	4,32,138 1 5	39,612 13 2	2,107,632 20	13,82,130 9 6	126,695 6 1	166,507 19 3		
COMPARISON.									
Total for corresponding week of previous year ...	100,378	1,49,074 6 10	13,665 3 1	672,184 0	3,81,801 8 7	34,998 9 6	48,663 12 7		
Per mile of railway corresponding week of previous year ...	...	116 8 2	10 13 7	...	298 6 5	27 7 1	38 0 8		
Total to corresponding date of previous year ...	285,569	4,16,892 12 11	38,215 3 6	1,752,653 39	10,72,661 8 8	98,327 6 2	136,542 9 8		

## EAST INDIAN RAILWAY—JUBBULPORE LINE.

Approximate Return of Traffic for week ended 20th January 1872, on 223 miles open.

	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		£ s. d.	
		Rs. As. P.	£ s. d.		Mds. Srs.	Rs. As. P.		£ s. d.
	Total traffic for the week ...	5,675	12,986 13 5	1,190 9 2	85,670 0	23,807 15 3	2,182 7 11	1 6
Or per mile of railway ...	10,166	30,160 11 5	2,761 14 8	140,869 20	45,399 7 3	4,161 12 4	6,926 7 0	
Total for 3 weeks ...	15,241	43,147 8 10	3,955 3 10	226,539 20	69,297 6 6	6,344 0 3	10,399 4 1	
COMPARISON.								
Total for corresponding week of previous year ...	3,124	14,071 0 0	1,289 16 11	25,421 10	7,343 7 6	673 3 0	1,962 10 11	
Per mile of railway corresponding week of previous year ...	...	63 1 7	5 15 8	...	32 14 11	3 0 5	8 16 1	
Total to corresponding date of previous year ...	11,698	48,600 9 3	4,155 8 5	92,658 30	24,065 10 10	2,290 10 5	6,655 18 10	

## EASTERN BENGAL RAILWAY.

Approximate Return of Traffic for week ended 20th January 1872, on 156½ miles open.

	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		£ s. d.	
		Rs. As. P.	£ s. d.		Mds. Srs.	Rs. As. P.		£ s. d.
	Total traffic for the week ...	32,357	19,947 0 6	1,828 9 7	97,195 18 2	18,899 0 11	1,724 5 1	3,552 14 8
Or per mile of railway ...	207	127 7 1	11 14 8	621 0	120 3 1	11 0 4	22 14 0	
For previous 2 weeks of half-year ...	57,455	37,944 14 6	3,395 15 8	161,179 21 4	35,911 9 0	4,291 17 10	6,687 13 6	
Total for 3 weeks ...	89,792	56,991 15 0	5,223 5 3	258,375 0	54,721 9 11	6,016 2 11	10,249 8 2	
COMPARISON.								
Total for corresponding week of previous year ...	26,507	17,778 4 8	1,629 13 6	112,438 35	24,212 13 10	2,219 10 3	3,819 3 9	
Per mile of railway corresponding week of previous year ...	169	113 9 7	10 8 3	718 0	154 11 5	14 3 8	24 11 11	
Total to corresponding date of previous year ...	79,874	48,629 5 9	4,157 13 10	305,385 9	65,262 1 2	5,982 7 1	10,440 0 11	

## CALCUTTA AND SOUTH-EASTERN STATE RAILWAY.

Approximate Return of Traffic for Week ended 20th January 1872, on 28 miles open.

	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		£ s. d.	
		Rs. As. P.	£ s. d.		Mds. Srs.	Rs. As. P.		£ s. d.
	Total traffic for the week ...	13,080½	1,568 10 6	165 17 4	14,263 0	387 6 0	38 14 9	105 12 1
Or per mile of railway ...	367	56 0 5	5 12 1	509 16	13 13 4	1 7 8	6 19 9	
For previous 15 weeks of half-year ...	83,844	12,725 6 9	1,272 10 10	176,742 10	5,560 5 0	556 0 7	1,828 11 5	
Total for 16 weeks ...	96,915	14,294 1 3	1,437 8 2	191,005 10	5,947 11 0	594 15 4	2,024 3 6	
COMPARISON.								
Total for corresponding week of previous year ...	10,792	1,467 3 0	146 14 5	9,829 0	318 15 3	31 17 11	178 12 4	
Per mile of railway corresponding week of previous year ...	385	52 6 4	5 4 9	354 0	11 6 3	1 3 9	6 7 6	
Total to corresponding date of previous year ...	95,683	15,297 11 6	1,529 15 5	176,398 28	5,750 15 9	675 2 0	2,005 17 5	

THE INDIAN EVIDENCE BILL.

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SCHEDULE.

THE INDIAN EVIDENCE BILL.

[As amended by the Select Committee.]

WHEREAS it is expedient to consolidate, define, and amend the Law of Evidence; it is hereby enacted as follows:—

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

- 1. This Act may be called "The Indian Evidence Act, 1872."

Short title.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator,

Extent.

Commencement of Act.

Repeal of enactments.

and it shall come into force on the first day of September 1872.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act, or Regulation in force in any part of British India.

(2.) All such rules, laws, and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861, in so far as they relate to any matter herein provided for.

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:

Interpretation-clause.

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Court."

"Fact."

"Fact" means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition, of which any person is conscious.

Illustrations.

(a.) That there are certain objects arranged in a certain order in a certain place, is a fact.

(b.) That a man heard or saw something is a fact.

(c.) That a man said certain words is a fact.

(d.) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(e.) That a man has a certain reputation is a fact.

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

' Relevant.'

"Facts in issue."

The expression "Facts in issue" means and includes—

any fact, from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being relating to Civil Procedure, any Court records an issue of fact, the

act to be asserted or denied in the answer to such issue, is a fact in issue.

*Illustrations.*

A is accused of the murder of B.  
At his trial the following facts may be in issue:—  
That A caused B's death.  
That A intended to cause B's death.  
That A had received grave and sudden provocation from B.  
That A at the time of doing the act which caused B's death was, by reason of unsoundness of mind, incapable of knowing its nature.

“Document” means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

*Illustrations.*

A writing is a document.  
Words printed, lithographed or photographed are documents.  
A map or plan is a document.  
An inscription on a metal plate or stone is a document.  
A caricature is a document.

“Evidence.” “Evidence” means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence;

*Explanation.*—A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said not to be proved when it is neither proved nor disproved.

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

When one fact is declared by this Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

*Explanation.*—This section shall not enable a person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being relating to Civil Procedure.

*Illustrations.*

(a.) A is tried for the murder of B by beating him with club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club.

A's causing B's death by such beating.

A's intention to cause B's death.

(b.) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same or at different times and places.

*Illustrations.*

(a.) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it, as to form part of the transactions, is a relevant fact.

(b.) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and goals are broken open. The occurrence of these facts is relevant as forming part of the general transaction, though A may have not been present at all of them.

(c.) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(d.) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

*Illustrations.*

(a.) The question is, whether A robbed B. The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(b.) The question is, whether A murdered B. Marks on the ground produced by a struggle at or near the place where the murder was committed are relevant facts.

(c.) The question is, whether A poisoned B. The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

Motive, preparation, and subsequent conduct. The previous or subsequent conduct of any party to a suit or proceeding, or of any person, an offence against whom is the subject of a suit or proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact.

**Explanation 1.**—The word “conduct” in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statement under any other section of this Act.

**Explanation 2.**—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

*Illustrations.*

- (a.) A is tried for the murder of B. The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.
- (b.) A sues B upon a bond for the payment of money. B denies the making of the bond. The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.
- (c.) A is tried for the murder of B by poison. The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.
- (d.) The question is, whether a certain document is the will of A. The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.
- (e.) A is accused of a crime. The facts that, either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favorable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.
- (f.) The question is, whether A robbed B. The facts that, after B was robbed, C said in A's presence—‘the police are coming to look for the man who robbed B,’—and that immediately afterwards A ran away, are relevant.
- (g.) The question is, whether A owes B rupees 10,000. The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—‘I advise you not to trust A, for he owes B 10,000 rupees,’—and that A went away without making any answer, are relevant facts.
- (h.) The question is, whether A committed a crime. The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.
- (i.) A is accused of a crime. The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which wore or might have been used in committing it, are relevant.
- (j.) The question is, whether A was ravished. The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant. The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant as a dying declaration under section 32 (1), or as corroborative evidence under section 157.
- (k.) The question is, whether A was robbed. The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant. The fact that he said he had been robbed without making any complaint, is not relevant as conduct under this section, though it may be relevant as a dying declaration under section 32 (1), or as corroborative evidence under section 157.

**9. Facts necessary to explain or introduce a fact in issue or relevant fact,**

Facts necessary to explain or introduce relevant facts, or which rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person, whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

*Illustrations.*

- (a.) The question is whether a given document is the will of A. The state of A's property and of his family at the date of the alleged will may be relevant facts.
- (b.) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true. The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue. The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.
- (c.) A is accused of a crime. The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section eight, as conduct subsequent to and affected by facts in issue. The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly. The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.
- (d.) A sues B for inducing C to break a contract of service made by him with A. C on leaving A's service says to A, I am leaving you because B has made me a better offer. This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.
- (e.) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it—‘A says you are to hide this.’ B's statement is relevant as explanatory of a fact which is part of the transaction.
- (f.) A is tried for a riot, and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

**10. Where there is reasonable ground to believe**

that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

*Illustrations.*

- (a.) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen. The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

**11. Facts not otherwise relevant are relevant—**

- (1) if they are inconsistent with any relevant fact;
- (2) if by themselves or in connection with other facts they make the existence or non-existence of any relevant fact highly probable or improbable.

*Illustrations.*

- (a.) The question is, whether A committed a crime at Calcutta on a certain day. The fact that on that day A was at Lahore is relevant. The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.
- (b.) The question is, whether A committed a crime. The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else and that it —



12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

In suits for damages, evidence may be given of facts tending to determine amount.

13. Where the question is as to the existence of any right or custom, the following facts are relevant—

Facts relevant when right or custom is in question.

(a.) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(b.) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

*Illustration.*

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcilable with the mortgage, particular instance in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14. Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is relevant.

Facts showing existence of state of mind, or of body or bodily feeling.

*Explanation.*—A fact relevant as showing the existence of a relevant state of mind must show that it exists not generally but in reference to the particular matter in question.

*Illustration.*

(a.) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(b.) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

(c.) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y, and Z, and that they had made complaints to B, are relevant.

(d.) The question is, whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payer had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(e.) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(f.) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him is relevant, as showing that A made the representation in good faith.

(g.) A is sued by B for the price of work done by B upon a house of which A is owner by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(h.) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property has been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew or had reason to believe that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(i.) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(j.) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved, as showing the intention of the letters.

(k.) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(l.) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms are relevant facts.

(m.) The question is, what was the state of A's health at the time when an assurance of his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(n.) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriage which he let to hire, is irrelevant.

(o.) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(p.) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

15. When there is a question whether an act was accidental or intentional the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Act forming part of series of occurrences.

*Illustrations.*

(a.) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(b.) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favor of A, are relevant.

(c.) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E are relevant, as showing that the delivery to A was not accidental.

16. When there is a question whether a particular act was done, the existence of any course of business according to which it naturally would have been done, is a relevant fact.

Course of business when relevant.

*Illustrations.*

The question is, whether a particular letter was dead.  
 facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that the particular letter was put in that place, are relevant.  
 (3.) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

**ADMISSIONS.**

**17. An admission is a statement, oral or documentary, which suggests any inference as to any relevant fact, and which is made by any of the persons hereinafter mentioned.**

*Admissions defined.*

Statements made by a party to the proceeding, or by an agent to any such party whom the Court regards, or under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

Statements made by parties to suits sued in a representative character are not admissions, unless they were made while the party making them held that character.

*Admissions by parties interested in subject-matter.*

**18. Statements made by—**

- (1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or
- (2) persons from whom the parties to the suit derived their interest in the subject-matter of the suit, are admissions if they are made during the continuance of the interest of the persons making the statements.

*Admissions by persons whose position must be proved as against party to it.*

**19. Statement made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.**

*Illustration.*

A undertakes to collect rents for B.  
 B sues A for not collecting rent due from C to B.  
 A denies that rent was due from C to B.  
 A statement by C, that he owed B rent, is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

**20. Statement made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.**

*Admissions by persons expressly referred to by party to suit.*

*Illustration.*

The question is whether a horse sold by A to B is sound.  
 A says to B 'Go and ask C, C knows all about it.' C's statement is an admission.

**21. Admissions are relevant and may be proved as against the person who denies the inference which they suggest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases:—**

*Relevancy of admissions against or in behalf of persons concerned.*

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

(2) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any relevant state of mind or body made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

(a.) The question between A and B is whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(b.) A, the Captain of a ship, is tried for casting her away. Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section 32 (1).

(c.) A is accused of a crime committed by him at Calcutta. He produces a letter written by himself and dated at Lahore on that day, and bearing the Lahore post mark of that day.

The statement in the date of the letter is admissible, because, if A were dead out, it would be admissible under section 32 (2).

(d.) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are not explanatory of conduct influenced by facts in issue.

(e.) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last illustration.

**32. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.**

*When oral admissions as to contents of documents are relevant.*

**23. In civil cases, no admission is relevant if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.**

*Admissions in civil cases when relevant.*

**24. An admission made by an accused person is irrelevant in a criminal proceeding if the making of the admission appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.**

*Admission of crime caused by inducement, threat, or promise irrelevant.*

**25. No admission of guilt made to a police officer, shall be used as proved as against a person accused of any offence.**

*Confession made to police officer shall not be used as evidence.*

**26. No admission of guilt made by any person**

*Confession made while the accused is in custody of the police shall not be used as evidence.*

whilst he is in the custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

**27. Provided that, when any fact is deposed to**

*So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.*

as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to an admission of guilt or not, as relates distinctly to the fact thereby discovered, may be proved.

**28. If such an admission as is referred to in**

*Admission made after removal of impression caused by inducement, threat, or promise, relevant.*

section 24 is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the Court, been fully removed, it is relevant.

**29. If such an admission is otherwise relevant,**

*Admission otherwise relevant not irrelevant on certain grounds.*

it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such admission, and that evidence of it might be given against him.

**30. When more persons than one are being**

*Consideration of proved admission affecting person making it and others jointly under trial for same offence.*

tried jointly for the same offence, and an admission made by one of such persons affecting himself and some other such person is proved,

the Court may take into consideration such admission as against such other person as well as against the person who makes such admission.

*Illustrations.*

(a.) A and B are jointly tried for the murder of C. It is proved that A said,—“B and I murdered C.” the Court may consider the effect of this admission as against B.

(b.) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—“A and I murdered C.”

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

**31. Admissions are not conclusive proof of**

*When admissions are conclusive proof.*

the matters admitted, but they may operate as estoppels under the provisions

hereinafter contained.

**STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.**

**32. Statements, written or verbal, of relevant**

*When statement by person who is dead or cannot be found, &c., is relevant.*

facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence,

or whose attendance cannot be procured without an amount of delay or expence which, under the circumstances of the case, appears to the Court un-

reasonable, are themselves relevant facts in the following cases:—

(1.) When the statement is made by a person

as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

(2.) When the statement was made by such

person in the ordinary course of business, and in particular, when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of acknowledgments written or signed by him of the receipt of money, goods, securities or property of any kind; or of documents used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

(3.) When the statement is against the pecu-

niary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

(4.) When the statement gives the opinion of

any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

(5.) When the statement relates to the exist-

ence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

(6.) When the statement relates to the exist-

ence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

(7.) When the statement is contained in any

deed, will, or other document which relates to any such transaction as is mentioned in section thirteen, clause (a).

(8.) When the statement was made by a num-

ber of persons, and expressed feelings or impressions on their part relevant to the matter in question.

*Illustrations.*

(a.) The question is, whether A was murdered by B., or A dies of injuries received in a transaction in the course of which she was ravished. The question is whether she was ravished by B.: or

The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the actionable wrong under consideration, are relevant facts.

(b.) The question is as to the date of A's birth.

An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(c.) The question is, whether A was in Calcutta on a given day.

A statement in the diary of deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(d.) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(e.) The question is, whether rent was paid to A for certain land.

A letter from a deceased agent to A, saying that he had received the rent on A's account, and held it at A's orders, is a relevant fact.

(f.) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(g.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(h.) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(i.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(j.) The question is, what was the price of grain on a certain day in a particular market. A statement of the price made by a deceased banya in the ordinary course of his business, is a relevant fact.

(k.) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(l.) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend announcing the birth of A on a given day, is a relevant fact.

(m.) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.

(n.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

**33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving the truth of the facts which it states in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable :**

Evidence in a former judicial proceeding when relevant.

Provided that the proceeding was between the same parties or their representatives in interest ;  
that the adverse party in the first proceeding had the right and opportunity to cross-examine ;  
that the questions in issue were substantially the same in the first as in the second proceeding.

*Explanation.*—A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section ; and an inquiry before a Magistrate shall

be deemed to be an earlier stage of a judicial proceeding, of which the trial before the Magistrate or the Court of Session is a later stage.

**STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.**

**34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.**

Entries in books of account.

relevant whenever they refer to a matter into which the

Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

*Illustration.*

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

**35. An entry in any public or other official book, register, or record, stating a relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.**

Entry in public record, made in performance of duty enjoined by law when relevant.

book, register, or record, stating a relevant fact and made by a public servant in the discharge of his official

duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

**36. Statements of relevant facts made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.**

Maps and plans when relevant.

published maps or charts generally offered for public sale, or in maps or plans

made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

**37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the *Gazette* of any local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.**

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any act

of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the *Gazette* of any local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

**38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.**

Statements in law-books.

to a law of any country, any statement of such law contained in a book purporting

to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.

**HOW MUCH OF A STATEMENT IS TO BE PROVED.**

**39. When any statement of which evidence is given forms part of a longer statement or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.**

What evidence to be given when a statement forms part of a conversation, document, book, or series of letters or papers.

given forms part of a longer statement or of a conversation or part of an isolated document, or is contained in a document which forms part

of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

## JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

**40.** The existence of any judgment, order or decree which, by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

Previous judgments relevant to bar a second suit or trial.

**41.** A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Judgments in probate, &c., jurisdiction.

Such order, judgment or decree is conclusive proof that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character to which it declares any such person to be entitled accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

**42.** Judgments, orders or decrees other than those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the inquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Judgments, order or decree between third parties when irrelevant and when not.

those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the inquiry;

but such judgments, orders or decrees are not conclusive proof of that which they state.

*Illustration.*

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favor of the defendant, in a suit by A against C for a trespass in the same place, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

**43.** Judgments, orders or decrees, other than those mentioned in sections 40, 41, and 42, are irrelevant, unless the fact that such a judgment, order or decree existed, is relevant under some other provision of this Act.

What judgments, &c., not relevant.

40, 41, and 42, are irrelevant, unless the fact that

such a judgment, order or decree existed, is relevant under some other provision of this Act.

*Illustrations.*

(a.) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages, on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(b.) A prosecutes B for adultery with C, A's wife. B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(c.) A prosecutes B for stealing a cow from him. B is convicted.

A afterwards sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(d.) A has obtained a decree for possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

**44.** Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

Fraud, collusion, and incompetency of Court may be proved.

may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which

has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

## OPINIONS OF THIRD PERSONS WHEN RELEVANT.

**45.** When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Opinion of experts.

Such persons are called experts.

*Illustration.*

(a.) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(b.) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinion of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c.) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same or by different persons are relevant.

**46.** Facts not otherwise relevant are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Facts bearing upon opinions of experts.

*Illustrations.*

(a.) The question is, whether A was poisoned by a certain poison.

The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b.) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

**47.** When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Opinion as to handwriting.

us to the persons by whom any document was written or signed, the opinion of any

person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

*Explanation.*—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

*Illustration.*

The question is, whether a given letter is in the handwriting of A, merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him, C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C nor D ever saw A write.

**48.** When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Opinion as to existence of right or custom, when relevant.

*Explanation.*—The expression 'general custom or right,' includes customs or rights common to any considerable class of persons

*Illustration.*

The right of the villagers of particular village to use the water of a particular well is a general right within the meaning of this section.

**49.** When the Court has to form an opinion as to—

Opinions as to usages, tenets, &c., when relevant.

the usages and terms of any body of men or family, the constitution and Government of any religious or charitable foundation, or the meaning of words or terms used in particular districts or by particular classes of people, the opinions of persons having special means of knowledge thereon, are relevant facts.

**50.** When the Court has to form an opinion

Opinion on relationship when relevant.

as to the relationship of one person to another, the opinion expressed by conduct as to the existence of such relationship of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinions shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under sections 494, 495, 497, or 498 of the Indian Penal Code.

*Illustrations.*

(a.) The question is whether A and B were married. The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(b.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

**51.** Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Grounds of opinion when relevant.

*Illustration.*

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

**CHARACTER WHEN RELEVANT.**

**52.** In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In civil cases, character to prove conduct imputed irrelevant.

In criminal cases, previous good character relevant.

**53.** In criminal proceedings, the fact that the person accused is of a good character, is relevant.

**54.** In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Previous conviction in criminal trials relevant but previous bad character, except in reply.

*Explanation.*—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

**55.** In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Character as affecting damages.

*Explanation.*—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

**PART II.**

**ON PROOF.**

**CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.**

No evidence required of relevant fact judicially noticed.

**56.** No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

**57.** The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India;

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by such Parliament to be judicially noticed

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of the said Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto:

*Explanation.*—The word 'Parliament' in clause (2) and (4) includes the Parliaments of the United Kingdom of Great Britain, of England, of Scotland and of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts would take judicial notice. The seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor-General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act of Regulation having force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such

office is notified in the *Gazette of India*, or in the official Gazette of any Local Government :

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown :

(9.) The divisions of time, the geographical divisions of the world and public festivals, fasts and holidays notified in the official Gazette :

(10.) The territories under the dominion of the British Crown :

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons :

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attornies, proctors, vakils, pleaders and other persons authorized by law to appear or act before it :

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

**58.** No fact need be proved in any proceeding which the parties thereto or their agents agree to admit

*Facts admitted.*  
at the hearing, or which before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings : Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

#### CHAPTER IV.—OF ORAL EVIDENCE.

*Proof of facts by oral evidence.*  
**59.** All facts, except the contents of documents may be proved by oral evidence.

*Oral evidence must be direct.*  
**60.** Oral evidence must, in all cases, whatever, be direct ; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it.

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it.

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner.

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds :

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called

as a witness without an amount of delay or expense which the Court regards as unreasonable ;

Provided, also, that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

#### CHAPTER V.—OF DOCUMENTARY EVIDENCE.

**61.** The contents of documents may be proved  
*Proof of contents of either by primary or by documents. secondary evidence.*

**62.** Primary evidence means the document  
*Primary evidence.* itself produced for the inspection of the Court.

*Explanation 1.*—Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

*Explanation 2.*—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest ; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

#### *Illustration.*

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

*Secondary evidence.*  
**63.** Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained.

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies.

(3.) Copies made from or compared with the original.

(4.) Counterparts of documents as against the parts who did not execute them.

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

#### *Illustrations.*

(a.) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(b.) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(c.) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence ; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(d.) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

**64.** Documents must be proved by primary  
*Proof of documents by primary evidence.* evidence except in the cases hereinafter mentioned.

**65.** Secondary evidence may be given of the  
*Cases in which secondary evidence relating to documents may be given.* existence, condition, or contents of a document in the following cases :—

(a.) When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved, or of



any person out of reach of or not subject to the process of the Court, or of any person legally bound to produce it, and when, after the notice mentioned in section 66, such person does not produce it.

(b.) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time.

(c.) When the original is of such a nature as not to be easily moveable.

(d.) When the original is a public document within the meaning of section 74.

(e.) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence.

(f.) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (a), (b) and (c), any secondary evidence of the contents of the document is admissible.

In cases (d) or (e), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (f), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

**66.** Secondary evidence of the contents of the documents referred to in section 65 (a) shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law: and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Rules as to notice to produce. Rules as to notice to produce. section 65 (a) shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law: and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

- Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases:—
- (1.) When the document to be proved is itself a notice.
  - (2.) When from the nature of the case, the adverse party must know that he will be required to produce it.
  - (3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force.
  - (4.) When the adverse party or his agent has the original in Court.
  - (5.) When the adverse party or his agent has admitted the loss of the document.

**67.** If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of signature and handwriting of person alleged to have signed or written document produced.

**68.** If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof of execution of document required by law to be attested.

**69.** If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Proof where no attesting witness found.

**70.** The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Admission by party of execution.

**71.** If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof when attesting witness denies the execution.

**72.** An attested document not required by law to be attested may be proved as if it was unattested.

Proof of document not required by law to be attested.

**73.** In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

Comparison of handwriting.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

**PUBLIC DOCUMENTS.**

**74.** The following documents are public documents:—

Public documents.

1. Documents forming the Acts, or records of the Acts—
  - (1) of the sovereign authority,
  - (2) of official bodies and tribunals, and
  - (3) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.
2. Public records kept in British India of private documents.

**75.** All other documents are private.

Private documents.

**76.** Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such

Certified copies of public documents.



document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

*Explanation.*—Any officer who by the ordinary course of official duty is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

*Production of such copies.*

78. The following public documents may be proved as follows.—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively, or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the legislatures, by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government, by copies or extracts contained in the *London Gazette* or purporting to be printed by the Queen's Printer:

(4.) The Acts of the executive or the proceedings of the legislature of a foreign country, by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India, by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country, by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

PRESUMPTIONS AS TO DOCUMENTS.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports

*Presumption as to genuineness of certified copies.*

to be certified by any officer in British India or any officer in any Native State in alliance with Her Majesty who is duly authorised thereto by the Governor General in Council to be genuine. Provided that such paper is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer by whom any such paper purports to be signed or certified held, when he signed it, the official character which he claims in such paper.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by

*Presumptions on production of record of evidence.*

witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements as to the circumstances under which it was taken purporting to be made by the person signing it are true, and that such evidence, statement or confession was duly taken.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

*Presumption as to the London Gazette.*

82. When any document is produced to an Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held at the time when he signed it the judicial or official character which he claims,

*Presumption as to documents admissible in England without proof of seal or signature.*

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate

*Proof of maps made for purposes of any cause.*

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

*Presumption as to collections of laws and reports of decisions.*

and of every book purporting to contain reports of decisions of the Courts of such country.

**85.** The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

**86.** The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

**87.** The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

**88.** The Court may presume that a message forwarded from a telegraph office to the person to whom such message purports to be addressed corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

**89.** The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

**90.** Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

*Explanation.*—Documents are said to be in proper custody if they are in the place in which and under the care of the person with whom they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section 81.

*Illustrations.*

- (a.) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.
- (b.) A produces deeds relating to landed property of which he is the mortgagee. The mortgagee is in possession. The custody is proper.
- (c.) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

**91.** When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

*Exception 1.*—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

*Exception 2.*—Wills under the Indian Succession Act may be proved by the Probate.

*Explanation 1.*—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

*Explanation 2.*—Where there are more originals than one, one original only need be proved.

*Explanation 3.*—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence of the same fact.

*Illustrations.*

- (a.) If a contract be contained in several letters, all the letters in which it is contained must be proved.
- (b.) If a contract is contained in a bill of exchange, the bill of exchange must be proved.
- (c.) If a bill of exchange is drawn in a set of three, one only need be proved.
- (d.) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion. Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.
- (e.) A gives B a receipt for money paid by B. Oral evidence is offered of the payment. The evidence is admissible.

**92.** When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

*Proviso (1).*—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto, such as fraud, intimidation, illegality,

want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

*Proviso (2).*—The existence of any separate oral agreement on any matter on which a document is silent and not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

*Proviso (3).*—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

*Proviso (4).*—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

*Proviso (5).*—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

*Proviso (6).*—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

*Illustrations.*

(a.) A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(b.) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1870. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(c.) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(d.) A enters into a contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(e.) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(f.) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(g.) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(h.) A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an Attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(i.) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(j.) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Exclusion of evidence to explain or amend ambiguous document.

is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

*Illustrations.*

(a.) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.'

Evidence cannot be given to show which price was to be given.

(b.) A deed contains blanks. Evidence cannot be given of fact which would show how they were meant to be filled.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Exclusion of evidence against application of document to existing facts.

applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

*Illustration.*

A sells to B by deed 'my estate at Rampore containing 100 bigas.' A has an estate at Rampore containing 100 bigas. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Evidence as to document unmeaning in reference to existing facts.

plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

*Illustration.*

A sells to B by deed 'my house in Calcutta.' A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Evidence as to application of language which can apply to one only of several persons.

language used might have been meant to apply to any one, and could not have been meant to apply to more than

*Illustrations.*

(a.) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(b.) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

*Illustration.*

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Evidence as to meaning of illegible character, &c.

meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

*Illustration.*

A, a sculptor, agrees to sell to B 'all my models.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

**99.** Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the term of the document.

Who may give evidence as to matter to which document relates.

*Illustration.*

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

**100.** Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865) as to the construction of wills.

Saving of provisions of Indian Succession Act relating to wills.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER VII.—OF THE BURDEN OF PROOF.

**101.** Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Burden of proof.

*Illustrations.*

(a.) A desires a Court to give judgment that he shall be punished for a crime which A says B has committed. A must prove that B has committed the crime.

(b.) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true. A must prove the existence of those facts.

**102.** The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

General burden of proof.

*Illustrations.*

(a.) A sues B for land of which B is in possession, and which, as A asserts was left to A by the will of C, B's father. If no evidence were given on either side, B would be entitled to retain his possession. Therefore the burden of proof is on A.

(b.) A sues B for money due on a bond. The execution of the bond is not disputed, but B says that it was obtained by fraud, which A denies. If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved. Therefore the burden of proof is on B.

**103.** The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Burden of proof as to particular fact.

*Illustration.*

(a.) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

**104.** The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Burden of proving fact to be proved to make evidence admissible.

*Illustrations.*

(a.) A wishes to prove a dying declaration by B. A must prove B's death.

(b.) A wishes to prove, by secondary evidence, the contents of a lost document. A must prove that the document has been lost.

**105.** When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.

Burden of establishing general exceptions.

*Illustrations.*

(a.) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act. The burden of proof is on A.

(b.) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control. The burden of proof is on A.

(c.) Section 325 of the Penal Code provides that whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments. A is charged with voluntarily causing hurt under section 325.

The burden of proving the circumstances, bringing the case under section 335, lies on the prisoner.

**106.** When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Burden of proving fact especially within knowledge.

*Illustration.*

(a.) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(b.) A is charged with travelling in a railway without ticket, the burden of proving that he had a ticket is on him.

**107.** When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

Burden of proof as to continuance of life.

**108.** When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.

Burden of proof as to death.

**109.** When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships, respectively, is on the person who affirms it.

Burden of proof as to partnership, tenancy, and agency.

**110.** When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Burden of proof as to ownership.

**111.** When there is a question as to the good faith of a transaction between parties one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Proof of good faith in transactions where one party is in relation of active confidence.

*Illustrations:*

(a.) The good faith of a sale by a client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.

(b.) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

**112.** The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

Birth during marriage, conclusive proof of legitimacy.

**113.** A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

Proof of cession of territory.

**114.** The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct and public and private business in their relation to the facts of the particular case.

Court may presume existence of certain facts.

*Illustrations.*

The Court may presume—

(a.) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

(b.) That an accomplice is unworthy of credit, unless he is corroborated in material particulars.

(c.) That a bill of exchange accepted or endorsed, was accepted or endorsed, for good consideration.

(d.) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence.

(e.) That Judicial and official acts have been regularly performed.

(f.) That the common course of business has been followed in particular cases.

(g.) That evidence which could be and is not produced would, if produced, be unfavorable to the person who withholds it.

(A.) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavorable to him.

(i.) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.

But the Court shall also have regard to such facts as the following in considering whether such maxims do or do not apply to the particular case before them.

As to illustration (a)—A shop-keeper has in his till marked rupee soon after it was stolen, and cannot account its possession specifically, but is continually receiving rupees the course of his business.

As to illustration (b)—A, a person of the highest character is tried for causing a man's death by an act of negligence arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (c)—A crime is committed by seven persons. A, B and C, three of the criminals, are captured the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (e)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

As to illustration (d)—It is proved that a river ran in certain course five years ago, but it is known that there has been floods since that time which might change its course.

As to illustration (e)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances.

As to illustration (f)—The question is, whether a letter received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances.

As to illustration (g)—A man refuses to produce a document which would bear on a contract of small importance which he is sued, but which might also injure the reputation of his family.

As to illustration (h)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked.

As to illustration (i)—A bond is in possession of the obligor, but the circumstances of the case are such that it may have been stolen.

CHAPTER VIII.—ESTOPPEL.

**115.** When one person has by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Estoppel.

*Illustration.*

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale he had no title. He must not be allowed to prove his want of title.

**116.** No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of tenant.

**117.** No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.

Estoppel of acceptor of bill of exchange, bailee or licensee.

*Explanation (1).*—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

*Explanation (2).*—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.—OF WITNESSES.

**118.** All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

*Explanation.*—A lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the questions put to him, and giving rational answers to them.

**119.** A witness who is unable to speak, may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

**120.** In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

**121.** No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

*Illustration.*

(a.) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a superior Court.

(b.) A is accused before the Court of Session, of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the superior Court.

(c.) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

**122.** No person, who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married, nor shall he be permitted to disclose any such communication, unless the person who made it or his representative in interest consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

**123.** No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

**124.** No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

**125.** No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

**126.** No barrister, attorney, pleader or vakil, at any time, shall be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakil by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakil in the course of his employment as such, showing that any crime or fraud has been committed since the commencement of his employment;

It is immaterial whether the attention of such barrister, attorney or vakil was or was not directed to such fact by or on behalf of his client.

*Explanation.*—The obligation stated in this section continues after the employment has ceased.

*Illustrations.*

(a.) A, a client, says to B, an attorney,—‘I have committed forgery, and I wish you to defend me.’

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(b.) A, a client, says to B, an attorney,—‘I wish to obtain possession of property by the use of a forged deed on which I request you to sue.’

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(c.) A being charged with embezzlement retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of the proceedings.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceeding, it is not protected from disclosure.

**127.** The provisions of section 126 shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakils.

**128.** If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in the last section, and if any party to a suit or proceeding calls any such barrister, attorney or vakil as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakil on matters which, but for such question, he would not be at liberty to disclose.

**129.** No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

**130.** No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

**131.** No one shall be compelled to produce documents in his possession which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

**132.** A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind :

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

**133.** An accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

**134.** No particular number of witnesses shall in any case be required for the proof of any fact.

#### CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

**135.** The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respect-

ively, and, in the absence of any such law, by the discretion of the Court.

**136.** When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant, and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

#### Illustrations.

(a.) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(b.) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(c.) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(d.) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

**137.** The examination of a witness by the party who calls him shall be called his examination-in-chief.

The examination of a witness by the adverse party shall be called his cross-examination.

The examination of a witness, subsequent to the cross-examination by the party who called the witness, shall be called his re-examination.

**138.** Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination, and if new matter is by permission of the Court introduced in re-examination, the adverse party may further cross-examine upon that matter.



**139.** A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

*Cross-examination of person called to produce a document.*

*Witnesses to character.*

**140.** Witnesses to character may be cross-examined and re-examined.

**141.** Any question suggesting the answer which the person who puts it wishes or expects to receive, is called a leading question.

*Leading questions.*

**142.** Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

*When they must not be asked.*

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

*When they may be asked.*

**143.** Leading questions may be asked in cross-examination.

**144.** Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property as to which he is giving evidence was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

*Evidence as to matters in writing.*

*Explanation.*—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

*Illustration.*

The question is, whether A assaulted B. C deposes that he heard A say to D—' B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

**145.** A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being produced; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

*Cross-examination as to previous statements in writing.*

**146.** When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which

*Questions lawful in cross-examination.*

tend (1) to test his veracity, (2) to discover who he is and what is his position in life, or (3) to shake his credit by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

**147.** If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

*When witness to be compelled to answer.*

**148.** If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if he thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

*Court to decide when question shall be asked and when witness compelled to answer.*

(1.) Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2.) Such questions are improper if the imputation which they convey relates to matters so remote in time or of such a character that the truth of the imputation would not affect or would affect in a slight degree the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3.) Such questions are improper if there is a great disproportion between the importance of the imputation made against the witnesses' character and the importance of his evidence.

(4.) The Court may, if it sees fit, draw from the witnesses' refusal to answer the inference, that the answer if given would be unfavourable.

**149.** No such question as is referred to in section 148, ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

*Question not to be asked without reasonable grounds.*

*Illustrations.*

(a.) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(b.) A pleader is informed by a person in Court that an important witness is a dacoit. The informant, on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(c.) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.



(z.) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

**150.** If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakil or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil or attorney is subject in the exercise of his profession.

**151.** The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

**152.** The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

**153.** When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely he may afterwards be charged with giving false evidence.

*Exception 1.*—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

*Exception 2.*—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

#### Illustrations.

(a.) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim. The evidence is inadmissible.

(b.) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(c.) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(d.) A is asked whether his family has not had a blood feud with the family of B, against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

**154.** The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

**155.** The credit of a witness may be impeached in the following ways by the adverse party, or with the consent of the Court by the party who calls him :—

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

*Explanation.*—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

#### Illustrations.

(a) A sues B for the price of goods sold and delivered to B. C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods.

The evidence is admissible.

(b) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

**156.** When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

#### Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

**157.** In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

*Evidence in reply to evidence of former inconsistent statements.*

**158.** A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transactions concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

*Court may permit a copy of document to be used to refresh memory.*

An expert may refresh his memory by reference to professional treatises.

**159.** A witness may also testify to facts mentioned in any such document as is mentioned in section 158, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

*Testimony to facts stated in document mentioned in section 158.*

*Illustration.*

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

**160.** Any such writing as is mentioned in the last two sections must be produced and shown to the adverse party if he requires it, who may, if he pleases, cross-examine the witness thereupon.

*Producing writing used to refresh memory.*

**161.** A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

*Production of document.*

The Court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If, for such a purpose, it is necessary to cause any documents to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

*Translation of documents.*

**162.** When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

*Giving as evidence of document called for and produced on notice.*

**163.** When a party refuses to produce a document which he has had notice to produce, he cannot afterwards give the document as evidence without the consent of the other party or the order of the Court.

*Giving as evidence of document production of which was refused on notice.*

*Illustration.*

A sues B on an agreement and gives B notice to produce it. At the trial A calls for the document, and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

**164.** The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases in any form at any time of any witness or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

*Judge's power to put questions or order production.*

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorize any Judge to compel any witness to answer any question, or to produce any document which he would be entitled to refuse to answer or produce under sections 122, 123, 124, 125, 127, 128, 129, 130, or 131, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections 148 or 149; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

**165.** In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses through or by leave of the Judge which the Judge himself might put and which he considers proper.

*Power of jury or assessors to put questions.*

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

**166.** The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision; or that if the rejected evidence had been received, it ought not to have varied the decision.

*No new trial for rejection or improper reception of evidence.*

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.	Number and year.	TITLE.	Extent of repeal.
Stat. 25, Geo. III, C. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act made in the twenty-fourth year of the reign of his present Majesty (intituled An Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.	Stat. 14 & 15 Vic.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India
			Act V of 1840	An Act concerning the oaths and declarations of Hindoos and Mohomedans.	The whole Act
			Act XV of 1852	To amend the Law of Evidence.	The whole Act
			Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen
			Act II of 1855	For the further improvement of the Law of Evidence.	The whole Act
			Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven
			Act I of 1868	The General Clauses Act, 1868	Section seven

H. S. CUNNINGHAM,  
*Offg. Secy. to the Council of the  
 Govr. Genl. for making Laws and Regulations.*

Government of Bengal.

LEGISLATIVE DEPARTMENT.

The following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 20th January 1872, and was referred to a Select Committee who are to report thereon after the 24th February next:—

THE BENGAL MUNICIPALITIES BILL, 1872.

ARRANGEMENT OF PARTS.

	Sections.
PART I.—PRELIMINARY	1-7
PART II.—MUNICIPAL AUTHORITIES—	
Chapter 1, Municipal Commissioners	8-15
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	Sections.
Chapter 4, Taxes on carriages and wheeled vehicles	58-69
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PART V.—MUNICIPAL FUND AND ITS APPLICATION	111-123
PART VI.—REGISTRATION OF BIRTHS AND DEATHS	124-130
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PART IX.—MUNICIPAL REGULATIONS—	
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Chapter 5, Regulation of certain offensive trades and of burial and burning grounds	180-182
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PART X.—MUNICIPAL MARKETS	187-199
PART XI.—JURISDICTION OF COMMISSIONERS IN MUNICIPAL AND OTHER CASES	200, 201
PART XII.—THIRD CLASS MUNICIPALITIES	202-222
PART XIII.—MISCELLANEOUS	223-244

*Bill to amend and consolidate the law relating to Municipalities.*

WHEREAS it is expedient to amend and consolidate the law relating to Municipalities within the territories subject to the Government of the Lieutenant-Governor of Bengal, to make better provision for the self-government of towns and places within the said territories for the maintenance of police, for the conveyance and improvement of such towns and places, for the diffusion of education therein, and other objects of utility calculated to promote the health, comfort, or convenience of the inhabitants of the said towns; It is enacted as follows:—

1. This Act may be cited as the "Bengal Municipalities Act, 1872."

PART I.—PRELIMINARY.

2. This Act shall be divided into thirteen several heads or parts:—

- the first relating to preliminary matters;
- the second relating to municipal authorities;
- the third relating to municipal taxation;
- the fourth relating to the mode of recovery of municipal taxes;
- the fifth relating to the municipal fund and its application.
- the sixth relating to the registration of births and deaths;
- the seventh relating to the municipal police;
- the eighth relating to the intervention by Government in municipal affairs.
- the ninth relating to various municipal regulations for conservancy and otherwise;
- the tenth relating to municipal markets;
- the eleventh relating to the jurisdiction of Commissioners in municipal and other cases;
- the twelfth relating to third class municipalities;
- the thirteenth relating to miscellaneous matters.

3. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, (that is to say)—

"Magistrate of the district" means the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

"Magistrate" means the officer exercising all or any of the powers of a Magistrate, and charged with the immediate executive administration in criminal matters in any sub-division of a district, within which any place to which this Act may be extended may be situated, by whatsoever designation such officer is called. In respect to any such place which is not situated within a sub-division of a district, the powers by this Act conferred on the Magistrate may be exercised by the Magistrate of the district or by a Joint-Magistrate.

"Sub-divisional officer" means the officer in executive charge of a sub-divisional district.

"Municipality" means any place to which this Act or part thereof shall have been extended. A Municipality created under this Act shall be distinguished as a first class Municipality, or as a second class Municipality, in manner as in the next succeeding section is provided. Any place to which Part XII of this Act shall have been extended shall be deemed to be a third class Municipality.

"The Commissioners" means the persons appointed or elected by the rate-payers to conduct the affairs of any Municipality under this Act, and shall include ex-officio Commissioners under this Act.

"House" includes any hut, shop, or warehouse.

"Place" includes any town, village, hamlet, suburb, bazaar, station, or tract of country.

"Land" includes fields, plantations, and gardens.

"Bazaar" includes any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

"Road" means any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of way, together with such land (not being private property) whether covered or not by any pavement, verandah, or other erection or structure, as may be between the roadway and the main wall of any house or houses adjacent thereto; and also the roadway over any public bridge or causeway within the place; and the expression "in or near any road" designates any site within the place. Provided that nothing in this section shall be taken to interfere with any easement enjoyed by any person in respect of such land at the date of the passing of this Act.

"Owner" means the person for the time being receiving the rent of the land or premises, whether paid in money or in kind, or in charge of the thing in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person shall be liable to make any outlay by this Act required to be made by the owner of such land or premises in excess of the amount of the funds, or of the value of the produce belonging to the owner which he may have in his possession; nor shall he be subject to any penalty if he can prove that he has made the outlay required to the extent of such funds.

"Official year" means the year beginning on the first day of April, or such other date as may hereafter be fixed by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*.

4. All the provisions of this Act, except those contained in Part XII, shall have effect in any place not being within the limits of the town of Calcutta and of the southern portion of Hastings as defined by Act V of 1868 (passed by the Lieutenant-Governor of Bengal in Council), to which the Lieutenant-Governor of Bengal may extend the same, and from such date as may by him be specified,

Limits of the operation of this Act.

## SCHEDULE.

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**27.** A Ward Committee shall exercise, within the limits of their ward, as defined by the Magistrate, all or any of the powers of Commissioners described in Sections 25, 52, 53, 61 to 68 inclusive, 113, 115, and in such sections of Part IX of this Act as shall be in force within the municipality, which the Commissioners at a meeting shall have delegated to them. Sections 21, 22, and 24 of the Act shall, as far as may be convenient, be applicable to Ward Committees.

**28.** The Chairman of each Ward Committee shall be appointed by the Chairman of the Commissioners, and each Ward Committee may, if it see fit, elect their own Vice-Chairman from among their own number.

CHAPTER 5.

*General Provisions.*

**29.** No Commissioner or member of a Ward Committee shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners, but the funds, from time to time in the hands of the Commissioners, shall be liable for, and chargeable with, all contracts and expenses duly incurred as aforesaid. Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners, to which he shall have been a party, and he shall be liable to be sued for the same.

**30.** No Commissioner or member of a Ward Committee, or servant of the Commissioners or Committee, shall be interested, directly or indirectly, in any contract made with the Commissioners. And if any such person be so interested, he shall thereby become incapable of continuing in office or employment, and shall be liable to a fine not exceeding five hundred Rupees. Provided always that no person by being a shareholder in, or member of, any incorporated or registered company, shall be disqualified from acting as a Commissioner or member of a Ward Committee by reason of any contract entered into between such company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner or member of a Ward Committee in any matter relating to any contract entered into between the Commissioners and such company.

PART III.—MUNICIPAL TAXATION.

CHAPTER 1.

*Power of the Commissioners to impose Taxes, Duties, and Tolls.*

**31.** It shall be lawful for the Commissioners of any Municipality at a meeting to impose, within the limits of such Municipality, any one or more of the following taxes, duties, and tolls, at such rate as the Commissioners shall see fit, not exceeding the maximum in any case hereinafter mentioned and prescribed:—But no tax duty or toll imposed by the Commissioners under this section shall

be levied until the sanction of the Lieutenant-Governor shall have been obtained to such levy:—

(a)—An annual tax on persons residing in or owning property in the Municipality, according to the circumstances and the property to be protected of the persons liable to pay the same. Provided that no person who resides outside the limits of the Municipality shall be assessed according to his circumstances, but only in regard to the property which he possesses within the Municipality; and that the average annual tax on each holding shall not exceed Rs. 4 in Municipalities of the first class, and Rs. 2 in Municipalities of the second class.

(b)—A tax not exceeding 7½ per cent. on the annual value of houses, buildings, and lands situated within the limits of the Municipality exceeding Rs. 6 per annum, to be paid by the owners thereof.

(c)—A tax on carriages, horses, and elephants, kept or used within the limits of the Municipality; and a fee on the registration of carts and other vehicles.

(d)—A tax on trades and callings carried on and exercised within the said limits.

(e)—A tax on processions, and any public ceremonies not exclusively religious, and requiring the attention of the police, and performed within the said limits.

(f)—Duties on articles entering the limits of the Municipality, or dues on articles sold at markets or hâts, according to a table of rates sanctioned by the Lieutenant-Governor, and subject to such rules and exceptions as the Lieutenant-Governor shall direct.

(g)—Tolls on vehicles and beasts of burden entering the limits of the Municipality, according to a scale sanctioned by the Lieutenant-Governor; and tolls on ferries within the said limits.

CHAPTER 2.

*Taxes on persons.*

**32.** When it shall have been determined that an annual tax on persons according to their circumstances and property shall be imposed under this Act in any Municipality, the Commissioners or the Ward Committee shall prepare an assessment in respect thereof upon the several persons liable to be assessed within the Municipality or Ward for which such Commissioners or Committee shall be appointed, and shall prepare a list which shall specify every parcel of land, house, or other holding on account of the occupation of which any person is liable to be assessed, the name of the person liable to be assessed in respect of each such holding, the trade, business, or other description of such person, and the amount payable quarterly by such person. It shall be competent to the Commissioners or to a Ward Committee or to the Magistrate to omit from the list prepared under this section any person who may by them or him be deemed too poor to be assessed to the tax leviable under this Chapter.

**33.** The Commissioners or the Ward Committee shall, if the Commissioners so decide, instead of preparing a new assessment for any year, revise and amend the assessment then in force.

Existing assessment may be revised.

**34.** When any assessment shall have been prepared, or shall have been revised and amended by any Ward Committee, such Ward Committee shall forthwith forward to the Commissioners the list containing the same, and such Commissioners shall examine, and, if necessary, amend and settle it.

Commissioners to examine assessment of Ward Committee.

**35.** When an assessment shall have been prepared, or revised and amended directly by any Commissioners, and not by a Ward Committee, such Commissioners shall forward to the Magistrate a list containing the same, and the Magistrate shall examine, and, if necessary, amend and settle it.

Magistrate may amend and settle assessment as made or revised by the Commissioners.

**36.** When the assessment in any Municipality shall have been so made and settled as provided by the preceding sections, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification in the form in Schedule (B) to this Act annexed, or to the like effect, and written in the language of the province in which such Municipality is situate, to be put up in some conspicuous place therein or in the division thereof for which such assessment has been made; and a written copy of the said list to be deposited in his own office. So soon as the copies of the list shall have been so hung up and deposited, public proclamation shall be made throughout such Municipality by beat of a drum notifying that such copies have been so hung up and deposited, and that the copy so deposited in the Magistrate's office is open to inspection.

Assessment to be published.

**37.** Unless and until revised and amended as herein is provided, every assessment, as settled under Section 34 or Section 35, shall be valid for three years, and until a new assessment shall be made. In case the occupant of any property included in any assessment shall be changed before a new assessment be made, the new occupant shall be liable in respect of such property for any portion of the amount so assessed which shall have become payable during his occupation; and after notification of such person, the Magistrate may cause him to be substituted in the said list for the name of the former occupant.

Assessment to stand good for three years.

Change of occupation before a new assessment.

**38.** Whenever conducting business.

The Commission. The period for which any assessment is valid, as provided in Section 37 of this Act, shall be about to expire, notwithstanding anything hereinbefore contained, it shall be lawful for the Magistrate, instead of requiring any Commissioners or Ward Committee to prepare a new assessment, or to revise and amend the assessment then in force, to adopt the said assessment as the assessment for the year next followin

Power to adopt old assessment.

**39.** If no new assessment be made and published before the expiration of the first three months of any year, for which no assessment valid under the provisions of Section 37 shall be in force, the assessment which was in force at the close of the preceding year shall be deemed to be the assessment for the current year.

Old assessment to be continued if new not made.

**40.** As soon as possible after an assessment shall have been adopted under Section 38, or shall have taken effect for the current year under the last preceding section, the Magistrate shall, in the manner provided in Section 36 for giving public notice that copies of the list of assessment have been hung up and deposited, give public notice that the assessment in force at the close of the preceding year will continue to have effect during the current year, but it shall not be necessary to hang up fresh copies of such list; and every person whose assessment may be so continued shall be at liberty to appeal against such assessment as if it were a new assessment made upon him.

Notice of adoption of old assessment to be given.

**41.** Any person who shall have been assessed by any Commissioners, of whom the Magistrate has not been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to such Commissioners at a meeting; and in case such Commissioners shall not grant the prayer of such appeal, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary, by examination of the appellant on oath or solemn affirmation or otherwise, may confirm the assessment or amend the same. In case the Magistrate confirm the assessment, he may order that the appellant shall pay such reasonable costs as may have been incurred in the proceedings on his appeal. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court. Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment prescribed by Sections 36 or 40 or of the notification of the substitution of the name of an occupier under Section 37, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

Appeal from assessment made by Commissioners.

Limitation of appeal.

**42.** Any person who shall have been assessed by Commissioners of whom the Magistrate has been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may apply to the Commissioners for a review of the assessment so far as regards himself; and with regard to such applications, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41,

Appeal against assessment when Magistrate a member of committee.

and the orders passed by the Commissioners on such application shall have the same effect and finality as orders passed by the Magistrate under the said section. Applications under this section to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under Section 41.

**43.** Any person who shall have been assessed by a Ward Committee, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may appeal to the Commissioners. And with regard to such appeals, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41, and the orders passed by the Commissioners at a meeting on such appeals shall have the same effect and finality as orders passed by the Magistrate under the said section. Appeals to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under the said section.

**44.** It shall be lawful for the Magistrate at any time to require any Commissioners or Ward Committee, as the case may be, to make an assessment on account of the occupation of any house which may have been constructed, or any house or other holding which may have become liable to assessment after the general assessment which may then be in force shall have been made, or which may have been by mistake or accident omitted from such assessment. Notice of the amount assessed in accordance with such requisition shall be given to the person so assessed, who may appeal or apply against such assessment according to the provisions of Sections 41, 42, or 43, within one month after the service of such notice.

**45.** It shall be lawful for any person upon whom any assessment shall have been made, who shall during the period for which such assessment is valid have ceased to occupy any property in respect to which he may have been assessed, or whose property to be protected, and circumstances may have changed during the period aforesaid, to apply on unstamped paper to the Commissioners; and in case such Commissioners shall not grant the prayer of such application, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary by examination of the applicant on oath or solemn affirmation, or otherwise, may amend the assessment of such applicant as to him shall appear just, or may confirm the same; and in case he shall confirm the said assessment, may order that the applicant shall pay such reasonable costs as may have been incurred by reason of such application. The decision of such Magistrate upon such application shall be final.

**46.** The Commissioner of the division, with the sanction of the Government, may at any time direct the Magistrate to revise, or to cause to be revised by the Commissioners or Ward Committee,

the assessment of any Municipality, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise, and if necessary amend the same, or cause it to be revised and amended.

CHAPTER 3.

Taxes on houses.

**47.** When it shall be determined that a tax on the annual value of houses, buildings, and lands shall be imposed in any Municipality, such tax shall be paid by the owners of such houses, buildings, and lands by quarterly instalments, except as hereinafter provided.

**48.** The gross annual rent at which the houses, buildings, and lands liable to the tax may be reasonably expected to be let, shall be deemed to be the annual value of such houses, buildings, and lands, and such value shall accordingly be fixed by the Commissioners from year to year, commencing from the date on which this Act shall have come into operation.

**49.** Whenever any house or building belongs to one owner, and the ground on which the same stands, and which is usually occupied therewith, belongs to another, it shall be lawful for the Municipal Commissioners to assess such house or building and ground together at one consolidated rate. The amount so assessed shall be payable by the owner of the house or building, who shall thereafter be entitled to deduct from the rent which he pays for the ground, such proportion of the tax so paid by him as is equal to the proportion which his rent bears to the annual value of the whole property assessed.

**50.** If the sum due on account of any tax from the owner of any house, building or land remains unpaid after the notice of demand has been duly served, and such owner be not resident within the place, or the place of abode of such owner be unknown, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises, and whenever such tax shall be paid by or recovered from such occupier, he may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof. Provided also that if the tax so deducted is a consolidated tax payable by the owner of a house or building under the next preceding section, the same shall, after such deduction, be deemed to have been paid by such



owner within the meaning of the last mentioned section.

51. The Commissioners shall, at a meeting to be held as soon as may be after their appointment, assess or determine the rate of such annual tax to be levied from the date on which this Act may come into operation till the expiration of the current year, and at a meeting not less than fifteen days before the expiration of each year, shall determine the rate of such tax for the ensuing year.

What returns may be required for ascertaining annual value.

52. The Commissioners may require the respective owners or occupiers of the houses, buildings, and lands to furnish them with returns of the measurements and of the rent or annual value thereof, and they, or any person appointed by them for that purpose, at any time between sun-rise and sun-set, may enter, inspect and measure any such houses, buildings or lands, after having given forty-eight hours' previous notice of their intention to the occupier thereof. When the valuation of the houses, buildings, and lands, shall have been completed, the Commissioners shall cause lists containing the valuation and assessment to be made out, and shall give public notice thereof, and of the place where the lists or copies thereof may be inspected; and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect such lists, and to make extracts therefrom, without the payment of any fee.

53. The Commissioners shall at the same time give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time valued, or the valuation is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

54. After the appeals have been inquired into, and after the revision of the valuation and assessment has been completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Commissioners, who shall at the same time certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shown 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 for which the assessment shall be made. Provided always that the Chairman or Vice-Chairman may at any time amend the said lists by inserting therein the name of any person whose name ought to be so

inserted, or by inserting any property liable to the tax, after giving notice to such person as may be interested in the making of the amendment, of a day not being less than fifteen days from the date of the service of such notice, when such amendment is to be made, or by striking out any property not liable to the tax, or reducing the amount of the tax, without notice; and in all cases in which any property is inserted as liable to the tax, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the person interested first received notice thereof; and any person interested in such amendment may appeal to the said Commissioners by application in writing left at their office three days before the day fixed in the notice of such amendment.

55. It shall not be necessary to prepare new lists, or to determine the rate of the tax every year, but the Commissioners may adopt the valuation and assessment contained in the lists for the preceding year (with such alteration as may in particular cases be deemed necessary), as the valuation and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section 53 of this Act.

56. Appeals against any tax assessed under this Act shall be heard and determined by not less than three Commissioners and their adjudication, and the assessment by the Commissioners of any tax when no appeal is made as hereinbefore provided, shall be final; and no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

57. When any house shall have been vacant for sixty or more consecutive days during any year, the Commissioners shall remit so much of the tax of that year as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house, or his agent, shall have given to the Commissioners notice in writing of the vacancy thereof, and that the amount of tax to be remitted shall be calculated from the date of the delivery of such notice.

#### CHAPTER 4.

##### Taxes on carriages and wheeled vehicles.

58. When it shall be determined that a tax on carriages, horses, and elephants shall be imposed in any Municipality, the Commissioners shall declare at what rates, not exceeding the rates given in Schedule (C) to this Act annexed, such tax shall be imposed on all carriages, horses, and elephants kept within the limits of such place; and thereupon such tax shall be payable quarterly. Provided that this section shall not apply to, or include, gun-carriages, or ordnance carts or wagons; cavalry horses or horses of the mounted police; horses belonging to officers

being regimental duty, at the rate of one horse for each officer; vehicles, horses, or elephants belonging to the Government; vehicles and horses kept for sale, and not used for any other purpose, if kept by *bona fide* dealers.

59. Every person who may have owned or had charge of any carriage, horse, or elephant, kept within such place for any number of days in any quarter, shall be liable to the whole tax for that quarter; but if a carriage shall have been under repair for the whole quarter, no tax shall be leviable in respect of such carriage for that quarter.

Ownership for any number of days in a quarter creates liability to the tax for the whole quarter.

Exemption of carriages under repair.

60. Whenever the owner of the carriage, horse, or elephant, let out for hire, and kept for the time being in premises situated within any place shall not reside in such place, the sums to be charged for such carriage, horse, or elephant shall be recoverable from the person in whose premises it is for the time being kept.

Carriage, &c., let for hire within any defined place, although owned by persons not residing therein, liable to the tax.

61. The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such person, in lieu of the rates specified in the schedule.

Commissioners may compound with livery stable-keepers.

62. The Commissioners shall from time to time cause to be prepared and entered, in distinct columns, in a book to be kept by the Commissioners, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax thereon.

List of persons liable to tax to be prepared.

63. In order to enable the Commissioners to have such list prepared, the Commissioners, or any officer authorized by them, may send to all persons supposed to be liable to the payment of the tax, a schedule to be filled up with such information respecting the carriages and animals kept by them as the Commissioners may judge necessary for the assessment of the tax. The schedule shall be filled up in writing, and signed and dated and returned to the office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of the tax.

Returns may be required for purpose of making list.

64. The Commissioners may summon any person supposed to be liable to the payment of the tax, or any servant of such person, and may examine such person or his servant as to the number and description of the carriages and animals in respect of which such person is liable to be assessed, and such person or his servant shall answer such questions as may be put to him by the Commissioners.

Power to summon persons liable to tax.

65. Any person who may dispute his liability to the payment of such tax, or the amount of any such assessment, may appeal to the Commissioners: provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Appeal against assessment may be made to Commissioners.

Proviso.

66. Appeals against any such assessment shall be heard and determined by not less than three Commissioners, and their adjudication upon every such appeal shall be final, and no person shall contest any assessment so made in any other manner than by appeal to the Commissioners as hereinbefore provided.

Commissioners' decision final.

*Registration of wheeled vehicles.*

67. It shall be lawful for the Commissioners of any Municipality at a meeting, with the sanction in writing of the Lieutenant-Governor first obtained, to declare and direct, by notification published in such manner as the Lieutenant-Governor may order, that every cart, hackery, and other wheeled vehicle without springs kept and used within, or let for hire within or without such place, and used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct. Provided that this section shall not apply to, or include carts, hackeries, or other such vehicles as aforesaid kept at more than two miles distance from the said place and used only temporarily or casually in the place, or to carts, hackeries, or other wheeled vehicles without springs, the property of Government or of the Commissioners.

Registration and number of hackeries, &c.

68. The registration of carts, hackeries, and other vehicles under the last preceding section shall be made, and the numbers assigned half-yearly, upon such days as the Commissioners shall notify, and such fee as they shall fix, not exceeding one rupee, shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January of any such cart, hackery, or other vehicle which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Commissioners shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of the fee to be fixed as aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Fee for registration.

69. Whoever owns or keeps any cart, hackery, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused

Penalty for not registering a cart or hackery.

the same to be registered under the last preceding section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed by the owner or the person keeping such cart, hackery, or other vehicle within a further period of twenty days, shall become vested in the Commissioners, and be employed for the purposes of this Act.

CHAPTER

*Taxes on trades and callings.*

**70.** When it shall be determined that a tax on trades and callings shall be imposed in any town, such determination shall be notified, in such manner as the Lieutenant-Governor may direct, and from the 1st day of April next following such notification, every person who shall within the town exercise any of the professions, trades, or callings specified in Schedule (D) to this Act annexed shall take out a license, and shall pay for the same an annual fee not exceeding such sum as in the said schedule is mentioned. The table of fees leviable under this chapter shall be fixed from time to time by the Commissioners, subject to the confirmation of the Lieutenant-Governor.

**71.** Every license under the next preceding section shall be granted by the Commissioners, or by some person duly authorized by them in that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted, and the sum paid for such license.

**72.** Every license shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 1st day of January next following the notification shall expire on that day, and every such license which shall be granted upon or at any time after that day, shall expire on the 31st day of December next after the day of the granting thereof.

**73.** Every person to whom such license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same from year to year so long as he shall desire to continue such profession, trade, or calling.

**74.** The Chairman, or in a first class municipality a sub-committee of the Commissioners, shall determine under which of the classes mentioned in the Schedule (D) to this Act annexed every person to whom a license may be granted shall be assessed. The Commissioners at a meeting shall from time to time declare what are to be considered bazaars, hâts, or public markets, within the meaning of this Act.

**75.** As soon as may be after the first day of September in every year, the Chairman shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be filed in the office of the said Commissioners, and be open to public inspection at all reasonable times.

**76.** If at any time after three months have elapsed from the day of the date of the said notification, any person within the said limits shall exercise his profession, trade, or calling without having duly taken out a license as required by Section 69, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding three times the amount which, in the judgment of such Magistrate, would have been payable by such person in respect of a license duly taken out as aforesaid.

**77.** Any person required by Section 69 to take out a license, who shall, without reasonable excuse, neglect or refuse to produce and show his license when required so to do by an officer duly empowered in writing by the Commissioners to make such requisition shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred Rupees.

CHAPTER 6.

*Taxes on processions, &c.*

**78.** When it shall have been determined that a tax shall be levied in any Municipality on processions and any public ceremonies not exclusively religious, such determination shall be duly notified, and from the date of such notification no person shall organise or conduct a procession or public ceremony within the limits of such Municipality without first taking out a license from the Commissioners. Licenses under this section shall be granted at the following rates namely:—

	Rate of license.
License for a procession or ceremony whereat elephants are to be used, or fire-works are to be displayed, or guns fired ...	100 Rs. for each day.
License for a procession or ceremony whereat more than two hundred persons are to attend...	50 " "
License for a procession or ceremony whereat more than fifty and not more than two hundred persons are to attend ...	10 " "
License for a procession at which less than fifty people are to attend	2 " "

**79.** Any person who may organize or conduct a procession within the limits of such Municipality without first obtaining a license, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the amount of the license fee payable in respect thereof under the next preceding section. Any police officer above the grade of constable may call upon the conductor or organizer of a procession to produce his license, and if the license be not produced, he shall report the circumstances to the Commissioners or to the Magistrate; but he shall not arrest any one or stop the procession, unless he is unable to ascertain the name and address of the organizer of the procession. In the case of processions connected with marriage or betrothal the nearest adult male relative, or the guardians of the bride and bridegroom, or of the betrothed parties, shall, unless the contrary be proved, be deemed to have organized or conducted the procession.

CHAPTER 7.

*Duties on articles.*

**80.** When it shall have been determined that duties shall be levied on articles entering within the limits of any Municipality, the Commissioners shall prepare and submit for the Lieutenant-Governor's approval a schedule of proposed rates for the levy of such duties, and shall prepare and submit as aforesaid bye-laws which shall provide for the collection and realization of such duties, for penalties for non-payment, and for exempting all through traffic from taxation, and for refunding the duty levied on duty-paid goods which are taken out of the municipal limits. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws: provided that no duty shall be levied on any article at a rate exceeding two per centum on the average value of such article. The rates and bye-laws for any Municipality shall, when finally approved, be published in such Municipality in such manner as the Lieutenant-Governor may direct.

**81.** When it shall have been determined that market dues shall be levied upon the sale of goods at any periodical market within the limits of any Municipality, the Commissioners shall prepare and submit a schedule of rates for the levy of such dues, and shall prepare and submit bye-law for the collection and realization of such dues and for penalties for non-payment. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws, provided that such dues shall in no case exceed one quarter of an anna in every rupee of the price for which such goods may be sold.

**82.** It shall be lawful for the Commissioners, with the sanction of the Lieutenant-Governor, to lease out for any term not exceeding three years, the collection of duties or dues under the two next preceding sections. Such lease shall be subject in all respects to the rates and bye-laws passed under the said sections.

CHAPTER 8.

*Tolls.*

**83.** When it shall have been determined that Municipal Funds shall be raised by tolls on ferries within the limits of a Muni-

cipality the Commissioners shall notify the ferry or ferries at which such tolls shall be levied; and shall also notify such rates of tolls as the Lieutenant-Governor may from time to time sanction. A table of tolls, written or printed, in the English and native languages, shall be hung up in some conspicuous place near every ferry so as to be easily read by all persons crossing at the ferries.

**84.** Every toll-keeper or ferry lessee who shall neglect to hang up and keep in good order and repair such table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding ten Rupees.

**85.** Every toll-keeper or ferry lessee who shall ask or take any toll other than the lawful toll, or who shall without due cause delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding fifty Rupees.

**86.** Every person crossing at any such public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any toll-keeper or any of his assistants in any way in the execution of their duty under this Act; and every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy, or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding fifty Rupees over and above the value of the damage, if any, which he has done.

**87.** The Commissioners may make rules, subject to confirmation by the Lieutenant-Governor, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers, and other persons employed at any public ferry: and any tindal, toll-keeper, or other person infringing or disobeying any such rule, shall be liable to a penalty not exceeding twenty Rupees, and also to make good any loss or damage caused thereby, the amount of which shall be summarily ascertained by the Magistrate, within whose jurisdiction the offence was committed, and such amount may be recovered as any penalty under this Act may be recovered.

**88.** Every person who shall convey for hire any passenger, animal, cart, carriage, or goods, across any arm of the sea, creek, or river within the provinces subject to the Lieutenant-Governor to any point or place on the opposite bank or coast within a distance of three miles on either sides above or below any public ferry, without the special license of the Magistrate of the district in which the ferry is situated, shall be liable to a penalty not exceeding fifty Rupees. Provided that nothing in

Penalty for organising procession without license.

Penalty for neglecting to put up a table of tolls.

Extortion or misconduct by toll-keeper.

Duties on articles entering Municipal limits.

Market dues on sale of goods.

Dye-laws for regulating ferry-boats, &c., to be made by Commissioners.

Carrying for hire within three miles of a ferry without license of Magistrate.

Table of tolls.

Proviso.

this section shall subject to such penalty, any person who shall specially let for hire his boat for the conveyance of any other person or his family or goods across any creek or arm of the sea within the said settlement.

89. The Commissioners may appoint at any ferry managed under this Act toll-keepers, and may collect the tolls through such toll-keepers, or they may grant a lease of any such ferry for any period not exceeding three years.

90. It shall be lawful for the Lieutenant-Governor to make over to the Commissioners any existing ferry within the limits of the Municipality, and such ferry shall thenceforward be subject to the provisions of this Act.

91. When it shall have been determined that tolls shall be levied on vehicles and beasts of burden entering any town, the Commissioners shall submit to the Lieutenant-Governor a table of rates and rules for the levy of such tolls; and the Lieutenant-Governor may modify or approve such tables and rules. The rules and rates, so modified or approved, shall not take effect until one month after they shall have been duly notified. Provided that the rates shall in no case exceed the rates laid down in Schedule (E) appended to this Act.

92. The tolls or rates determined as in the next preceding section shall be levied upon all carriages, carts, and animals entering the municipal limits; and the Commissioners may construct toll-bars, gates, and gate-keepers' stations, and may place the collection of such tolls under the management of such persons as may appear to them proper, or may lease out the same for any period not exceeding three years, and shall frame bye-laws in manner hereinafter provided for the guidance of such toll collectors; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would attach to them if employed in the collection of any assessment or tax under this Act. Provided that this section shall not apply to carriages, carts, and animals licensed or registered by the Commissioners: provided also that no more than one payment of toll shall be demanded for, and in respect of, any carriage, cart, or animal in any one period of twenty-four hours from midnight to midnight.

93. In case of non-payment of any such toll on demand, the officer appointed or duly authorized to collect the same may seize any carriage or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll. If any toll, together with the cost arising from such seizure and custody, remains undischarged for forty-eight hours, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale. Any balance that may remain shall be returned, on demand, if made within twelve months, to the owner of the property, and

if unclaimed after such period, shall be credited to the Municipal Fund. After seizure of the property as aforesaid, the Commissioners shall forthwith issue a notice in writing that, after the expiration of two days, exclusive of Sunday, they will sell at such place as they may state in the notice the property by auction. Provided that if at any time before the sale has actually begun the person whose property has been seized shall tender to the Commissioners, or other officer appointed by them, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

94. No tolls shall be paid for the passage of troops on their march, or of military or Government stores, or of military or police officers on duty, or of any person or property in their custody, or of conservancy carts or other such vehicles belonging to the Commissioners; but no other exemption from payment of the tolls levied under this Act shall be allowed.

95. It shall be lawful for the Commissioners to compound with persons living outside the Municipal limits for a sum to be paid annually or half-yearly, in lieu of all tolls payable under the provisions of this Act in respect of carriages, carts, or animals entering the municipal limits; and the Commissioners shall issue licenses for such carriages, carts, or animals; and while such licenses shall remain in force, such carriages, carts, and animals shall be exempt from all tolls as aforesaid upon entering the municipal limits. Provided always that such composition shall include all the carriages, carts, and animals possessed by the person compounding.

96. In all cases of resistance to the lawful authority of the toll-collectors, all police officers shall be bound to assist the toll collectors when required; and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

97. Every person other than persons appointed or duly authorized to collect the tolls under this Act, who shall levy or demand any toll, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act, seize or sell any property, knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be deemed to have committed the offence of cheating or extortion, as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

98. A table of the tolls authorized to be taken at any toll-gate or station, legibly written or painted in English words and figures, and in the vernacular language or languages of the district, shall be put up in a conspicuous place near such gate or station.

**PART IV.—MODE OF RECOVERY OF MUNICIPAL TAXES.**

**99.** Every tax collector shall prepare from the lists hereinbefore mentioned a register which shall contain the names of all persons assessed, the property in respect of the occupation of which the assessment in each case is made, and the amount payable quarterly by each person in the Municipality or division, or portion of a Municipality in which the duties of such tax collector are to be performed; and every such list shall be attested by the Chairman.

**100.** Every tax to be payable under this Act shall be payable by four equal quarterly instalments. The instalment of tax on account of any quarter shall be due on the first day of the month in the said quarter.

**101.** When any sum is due on account of any tax leviable under this Act, the Chairman shall, unless otherwise specially provided in this Act, cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the property or thing for which the charge is made. If the bill be in respect of the tax upon carriages, horses, and elephants, it shall contain a notice of the time within which an appeal against such tax may be preferred.

**102.** For all sums collected on account of any tax under this Act, a receipt shall be given signed by the tax collector or by some other officer who may have been specially authorized by the Magistrate to grant such receipts.

**103.** The Tax Collector or other officer appointed on that behalf shall remit, in such manner and at such times as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment, and the Magistrate, or some other officer authorized on that behalf, shall give the tax collector a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to the Municipal Fund.

**104.** If any bill which may have been presented in pursuance of this Act be not paid by the person liable to pay the same within ten days from the presentation thereof, the Magistrate may cause to be served upon such person a notice of demand in the Form (A) in Schedule F annexed to this Act, or to the like effect; and if such person shall not, within ten days from the service of notice of such demand, pay the sum due, together with a fee of two annas as costs for the service of the notice of demand, or show to the Magistrate sufficient cause for non-payment of the same, the amount of the arrear due, with costs on the scale in the Form (B) in Schedule F set forth, which shall include those of serving the notice of demand, may be levied by distress and sale of any goods and chattels belonging to the defaulter which may be found within the Municipality, or

of any goods and chattels whatever which may be found on the premises in respect of the occupation of which such defaulter is liable to such tax.

**105.** Every warrant of distress and sale under the last preceding section shall be issued by the Magistrate, and shall be in the Form (C) in Schedule F set forth. The officer charged with the execution of the warrant of distress shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof, by beat of drum, in the town or division thereof in which the property is situated and by serving on the defaulter a notice in the Form (D) in Schedule F. If the arrear be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Magistrate, the goods and chattels seized shall be sold by public outcry at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and the costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The tax collector or other officer appointed on that behalf under this Act shall make a return of all such sales to the Magistrate in the Form (E) specified in Schedule F; and the costs upon every such proceeding shall be such as are mentioned and set forth in Form (B) in Schedule F annexed to this Act.

**106.** If no sufficient goods or chattels belonging to a defaulter or being upon the premises in respect of the occupation of which the tax is due can be found within the Municipality in which the premises are situate, the Magistrate on being satisfied thereof, and of the existence of an arrear, may issue his warrant for the distress and sale of any goods and chattels belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any goods and chattels belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall back the warrant so issued, and cause it to be executed and the amount (if levied) to be remitted to the Magistrate issuing the warrant.

**107.** All goods and chattels, except tools or instruments of trade, which may be found upon any premises in respect of the occupation of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same. Provided that no arrear of tax which has remained due for more than three calendar months shall be recovered by distress and sale of the goods and chattels of any person, other than the defaulter himself, who did not reside on the premises in respect of which such tax was imposed at the time when such arrear became due.



**108.** Every tax collector and other servants appointed for, or employed in, the performance of any duties connected with the assessment or collection of the tax under this Act, is prohibited from bidding for or purchasing any property at such sales as aforesaid. Any person purchasing property in contravention of this section shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty Rupees, and the sale shall be quashed and the property declared liable to resale.

**109.** The Magistrate shall cause a regular account to be kept of all distresses levied and sales made for the realization of arrears under this Act.

**110.** Whoever conceals, removes, or disposes of any property belonging to the person who is liable for any amount of tax, for the purpose of avoiding a distress under the provisions of this Act, shall be considered to have concealed, removed, or disposed of such property fraudulently.

#### PART V.—MUNICIPAL FUND AND ITS APPLICATION.

**111.** All monies, rents, and profits received by the Commissioners by virtue of this or any other Act, and all fines, fees, and penalties paid or levied under this Act, and all other monies which, under sanction of Government, may be transferred to such Commissioners, shall constitute a fund, which shall be called the Municipal Fund, and shall, together with all property of every nature or kind which may become vested in the said Commissioners, be under their control, and shall be held by them and their successors in trust for the purposes of this Act.

**112.** The Commissioners shall set apart annually out of the Municipal Fund a sum sufficient for the maintenance of police officers appointed or employed under Act V of 1861, or any other Act which may for the time being be in force for the regulation of the police within the territories subject to the Lieutenant-Governor of Bengal or any part thereof; provided that the number of police officers shall be determined in manner as hereinafter provided.

**113.** The Municipal Fund, after a sum has been set apart as in the manner provided by the next preceding section, may, subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe, be applicable within the towns in which it is raised, to the following purposes, that is to say—

(1)—The construction, repair, and maintenance, of streets and bridges.

(2)—Works of public utility calculated to promote the health, comfort, or convenience of the townspeople; including the supply of water, expenses of lighting of streets, the construction, repair, and maintenance of hospitals, dispensaries, lunatic asylums, rest-houses, tanks, wells, and markets; also the payment of all charges connected with the objects for which such buildings were constructed, the training and employment of medical practitioners and vaccinators, the sanitary inspections, the registration of births and deaths, the cleansing of

tanks or wells, and the application of the Indian Contagious Diseases Act.

(3)—The diffusion of education, and with this view, the construction and repair of school-houses, the establishment and maintenance of schools either wholly or by means of grants-in-aid, the inspection of schools and training of teachers.

(4)—The support or relief of the poor in times of exceptional distress and scarcity.

**114.** It shall be competent to the Commissioners, with the sanction or upon the direction of the Lieutenant-Governor, to contribute a portion of the Municipal Funds towards the expenses incurred in any other Municipality under this Act, or in any district or sub-division under the District Road Cess Act 1871 passed by the Lieutenant-Governor of Bengal in Council, where such expenditure is incurred for any of the purposes described in the last preceding section, and is calculated to benefit the inhabitants of the contributing town, or to relieve exceptional distress in the neighbourhood; provided always that, where such contribution has not been originally recommended by the Commissioners, it shall not be obligatory upon them until the proposal to make such contribution shall have been submitted to them by the Lieutenant-Governor, and they shall have had the opportunity of offering their opinions thereon.

**115.** It shall be competent to the Lieutenant-Governor to appoint, from time to time, such officers as may be required for the purpose of inspecting or superintending the operations of the Municipalities created by this Act, and to assign to them such salaries as the Lieutenant-Governor shall think reasonable; and the expense incurred by reason of such appointments shall be defrayed in rateable proportions out of the funds of the several Municipalities established under this Act. And the said Lieutenant-Governor may direct that the municipalities in any district or division shall pay such sum as he may consider reasonable towards the cost of clerks or other establishment maintained in the office of the Collector or Commissioner for purposes of supervision under this Act.

**116.** The Commissioners shall consider and pass at a meeting, a statement or estimate showing the probable receipts, and the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of April then next, and the items in respect of which it is proposed to incur such expenditure, and may also consider and pass a supplemental estimate providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised in the official year then current for the purposes of this Act.

**117.** Copies of the aggregate estimates for any Municipality which shall have been passed under the provisions of the next preceding Section, and if necessary, translations thereof into the vernacular of the district, shall be lodged in the offices of the Magistrate of the district and of the Magistrate, and at some convenient place within such Municipality. During fourteen days after such estimates shall have been so lodged in the said offices, of which due notice shall be

publicly given, such estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times and seasons by any rate-payer of such town who may desire to inspect the same.

118. As soon as is practicable, after the expiration of the said fourteen days, the Magistrate shall transmit to the Magistrate of the district the said estimates, with any remarks or objections thereupon which may have been recorded by himself or by the Municipal Commissioners at a meeting. The Magistrate of the district shall transmit to the Commissioner of the Division the said estimates, together with any remarks or objections made by the Magistrate or the Municipal Commissioners, and his own opinion thereon.

119. The Commissioner of the division shall sanction, if unobjectionable, any estimate forwarded under the next preceding section. If he see any objection to such estimate he may record his objection; and he shall have power to remit for reconsideration the estimate of any Municipality made under this Part which may have been voted by less than two-thirds of the Commissioners of such Municipality.

120. The Commissioners shall, at such time or times, and in such form as the Lieutenant-Governor shall direct, furnish an annual report of their proceedings and statements in detail of all the works executed by them, and of all sums received and expended by them. All the municipal accounts shall be audited by such person and in such manner as the Lieutenant-Governor shall direct. The annual report shall be published in the *Calcutta Gazette*.

121. All sums collected under this Act, and all funds appropriated by Government for the purposes of this Act, shall be paid into the nearest Government treasury of the district, or, with the sanction of Government, into any Bank or branch Bank, or Native Banker established in or near to the Municipality, and shall be credited to an account to be called the Municipal Fund of the Municipality where they have been raised, provided always that it shall be competent to the Commissioners, with the sanction of Government, to invest any sums not required for immediate use either in the Government Savings Bank or in Government securities, or in any other form of security which may be approved of by Government.

122. All orders for payment of money from the Municipal Fund shall be signed by the Chairman, or, in his absence, by the Vice-Chairman, or, in the absence of the Vice-Chairman, by any two of the Commissioners.

123. Within one month after the commencement of each year, the Magistrate shall cause to be prepared accounts of the receipts and expenditure of the Municipal Fund during the previous year; and shall cause such accounts to be laid before the

Municipal Commissioners for the space of one month, and shall cause copies of such accounts and of any remarks made thereon by the Municipal Commissioners to be forwarded to the Magistrate of the district, who shall forward the same to the Commissioner of the Division.

PART VI.—REGISTRATION OF BIRTHS AND DEATHS.

124. It shall be lawful for the Commissioners to keep in their office a register of all births and deaths within the Municipality, and for this purpose they shall divide the Municipality into such and so many districts as they shall think fit, and for every such district they shall appoint a person to be Registrar of births and deaths within such district.

125. Every Registrar shall dwell within the district of which he is Registrar, and shall cause his name, with the addition of Registrar for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house; and the Commissioners shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the town.

126. The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place within the Municipality according to the forms prescribed in Schedules (G) and (H) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

127. Every Registrar shall inform himself carefully of every birth and of every death which shall happen in his district after the first day of September, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H), respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

128. The father or mother of every child born within the Municipality, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one month next after the day of every such birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.



**129.** Some one of the persons present at the death, or in attendance during the last illness, of every person dying within the Municipality, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Any person who shall refuse or neglect to give any information which it is his duty to give under this section, shall be liable to a penalty not exceeding one hundred Rupees.

**130.** Every person by whom the information contained in any register of births or deaths under this Act shall have been given, shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

#### PART VII.—MUNICIPAL POLICE.

**131.** At such time or times, and in such form as the Lieutenant-Governor shall direct, the Commissioners at a meeting shall prepare a statement of the police force required for their Municipality, and such statement, when passed at a meeting of the Commissioners shall be forwarded to the Lieutenant-Governor through the Magistrate to the Commissioner of the division, who shall either himself sanction or amend the statement, or shall forward it to the Lieutenant-Governor for sanction or amendment, according as the said Lieutenant-Governor may, in each case from time to time, direct who shall sanction or amend such statement. The police force, according to the statement finally approved by the Lieutenant-Governor, shall be the police force of the Municipality for the year next ensuing, and its cost shall be incorporated on the estimates of expenditure to be prepared under this Act.

**132.** When the strength and the cost and distribution of the police of any Municipality shall have been settled under the next foregoing section, no alteration shall be made in such strength or cost or distribution of costs, save on the recommendation of the Commissioners and with the sanction of the Lieutenant-Governor of Bengal, or of the Commissioner of the division in cases where the Lieutenant-Governor may have delegated to the Commissioner powers under this section.

**133.** The Commissioners or a sub-committee of the Commissioners nominated for that purpose shall control, appoint, and dismiss or suspend the members of the town police force; provided that no police officer above the rank of constable shall be dismissed or suspended without the sanction of the magistrate of the district; and provided that all the acts of a sub-committee under this section shall be liable to revision by the Commissioners at a meeting.

**134.** No police officer, who forms part of the strength of the Municipal police, shall be liable to serve beyond the limits of the Municipality, save in execution of duties imposed on him by his employment as a police officer of such Municipality.

**135.** As soon as possible after the close of each month the District Superintendent of Police shall, as regards each Municipality, present to the Magistrate, in whose jurisdiction such Municipality may be situated, a bill showing the actual expenses incurred during the preceding month in the payment of the said force, and the contingent expenses thereof; and the said Magistrate, on being satisfied that the bill is substantially in accordance with the estimate for such town, shall cause the amount of such bill to be paid to the District Superintendent from the Municipal Fund.

**136.** The total amount which shall be chargeable to the Municipal Fund for the cost of any police force which may be sanctioned by the Government for employment within any town, including the contingent expenses of such force, shall not exceed the average rate of one rupee and eight annas per annum for each house in such town, provided that the number of police officers appointed shall not be greater than one superior officer for every fifteen constables, and one constable for every fifty houses.

#### PART VIII.—INTERVENTION BY THE GOVERNMENT.

**137.** If the Commissioners of any Municipality fail to effect the necessary repairs and maintenance of roads, or to pay for the police of the town, it shall be lawful for the Commissioner of the Division in which such Municipality is situated to convene a Committee, consisting of the district sub-divisional Magistrate, the executive engineer of the division, the civil surgeon, and two members nominated by the said Commissioner; and such Committee shall inquire into and report upon the state of such Municipality. And the Lieutenant-Governor may on the report of such Committee call upon the Commissioners, by requisition in writing signed by him and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Act, and thereupon if the Commissioners neglect for the space of three months then next ensuing to comply with the said requisition, the Lieutenant-Governor may direct the Magistrate to raise the necessary funds under the provisions of this Act and carry out in all respects the purposes thereof.

**138.** When it shall appear to the Lieutenant-Governor in regard to any first class Municipality, or to such officer as he may delegate authority under this section in regard to any second class Municipality, either that due provision is not made for the construction and maintenance in the municipal limits of any district road passing through such limits, and that hindrance to the traffic of the country is caused thereby, or that reasonable elementary education is not available at a fair cost for children of the residents, it shall be lawful for

Information of death to be given.

Police paid under Act not to be employed beyond town.

Police to be paid monthly.

Person giving information to sign the register.

Maximum amount chargeable on account of police.

Administration of Municipality may be transferred to Magistrate if Commissioners fail to maintain roads and pay for police.

Alteration therein.

Appointment of police.

the Lieutenant-Governor, or such delegated officer as aforesaid, to call upon the Commissioners to repair or maintain such roads, or to provide such means of elementary education as may seem to the Lieutenant-Governor fit; and in case they shall not within three months make due provision for the same, to authorize the Magistrate to collect and apply to these purposes any of the municipal taxes hereinbefore authorized to be imposed.

**139.** It shall be lawful for the Lieutenant-Governor to direct the Commissioners of any Municipality to contribute the whole or a part of the cost of any elementary school established within such municipality, provided that in no case shall the contribution made under this section for any one year exceed one-sixth part of the balance of the Municipal Fund available, after the cost of police has been met; for carrying out the purposes of this Act. An elementary school shall be deemed to be a vernacular school or a school with a vernacular department, provided that the fee for each vernacular scholar at such school be not more than one anna per month.

Commissioners may be required to contribute towards the cost of Government schools.

**PART IX.—MUNICIPAL REGULATIONS.**

**CHAPTER I.**

*Duties of Commissioners, &c.*

**140.** The provisions of this and the next succeeding Part shall not have force in any Municipality until they shall have been specially extended thereto, and it shall be lawful for the Lieutenant-Governor of Bengal to extend any or all of the sections in this Part to any Municipality created under this Act, and the said Lieutenant-Governor shall have power to withdraw any Municipality from the operation of all or any of the sections of this Part.

**141.** The Commissioners may cause a name to be given to any road and affixed in such place or places as they may think fit, and may also cause a number to be affixed to every house in every road for the purpose of identifying such house; and the Commissioners at a meeting may cause such names and numbers to be altered.

**142.** The Commissioners shall provide all cattle, carts, and implements required for the removal of night-soil, dung, and other filth, and shall, from time to time, appoint or provide places convenient for the deposit of such night-soil, dung, and other filth, and for keeping all cattle, carts, and implements, required for the removal thereof, and for other purposes of conservancy.

**143.** It shall be the duty of the occupier of every house within the limits of any Municipality to remove from his premises all night-soil, dung, and other filth into carts provided by the Commissioners for the purpose of carrying away the same, and at such times and in such manner as the Commissioners may direct. Provided that of the occupier of any house shall prefer to carry

Occupiers of houses to remove night-soil, &c., to carts of Commissioners.

Proviso.

away the said night-soil, dung, or other filth, it shall be open to him to do so in conformity with the provisions of Section 146 of this Act.

**144.** All dirt, ashes, rubbish, sewage, soil, dung, and filth, collected by the Commissioners from the roads, houses, privies, sewers, and cess-pools, shall be held to be the property of the said Commissioners, who shall have power to sell and dispose of the same; and the money arising from the sale thereof shall form part of the Municipal Fund.

**145.** The Commissioners may cause any number of movable or fixed dust boxes, or other convenient receptacles wherein dust and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in convenient situations, and may require the occupiers of houses in roads to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles.

**146.** The Commissioners shall from time to time fix the hours within which it shall be lawful to remove night-soil or other such offensive matter, and the manner in which such night-soil or other offensive matter shall be removed.

**147.** The Commissioners, or any officer appointed by them for that purpose, may inspect all privies, drains, and cess-pools within any Municipality at any time between sunrise and sun-set, after six hours' notice in writing to the occupier of any premises in which such privies, drains, or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he think fit for the purpose of preventing or removing any nuisance arising from such privies, drains, or cess-pools.

**148.** All public streams, channels, water-courses, tanks, reservoirs, springs, and wells in any town shall, for the purposes of this Act, be under the direction and control of the Commissioners.

**149.** The Commissioners shall have power to set apart a sufficient number of convenient tanks, or parts of rivers, streams, or channels, not being private property, for the inhabitants to bathe in, and also to set apart tanks or other places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

**150.** It shall be lawful for the Commissioners to require, by notice in writing, the owner of any premises to cleanse any private tank, and to drain off and remove any waste or stagnant water within any such premises which may appear to be injurious to health or offensive to the neighbourhood; and if such owner refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioners, their officers, and workmen, may enter such premises, and do all such necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the

All public streams, &c., to be under direction and control of the Commissioners.

Bathing places, &c.

Power to require unwholesome tanks on private premises to be cleansed or drained.

owner of such premises so making default, and shall be recoverable as a debt due to the Commissioners.

**151.** Whenever any lands or premises being private property or within any private enclosure, appear to the Commissioners to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation or drain such premises, and if he do not within one week after such notice begin to cut, clear, and remove such vegetation, or to drain such land, and do not complete such work with the due diligence, the Commissioners, their officers and workmen, may after forty-eight hours' notice, enter into the said premises, and do all necessary acts for the purpose aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

**152.** The Commissioners may, from time to time, as they see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

#### CHAPTER 2.

##### *Penalties.*

**153.** Whoever wilfully removes, obliterates, or destroys any name or number affixed under section 111 of this Act, or under the provisions of any Act hereby repealed, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 20.

**154.** Whoever commits any nuisance, or deposits, or permits his servants to deposit any dust, dirt, dung, ashes, garden, kitchen, or stable refuse or filth of any kind, or any animal matter, or any broken glass or earthenware, broken brick, mortar, or other rubbish, in any road or on the pavement or verandah of any house, or on any ground between the house and the road, or any public quay, jetty, or landing place, or on any part of a river bank, whether above or below high water-mark, except in such places and in such manner and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**155.** Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any road or public highway; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such road or highway, shall be liable to a fine not exceeding ten Rupees.

**156.** Whoever, being the occupier of a house within the limits of any Municipality, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in or upon the roof of any out-house, or in any yard or ground attached to, and occupied by the occupier of such house, shall be liable to a penalty not exceeding ten Rupees for each offence.

**157.** Whoever, being the owner or occupier of any house, building, or land within any Municipality, whether tenanted or otherwise, suffers the same to be in a filthy or unwholesome state, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

**158.** It shall also be lawful for the Commissioners to grant to such persons and for such period as they think fit, licenses to keep privies for public accommodation, subject to such conditions as may be necessary for the preservation of public health and decency. Any such person holding such license, and failing to observe the conditions prescribed in such license, shall be liable to a fine not exceeding fifty Rupees. Provided that it shall be lawful for the Commissioners, at any time, on giving one month's notice in writing, to cancel any license granted under this section.

**159.** Whoever throws or puts, or permits his servants to throw or put any earth, dirt, or other filth, rubbish, or night-soil into any sewer not specially appropriated for such purpose by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**160.** Whoever, except as permitted by the Commissioners, bathes in any public stream, channel, water-course, tank, reservoir, spring, or well, or in any other manner fouls the water thereof, shall be liable to a fine not exceeding ten Rupees for each offence.

**161.** Whoever being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any road or public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees, and to a fine not exceeding three Rupees for every day after conviction for such offences during which the offence is continued.

#### CHAPTER 3.

##### *Conservancy works.*

**162.** The Commissioners shall provide and maintain, in sufficient numbers and in proper situations, common privies and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

**163.** It shall be lawful for the Commissioners to prescribe the form or construction of privy which

the owner or occupier of any house or building within the limits of the Municipality may have on his premises; and such owner or occupier shall have such privy shut out by a wall or fence from the view of persons passing by or residing in the neighbourhood; and any such owner or occupier having a privy constructed in a form different from that prescribed by the Commissioners, or failing to shut it out from public view in the manner hereinbefore directed, shall be liable to a fine not exceeding ten Rupees, and to a further fine not exceeding ten Rupees a day for each day of default or breach of the provisions of this section after written notice duly given by the Commissioners to such owner or occupier.

**164.** All public sewers, drains, and other works for conservancy existing in any Municipality at the time this Act comes into operation, or which may afterwards be made, shall be under the direction and control of the Commissioners.

**165.** All public sewers, or other works for the improvement, or the conservancy hereafter required in any Municipality shall be constructed under the direction of the Commissioners, who shall be empowered to purchase any land necessary for such purpose from funds at their disposal; or such land shall, if necessary, be taken under the sanction of Government, under the provisions of any Act heretofore passed, or which shall hereafter be passed, for the acquisition of land for public purposes.

**166.** All branch drains, and all privies and cess-pools within any town, shall be under the survey and control of the Commissioners, and shall be repaired and made efficient at the cost of the owners of the lands and buildings to which the same belong. If any such owner neglect, during eight days after notice in writing, to repair and make the same efficient in such manner as may be required by the Commissioners, the Commissioners shall cause such drain, privy, or cess-pool to be made efficient, or, if necessary, removed, and the expense of such removal or repair shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

**167.** If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool, which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees. And the Commissioners may cause such drain, privy, or cess-pool to be removed, or may cause such amendment or alteration to be made therein as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable as a debt due to the Commissioners.

CHAPTER 4.

*Obstructions in the road.*

**168.** Whoever builds any wall or erects or sets up any fence, rail, post or other obstruction or encroachment, in any road or public highway, or in or over any open drain, sewer, or aqueduct along the side of any such road or highway, shall be liable to a fine not exceeding one hundred Rupees; and the Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as a debt due to the Commissioners.

**169.** Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any road or public highway, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

**170.** The Commissioners may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which after this Act shall have taken effect, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road or public highway, or obstructs, or projects or encroaches into or upon, any uncovered aqueduct, drain, or sewer in such road or highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred Rupees; and the Commissioners in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

**171.** The Commissioners may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building in any road or public highway before this Act shall have been extended to the place, to be removed or altered as they shall think fit; provided that notice be given of such intended removal or alteration to the occupier of the house or building against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

**172.** Whenever any house or building, part of which projects beyond the regular line of a road or public highway or beyond the front of the house or building on either

side thereof, shall be taken down in order to be re-built or altered, the Commissioners may require the same to be set back to, or towards the line of the road or highway, or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of such house or building for any damage he may thereby sustain.

**173.** The Commissioners may give notice to the owner or occupier of any land to cut and trim any hedges or trees which overhang any road or public highway, so as to obstruct the passage; and in the event of such notice not being complied with within eight days from the date of service thereof, the Commissioners may cause the said hedges or trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner or occupier, and shall be recoverable as a debt due to the Commissioners.

**174.** It shall be lawful for the Commissioners, by a by-law to be made in manner hereinafter provided, to direct that the external roof and walls of huts or other buildings about to be erected or renewed in or near any road or public highway shall not be made of grass, leaves, mats, or other such inflammable materials.

**175.** No person intending to build or take down, alter, or repair any building, shall deposit any building materials or make a hole in or near any public highway, without the permission of the Commissioners, and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night: and whoever deposits materials or so makes a hole without such permission, or fails to fence or enclose and cause to be lighted such materials or hole, or remove such materials or fill up or otherwise make secure such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

**176.** If any house or other building, tank, well, or hole or other place, whether on public or private ground be, for want of sufficient repair or protection, dangerous to human beings, the Commissioners shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier of the premises, if any, and shall also cause notice to be put on some conspicuous part of such premises, requiring the owner, or occupier, if any, forthwith to take down, secure, repair, or protect such building, tank, well, or hole, or other dangerous place; and if such owner or occupier do not, within three days after such notice, begin to comply with the requisition, and do not carry on the work to the satisfaction of the Commissioners, they may

cause the same to be taken down, secured, repaired, or protected, so as to prevent danger therefrom; and the expense of such work shall be paid by the owner or occupier of such property so making default, and shall be recoverable as a debt due to the Commissioners.

**177.** If, in any road any house, building or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state or likely to fall, or in any way dangerous, they shall forthwith give notice in writing to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier thereof, if any, requiring such owner or occupier to take down or secure the same within a fixed time; and in default the Commissioners shall cause such repairs to be made or such buildings to be removed; and the expense thereby incurred shall be paid by the owner of the premises so making default, and shall be recoverable as a debt due to the Commissioners.

**178.** Whenever, under the provisions of this Act, any work is required by the Commissioners to be executed, or any alterations or improvements to be made in any building, premises, or place, and such work, alterations, or improvements are executed by the occupier of such house, place, or premises, or by the Commissioners, at his expense, the cost thereof may be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction. Provided always, that in case the occupier has a beneficial interest in such building, premises, or place, he shall deduct or recover such sum only as will bear the same proportion to the entire cost of such work, alteration, or improvement, as the value of the owner's interest bears to the value of the joint interest of him and the occupier. And provided also, that in case the rents issuing out of any such building, premises, or place belong to more persons than one, who are entitled to the same, either as being joint proprietors of such building, premises, or place, or as having intermediate and other interests therein, the cost of any work, alteration, or improvement as aforesaid payable by the owner, shall be borne by such persons in proportion to their respective interests, and any one or more of such persons, who may have been compelled to pay more than a just proportion in the first instance, shall have like remedies against the others, for enforcing contribution by them, as are hereby given to the occupier as against the owner.

**179.** The materials of any such house, building, wall, or other structure or any part of the same which may be pulled down as provided in Section 176, may be sold by the Commissioners, and the proceeds of such sale applied to the payment of the expenses incurred. Any overplus of such sale shall on demand be restored to the owner of such house, building, or wall, and if unclaimed shall, after the lapse of twelve months, be carried to the credit of the Municipal Fund.

CHAPTER 5.

*Regulation of certain offensive trades and of Burial and Burning Grounds.*

**180.** Within such limits as may for the purposes of this section be fixed by the Commissioners, no premises shall be newly used except under license from the Commissioners, for any of the following purposes, namely, for melting tallow, for boiling offal or blood, or as a soap house, oil-boiling house, dyeing house, tannery, brick pottery or lime kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or depot for hay, straw, wood, or coal; and whoever without a license uses any such premises for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence, during which the said offence is continued.

**181.** No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant Governor of Bengal, without a license from the Commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

**182.** If, upon the evidence of competent persons, it shall appear to the Commissioners that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground, and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

CHAPTER 6.

*Vaccination and Inoculation.*

**183.** In any Municipality where the Lieutenant-Governor may consider that proper and sufficient arrangements have been made for the vaccination or inoculation with the cow-pox of the inhabitants thereof, the practice of inoculation shall be prohibited with effect from such date as may be notified by the Lieutenant-Governor at the time of the extension of this Chapter to such Municipality.

**184.** Any person who shall thereafter produce, or attempt to produce, in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing im-

pregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

**185.** If any person having been inoculated with the small-pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the town of Calcutta, or any other town or place to which such provision shall then be applicable, before the elapse of forty days from the date of such inoculation, or without a certificate from a qualified medical officer, stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

**186.** Whenever a Magistrate shall sentence an offender to fine under this Chapter, it shall be lawful for such Magistrate to award any portion not exceeding one-half of such fine to the person on whose information such offender has been convicted.

**186.** Whenever a Magistrate shall sentence an offender to fine under this Chapter, it shall be lawful for such Magistrate to award any portion not exceeding one-half of such fine to the person on whose information such offender has been convicted.

PART X.—MUNICIPAL MARKETS.

**187.** It shall be lawful for the Municipal Commissioners to grant licenses for the use of any place as a market for the sale of meat, fish, fruit and vegetables within the Municipality.

**188.** Every license to be granted under the provisions of this Act shall be in force until the next ensuing day therein named for the commencement thereof, and the said Municipal Commissioners shall grant such license whenever it shall be certified to them in writing, under the hand of the Vice-Chairman of the Municipal Commissioners, that such place is fit to be used as a market.

**189.** The Vice-Chairman, upon the application in writing of the owner of any such place, shall certify under the preceding section, unless such place be defective as a market in drainage, ventilation, water-supply, or proper width of paths and ways therein.

**190.** Whoever wilfully or negligently permits any place within the limits aforesaid to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall, unless such place shall have been used as a market for the sale of similar articles at the time of the passing of this Act, be liable to a penalty not exceeding two hundred Rupees; and shall also be liable to a further penalty not exceeding fifty Rupees for every day during which the said offence shall be continued.

**191.** Whenever three convictions under the provisions of the next preceding section shall have been pronounced in respect of the same place, it shall be lawful for the



Magistrate, on the application of the Municipal Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale, meat, fish, fruit, or vegetables in any place which shall have been so closed shall be liable for each offence to a fine which may extend to ten Rupees.

**192.** The owner or lessee of every place within the limits aforesaid at the time of the passing of this Act used as a market for the sale of meat, fish, fruit, or vegetables, shall, within six months of the passing of this Act, register, or cause to be registered, the same in a book to be kept for that purpose by the Municipal Commissioners at their office, in which shall be stated the name of the owner thereof, and of the lessee, the extent and boundary of the market, and the description of articles sold therein.

**193.** Such registration shall be made on the application in writing of the owner or lessee, or some one of the owners or lessees thereof, and every such application shall contain the particulars hereinbefore required to be set out in the registration.

**194.** Every transfer of interest in any such market as last aforesaid shall be in like manner registered within two months after the date of transfer.

**195.** Any market which, or the transfer of which, shall not be duly registered under the preceding sections shall be deemed to be a place not used as a market at the time of the passing of this Act.

**196.** The Municipal Commissioners may from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places within the said town for the purpose of being used as municipal markets, and may charge such rents, tolls and fees as to them may seem fit for the use of or right to expose goods for sale in such markets, and for the use of shops, stalls and standings therein.

**197.** All such rents, tolls, and fees which shall be imposed shall be recoverable by the Municipal Commissioners from the persons liable to pay the same, as if the amounts payable in respect thereof, were rates due to the Commissioners from such persons under the provision of this Act.

**198.** It shall be lawful for the Commissioners to make bye-laws for the establishment and publication of a price-current by measure, weight, or tale of the articles sold in Municipal markets under this Act, and for prescribing the mode of sale of such articles.

**199.** It shall be lawful for the Municipal Commissioners to expel from any such market any person who or whose servants may be convicted of disobeying any such bye-law, and to prevent such person by himself or his servants

further carrying on any trade or business in such market, or occupying stalls or shops therein, and to determine any lease or tenure which such person may have in any such stall or shop.

#### PART XI.—JURISDICTION OF COMMISSIONERS IN MUNICIPAL AND OTHER CASES.

**200.** It shall be lawful for the Lieutenant-Governor to direct that any two or more Commissioners of any Municipality may exercise within the limits of such Municipality the powers of a Magistrate in respect of all or any of the offences under the following provisions of this Act, namely, Sections 69, 76, 77, 79, 84, 85, 86, 87, 88, 97, 117, 118, all the sections of Parts IX and X, and the rules and bye-laws which may be framed under any Section of this Act, and also in respect of all offences named in the Penal Code which may be triable under the Criminal Procedure Code by a subordinate magistrate of the first class. When such direction shall have been notified in the *Calcutta Gazette*, then any person accused of an offence, or liable to a penalty under or in pursuance of the above-mentioned provisions of this Act, shall be tried by a bench of not less than two Commissioners sitting together. With respect to any matter which may, under this section, be transferred to the jurisdiction of the Commissioners, the powers, duties, and authority of the Magistrate shall cease. Provided that if the Commissioners, or a bench of the Commissioners, refuse or omit to act under this section, the Magistrate may, with the sanction of the Commissioner of the Division, resume for such time as he may seem fit the functions transferred to the Commissioners under this section. It shall be competent to the Lieutenant-Governor to amend, modify, or recall any direction notified under this section. In case of difference of opinion between the members of a bench of Commissioners, the opinion of the majority shall prevail; when the numbers are equally divided, the opinion of the senior Commissioner shall prevail. The provisions of this section shall not be held to affect the appellate jurisdiction of the Magistrate of the district, under Chapter XXX of the Code of Criminal Procedure, or the powers of supervision vested in the Magistrate of the district by section 434 of the same Code.

**201.** It shall be lawful for the Commissioners at a meeting to make bye-laws for regulating the rotation in which, and the place at which, the Commissioners shall sit to decide cases under the next foregoing section, and to assign from the Municipal Fund salaries to clerks and other servants who may be appointed by the Commissioners to serve in the courts of benches of Commissioners sitting under the next preceding section.

#### PART XII.

##### THIRD CLASS MUNICIPALITIES.

**202.** It shall be lawful for the Lieutenant-Governor to extend the provisions of this and the next succeeding Part to any place not being a I or II Class Municipality, and it shall be lawful for the Lieutenant-Governor to delegate the power of extending the said provisions to such officers as he may see

After such extension shall have been notified, the Magistrate of the district may by a writing under his hand and seal appoint not less than three and more than five persons to be a punchayet in any place. Provided that no punchayet shall be appointed for any place in which there shall be less than sixty houses, and provided that no punchayet shall be appointed in any place, until a Magistrate shall, in personal communication with some of the residents of such town, have explained to them the general duties of a punchayet.

**203.** If two or more places containing together not less than eighty houses are so situate that some house in one of such places is situate within one mile of some house in each of the others, it shall be lawful for the Magistrate to form such places into a union, and for the purposes of this part such union shall be deemed to be a village.

**204.** It shall be lawful for the Magistrate of the district to permit or cause the election of a punchayet, under such rules as the Lieutenant-Governor may from time to time prescribe for any place, instead of appointing such punchayet under section 201 of this Act. The Magistrate of the district shall have power to accept resignations and to fill up vacancies in punchayets either by election or by appointment. Every member of a punchayet shall hold office until a successor be elected or appointed. But no person shall be eligible for membership of the punchayet of any place, unless he be a resident in such place, or the proprietor or holder of land therein or his local agent, provided that such proprietor or local agent shall not be eligible for membership unless he be resident within one mile from some part of such place.

**205.** Whenever the majority in number of the adult male residents in any place or in two or more places so situate as in section 202 is set forth shall by a writing signed by them apply to the Magistrate of the district for the appointment of a punchayet in such place or places, it shall be lawful for him to appoint a punchayet under this Part in such place or places without regard to the number of houses therein contained, and all the provisions of this Part shall apply to such punchayet and to such place or places.

**206.** It shall be lawful for the Magistrate of the district to declare by a writing under his hand and seal what shall be the limits of any Municipality constituted under this Part. But in any case where no such declaration is made, the limits of a Municipality under this Part shall be taken to be the boundaries of the area of the village or villages which constitute such Municipality.

**207.** It shall be lawful for the punchayet of any Municipality constituted under this Part to impose within the limits of such Municipality the tax described at section 31 clause (a) of this Act, provided that the average annual tax on each holding shall not exceed one rupee.

**208.** The assessment to the tax imposed under the next foregoing section shall be made by the punchayet, subject as far as may be to the provisions

of sections 32, 33, 34, 35, 36, 37, 38, 39 and 40 of Part III, Chapter 2 of this Act in respect to Commissioners, provided that it shall not be necessary to send any list or notice of assessment under this part anywhere outside the place for which the assessments may be framed; and provided that any person dissatisfied with his assessment may appeal orally or in writing to the punchayet, who shall consider and decide finally on such appeal; and also that the Magistrate may call for the list of assessment of any village, and that he shall call for such list on the application of ten tax-payers of such villages, and may pass such orders on any such list as he may think fit.

**209.** Every punchayet shall appoint one of their number to receive and collect the tax, and to grant receipts for the same and to keep the accounts thereof, and it shall be lawful for the punchayet to permit the person so appointed to retain any sum not exceeding six per cent. of the amount collected by him to re-pay the costs of such collection.

**210.** The collecting member of the punchayet shall collect the tax due every quarter, following, as near as may be, the procedure laid down in sections 99, 100, 102, 104, 105, and 107 of Part IV of this Act, provided that the collecting member shall himself do all which must be done by the tax collector or by the Magistrate under the above-mentioned sections; and provided that the collecting member be not bound to make use of the forms prescribed in these sections, so long as any warrant of distress issued for tax due under this Part shall be in writing, and shall be under the hand of the collecting member.

**211.** Any person against whom distress may be issued under the next foregoing section may, if he dispute his liability to the arrear demanded of him, apply to the Magistrate either orally or in writing, and the Magistrate, after hearing the applicant's statement and making such enquiry as he may see fit, shall pass such order as he may deem proper on the application.

**212.** The proceeds of the tax levied under this part, together with any fines realized under this Act, and any other sum which may become applicable for the purposes of this Act, shall constitute a fund which shall be called "The Village Fund;" and such fund shall be applicable to the payment of chowkedars, and the balance after payment of chowkedars shall be applicable to the supply of drinking water to the residents or to their cattle, to simple conservancy operations, and to the support of *palshulas* or village schools.

**213.** The punchayet of any place shall be bound to appoint such persons to be chowkedars as they may deem fit, and to assign them salaries out of the Village Fund; provided that not more than one chowkeedar be appointed to every sixty houses, and that the salary of a chowkeedar be not less than three rupees a month, subject to reduction on account of the revenue due on any *chakran* lands enjoyed by such chowkeedar.



**214.** On the appointment of any chowkeedar the punchayet shall give to him a certificate signed by them of such his appointment, specifying therein the rate of salary at which he has been appointed, and he shall within seven days produce such certificate at the police station within the limits of which his village may be situate, and the officer in charge of such station shall cause the particulars of such certificate to be registered in a book to be kept in such station for the purpose of such registration, and shall report the same to the Magistrate.

**215.** It shall be lawful for the Magistrate if he see fit to dismiss any chowkeedar for misconduct or neglect of duty, and the punchayet shall thereupon appoint a successor. It shall be lawful for the punchayet to dismiss or fine to the extent of one month's salary any chowkeedar for neglect of duty or misconduct, provided that such chowkeedar may within sixty days appeal to the Magistrate against such dismissal or fine, and the Magistrate shall thereon make such enquiry and pass such order as he may see fit.

**216.** Every chowkeedar appointed under the provisions of this Part shall perform the following duties:

(1) He shall give immediate information to the officer in charge of the police station within the limits of which the village is situate of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in the final section of this Part which may be committed within the village of which he is chowkeedar, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

(2) He shall arrest all proclaimed offenders, and all persons whom he may find in the act committing any offence specified in the final section of this Part.

(3) He shall observe, and from time to time report to the officer in charge of the police station within the limits of which the village may be situate, the movements of all bad characters in such village.

(4) He shall report to the officer in charge of such police station the arrival of suspicious characters in the neighbourhood.

(5) He shall present himself at such station twice in each week, if such station be within two miles of the village, and if it be more remote once in each week, or once in each fortnight as the Magistrate may direct.

(6) He shall supply any local information which the Magistrate or any officer of police may require.

(7) He shall obey the orders of the punchayet in regard to keeping watch in the village and other matters connected with his duties as chowkeedar.

**217.** Whenever the chowkeedar may arrest any person, such chowkeedar shall forthwith take the person so arrested to the police station within the limits of which such village is situate, provided that if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

**218.** The punchayet shall exercise a general control over the chowkeedars, and every member of such punchayet who may know be informed of the commission within the village of any offence specified in the final section of this Part shall forthwith cause the same to be reported by the chowkeedar to the officer in charge of the police station within the limits of which the village may be situate, and on failure of the chowkeedar, such member shall himself report the same to such officer.

**219.** Every chowkeedar shall receive, month by month, the full amount of his salary from the member of the punchayet appointed to collect the tax.

**220.** Whenever the salary of any month shall not be paid in full to any chowkeedar on or before the 15th of the month following, such chowkeedar may apply to the Magistrate, who shall call upon the punchayet within ten days to show cause why they should not pay the amount due to such chowkeedar, and the Magistrate after hearing the punchayet shall pass such order as he may deem fit directing the punchayet or any member thereof to pay the chowkeedar's salary, or directing distraint of the property of the punchayet or any member thereof to the amount of the arrear due to the chowkeedar.

**221.** All powers vested in the punchayet for the appointment and dismissal of chowkeedars and for fixing the number of chowkeedars to be appointed and the rate of their pay, and for making and levying the assessments hereinbefore directed to be made, may be exercised by the Magistrate or any person whom the Magistrate may by any writing under his hand authorise on that behalf, in case the punchayet shall, for fifteen days after a notice from the Magistrate to exercise such powers or any of them, refuse or neglect to exercise the same, and the Magistrate shall be bound to enquire into any matter concerning the due observance of the provisions of this part in any village whenever ten adult tax-payers may make a representation to the effect that the punchayet's proceedings require supervision or amendment.

**222.** The punchayet shall be bound to affix once in every quarter on a conspicuous place in the village, or in each village of their circuit, an account of the receipts and expenditure of the quarter next preceding. Any ten adult tax-payers of the village may, if they are dissatisfied with such accounts, make a representation to the Magistrate who shall be bound to supervise the same.

**223.** It shall be lawful for the Lieutenant-Governor to invest all or any of the members of a punchayet with powers described in Section 200 of this Act so far as the same are applicable. Two or more of the members so invested may thereafter sit together under such bye-laws as to rotation, days of sitting, and place of sitting, as the Magistrate may from time to time prescribe, and so sitting shall have jurisdiction within the limits of their municipality. All the provisions of the said section with respect to Commissioners shall apply to members of a punchayet invested with powers as aforesaid so far as the said provisions are or may be applicable.

**PART XIII.**

**MISCELLANEOUS.**

**224.** Every bill, notice, schedule, summons, or notice of demand, regarding any assessment, rate, or tax or any money due in respect of the same, may be served personally upon the person to whom the same is assessed, or be left at his usual place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served. Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the place, every such bill, notice, summons, or notice of demand, shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

**225.** No assessment, and no charge or demand of a rate or tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any court of justice.

**226.** No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

**227.** Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or charges, recoverable under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

**228.** The Commissioners 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 Commissioners, their officers or servants, under this Act.

**229.** It shall be lawful for the Commissioners to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter-mentioned, for regulating the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such bye-laws. Provided that no bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a bye-law shall exceed twenty Rupees, and that in case of a continuing infringement no fine shall exceed five Rupees for every day after notice from the Commissioners of such infringement.

**230.** No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

**231.** All bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

**232.** No action shall be brought against the Commissioners, or against a punchayet, or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or affixed at some conspicuous place in the village of such punchayet, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given, shall before such action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

**233.** The Commissioners may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of the

Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence. Any prosecution under this section shall be instituted before any Magistrate having jurisdiction under the provisions of Chapter XV of the Criminal Procedure Code. The procedure of the above-mentioned code shall apply to all trials of offences under this Act.

**234.** All the proceedings of the Magistrate of the district, or of a Magistrate under this Act, or of the Municipal Commissioners, except as otherwise specially provided, shall be subject to the control and revision of the Commissioner of the division; and all the proceedings of the Commissioner of the division shall be subject to the control of the Lieutenant-Governor of Bengal.

Proceedings of Magistrate of district and Commissioner of division respectively, subject to control of Lieutenant-Governor.

**SCHEDULE A.**  
(Referred to in Section 5.)  
**ACTS REPEALED.**

Number of Act.	Title.
Act XXVI of 1850	To enable improvements to be made in towns.
Act XX of 1856	To make better provision for the appointment and maintenance of police chowkedars in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Bengal.
Act XXI of 1857	To make better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah.
Act XII of 1858	For raising funds for making and repairing roads in the suburbs of Calcutta and the station of Howrah.
Act III (B.C.) of 1864, or District Municipal Improvement Act.	For the appointment of Municipal Commissioners in towns and other places in the province under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of rates and taxes thereon.
Act IV (B.C.) of 1865	For the prohibition of the practice of inoculation in the town and suburbs of Calcutta and in towns to which Act III of 1864 has been or shall hereafter be extended.
Act VI (B.C.) of 1867	For the better regulation of the police in towns and municipalities in the territories under the control of the Lieutenant-Governor of Bengal.
Act VII (B.C.) of 1867...	For amending Act III of 1864.
Act II (B.C.) of 1868 ...	For amending the District Municipal Improvement Act.
Act VI (B.C.) of 1868, or District Towns Act, 1868.	For providing for the better regulation of the police in towns under the control of the Lieutenant-Governor of Bengal, and for the conservancy and improvement thereof.

**SCHEDULE B (referred to in section 36).**

**NOTICE OF ASSESSMENT.**

An assessment made for [here describe the Municipality for which the assessment is made] upon the several occupiers of houses and other

property in the said Municipality pursuant to the Bengal Municipalities Act, 1872, for the purpose of maintaining the conservancy for such Municipality and carrying out the other provisions.

Property occupied.	Names of occupant.	Profession or business.	Amount of quarterly assessment.
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Whereas the above assessment has been duly made pursuant to the Bengal Municipalities Act, 1872, and has been revised and settled by me, the undersigned Magistrate of \_\_\_\_\_, the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the first day of ( ) and every subsequent payment on or before the first day of ( ) the first day of ( ), and the first day ( ), or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as allowed by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
Magistrate of \_\_\_\_\_

**SCHEDULE C.—(REFERRED TO IN SECTION 58.)**  
**Tax on Carriages, Horses, and Elephants.**

	Rs.	p.	quarter.
For every 4-wheeled carriage on springs drawn by two horses	...	4	8
For every 4-wheeled carriage on springs drawn by one horse or pony, or a pair of ponies under thirteen hands	...	1	8
For every 4-wheeled carriage without springs	...	1	8
For every 2-wheeled carriage on springs	...	2	4
For every 2-wheeled carriage without springs, drawn by a horse, pony, or mule	...	0	12
For every horse	...	2	4
For every pony under thirteen hands or mule	...	0	12
For every elephant	...	6	0
Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.			

**SCHEDULE D.**

(Referred to in Section 70.)

**License on Professions, Trades, and Callings.**

**CLASS I.**

	Yearly.
	Rs.
Every Joint-Stock Company ...	100

CLASS II.

Every Merchant, Banker, Shroff, Banian, wholesale Trader, and Commission Agent, and every practising Surgeon, Physician, Dentist, Architect, Civil Engineer, Barrister, Attorney, Proctor, Notary Public, and Pleader of the High Court ...  
 Every owner or farmer of a hât or bazaar.  
 Every owner of Cotton, Jute, Hide, or other Screws and every Auctioneer ...

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CLASS III.

Every Broker or Daloll employed in the wholesale transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares, and Bills of Exchange, or in procuring Freight.  
 Every Practising Licentiate of Medicine, Apothecary, and Veterinary Surgeon...  
 Every keeper of a Spirit-shop, Punch-house or Billiard-room, wholesale Tobacco or Jute Depôt ...  
 Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is assessed under Section at more than 250 or less than 100 Rupees a month }  
 Every Pawn-broker, and every person having a shop or place of business registered under Section ... }  
 Every Pleader, Mooktear, or Law Agent, not included in Class II. ... }

25

25

CLASS IV.

Every Hotel-keeper, Boarding and Lodging House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is kept in a brick-house, but not included in Class II. or Class III. }  
 Every keeper of a permanent stall at a daily public market or in a chouk ... }  
 Every Poddar or Money-changer ... }  
 Every Hakeem, Koberaj, and Native Doctor, not included in any other Class }

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CLASS V.

Every keeper of a shop not included in any other Class, and every Daloll not included in Class III... }  
 Every Pedlar, Hawker, Box-wallah, and keeper of a shop at a periodical market or hât ... }

CLASS VI.

All other itinerant dealers and keepers of stalls at periodical markets or hâts ... }

1

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations at the discretion of the Chairman or of the sub-committee as the case may be, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the firm.

SCHEDULE E.

(REFERRED TO IN SECTION 91.)

Maximum rates of tolls payable on entering the municipal limits.

	Rs.	As.	P.
On every four-wheeled carriage on springs ...	0	8	0
Ditto two-wheeled ditto ...	0	4	0
On every cart, hackery on springs, or cart drawn by men, buffaloes, bullocks, horses, ponies, asses, or mules laden ...	0	4	0
Ditto ditto not laden ...	0	2	0
On every buffalo or bullock laden ...	0	1	0
Ditto horse laden or ridden ...	0	2	0
Ditto ditto not laden or ridden ...	0	1	0
Ditto pony or ass laden or ridden ...	0	1	0
Ditto elephant ditto ...	1	0	0
Ditto camel ...	0	4	0

SCHEDULE F.

FORM A.—(REFERRED TO IN SECTION 104.)

Notice of Demand.

Municipality of ( )  
 To of  
 Take notice that the sum of Rs. being the amount of assessment due from you to the Fund of the said Municipality is hereby demanded from you, and that if you do not, within ten days, pay the same with two annas as the cost of this notice into the office of , the same with costs will be levied by distress and sale of your goods and chattels.

(Sd.)

Magistrate of

FORM B.—(REFERRED TO IN SECTIONS 104 and 105.)

Table of Fees payable upon distraints under this Act.

Sums distrained for	Fee.
	Rs. As.
Under 1 Rupee ...	0 4
1 and under 5 Rupees ...	0 8
5 " 10 " ...	1 0
10 " 15 " ...	1 8
15 " 20 " ...	2 0
20 " 25 " ...	2 8
25 " 30 " ...	3 0
30 " 35 " ...	3 8
35 " 40 " ...	4 0
40 " 45 " ...	4 8
45 " 50 " ...	5 0
50 " 60 " ...	6 0
60 " 80 " ...	7 8
80 " 100 " ...	9 0
Above 100 " ...	10 0

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

FORM C.—(REFERRED TO IN SECTION 105.)

Warrant of Distraint.

To (here insert the name of the officer charged with the execution of the warrant.)



SCHEDULE H.—(referred to in Sections 115 and 116.)  
18 . Deaths in the Municipality of

No.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of Death.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

STATEMENT OF OBJECTS AND REASONS.

THERE are at present four different laws, besides several amending Acts, under which municipalities in Bengal are administered. The present Bill has been framed with the view of consolidating these different enactments into a single law. Opportunity has been taken to enlarge the powers of Municipal Commissioners; to lay less municipal work and responsibility on the shoulders of Magistrates; to make Municipal Commissioners elective; and in other ways to afford more scope for municipal self-government. The Bill provides for three classes of municipalities; in two classes the governing body will be Municipal Commissioners, while the rural townships in the third class will be administered by punchayets. Municipal Commissioners will have power to adopt one or more of the ordinary forms of Indian municipal taxation, but for punchayets only one form of local taxation will be available. Municipal funds will be devoted to police and to ordinary municipal purposes; and it is proposed to permit of their expenditure

on the maintenance of education and on the relief of exceptional distress. Village funds in third class Municipalities shall, it is proposed, be applicable to the payment of chowkeydars, to the maintenance of *patshalas* or rural schools, and to the supply of drinking water. Power is taken for Government or its officers to intervene in cases where Municipal Commissioners or a punchayet may fail to maintain sufficient police, or where elementary education may not be available at reasonable cost. Provision is made for members of municipal bodies sitting for the trial of petty offences committed within the limits of their townships.

In respect of nuisances, of conservancy, of vaccination, of town markets, and such like matters, the Bill adopts the provisions of existing Municipal Acts.

C. BERNARD,

The 9th December 1871.

HERBERT COWELL,  
Asst. Secy. to the Govt. of Bengal,  
Legislative Dept.

The following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 27th January 1872, and was referred to a Select Committee, who are to report thereon within a fortnight :—

*A Bill to amend the Calcutta Port Improvement Act, being Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council.*

WHEREAS it is expedient to give to the Commissioners for making improvements in the port of Calcutta a like indemnity to that which is given to the East India Company by Section LXI of Act XXII of 1855 ; It is hereby enacted as follows :—

1. The said Commissioners shall not be answerable for any act or default of any Master Attendant, Harbour Master, or other Conservator of the said port, or of any Deputy or Assistant of the said officers, or of any person acting under the authority or directions of any such officer or assistant, done within the limits of the said port ; nor for any damage or injury sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other thing belonging to the said Commissioners within the said port which may be used by such vessel. Provided that nothing in this section shall protect the said Commissioners from an action in respect of any act done by or under the express order or sanction of the said Commissioners.

2. This Act shall be read with and taken as part of Act V of 1870 passed by the Lieutenant Governor of Bengal in Council.

#### STATEMENT OF OBJECTS AND REASONS.

BEFORE the new Port Trust was created in 1870, Government managed the Port of Calcutta and enjoyed an indemnity in respect of the acts of its harbour officers and of damage resulting from defects in its moorings, hawsers, or other appliances. It is deemed by the Chamber of Commerce and by the Government better for the trade of Calcutta that the Port Commissioners should enjoy a similar indemnity. If they do not obtain this indemnity, they will have to maintain high port dues to cover their possible liabilities. The present Bill proposes to grant the Port Commissioners the required indemnity.

C. BERNARD.

*The 27th January 1872.*

HERBERT COWELL,  
*Asst. Secy. to the Govt. of Bengal,*  
*Legislative Department.*

#### Orders by the Lieutenant-Governor of Bengal.

Revenue and General Departments.

No. 329R.

#### APPOINTMENTS.

*The 5th February 1872.*—Mr. Robert Cornish, Assistant Commissioner of Goalparah, is transferred to Kamroop.

*The 8th February 1872.*—Baboo Nobin Chunder Sen, B.A., Deputy Collector, Chittagong, is vested with the powers of a Collector under the Land Acquisition Act, No. X. of 1870, in that District.

Captain Ninian Lewis, Assistant Commissioner of Hazareebaugh, is transferred to Loharduggah.

*The 9th February 1872.*—Mr. Edward Hardcastle Ruddock, B.A., to be Secretary to the Local Committee of Public Instruction at Mozufferpore.

Mr. Beharilall Gupta, c.s., to be Secretary to the Local Committee of Public Instruction at Burrisaul.

Mr. Alexander Manson officiated as Magistrate and Collector of Pooree, in the Second Grade, from the 9th to the 14th ultimo.

Dr. Kristodhore Ghose to be Secretary to the Local Committee of Public Instruction at Rungpore.

*The 10th February 1872.*—Mr. William Shaw Rochfort Davics, Deputy Magistrate and Deputy Collector, is transferred from Julpigooree to Kamroop.

Baboo Gobind Kant Bidyabhooshun, Supernumerary Deputy Magistrate and Deputy Collector, Rajshahye, is transferred temporarily to Bograh.

*The 13th February 1872.*—Mr. George Edward Makgill to officiate as a Joint-Magistrate and Deputy Collector of the First Grade, from the date on which he joined at the 24-Pergunnahs.

#### LEAVE OF ABSENCE.

*The 7th February 1872.*—Mr. Thomas Bruce Lane, c.s., is allowed subsidiary leave from the 13th to the 15th ultimo, to enable him to rejoin his appointment on his return from furlough.

*The 8th February 1872.*—Mr. William Brown Martin, Deputy Magistrate and Deputy Collector of Mudheypoorah, in Bhaugulpore, for two months, from the 8th November 1871, under Financial Notification No. 3622, dated the 22nd December 1865.

Mr. George Kennedy Webster, Assistant Commissioner, Loharduggah, is allowed one month's subsidiary leave, preparatory to proceeding to Europe on furlough.

*The 9th February 1872.*—Mr. Archibald Colin Campbell, Assistant Commissioner of Burpettah, in Kamroop, for three days, under Financial Notification No. 3622, dated the 22nd December 1865, in extension of the leave granted to him under orders of the 4th ultimo.

Mr. William James Money, c.s.r., is allowed subsidiary leave for a period not exceeding thirty days from the 2nd instant, the day following the date of his arrival at Bombay on his return from special leave, to enable him to join his appointment at Mymensing.

Mr. William McKinley Clay, c.s., on furlough, has been allowed subsidiary leave for a period not exceeding thirty days, from the date on which he was relieved of the charge of the offices of Magistrate and Collector of Bograh by Mr. Thomas Frank Bignold.

*The 10th February 1872.*—Baboo Lolit Mohun Chatterjee, Deputy Magistrate and Deputy Collector, Bograh, for two months, under Financial Notification No. 3622, dated the 22nd December 1865.

Mr. William Fiddian, Assistant Magistrate of Bhudruck, for twelve days, to enable him to present himself for examination in Oorya by the high proficiency test at the examinations which will be held in Calcutta in April next.

*The 12th February 1872.*—Major Frederick Collingridge, Commandant of the Behar Mounted Rifle Corps, for nine months, from the 15th

instant, to enable him to proceed to England on private affairs.

The 13th February 1872.—Mr. Nathaniel Stuart Alexander, late Officiating Magistrate and Collector of Maldah, is allowed subsidiary leave for two days in addition to the four weeks previously granted to him, to enable him to proceed to Europe on furlough from Bombay.

Mr. Frederick Hubert McLaughlin, Officiating Joint-Magistrate and Deputy Collector, Tipperah, for fifteen days, under Section XIX of the Covenanted Service Absentee Rules in extension of the leave granted to him under orders of the 5th ultimo.

NOTIFICATIONS.

The 9th February 1872.—Baboo Kalidas Palit, Special Commissioner, under the Chota Nagpore Tenures' Act, having returned to duty on the forenoon of the 8th ultimo, the unexpired portion of the leave granted to him under orders of the 26th December last is cancelled.

The Reverend Charles Edward Wheeler, Chaplain of Patna, having returned to duty on the forenoon of the 20th ultimo, the unexpired portion of the leave granted to him under orders of the 22nd idem is cancelled.

The 12th February 1872.—The services of Baboo Bhuggobutty Churn Chatterjee, Special Sub-Registrar of Furrucedporc, are placed temporarily at the disposal of Mr. Henry Beverley to assist in the operations connected with the taking

of the Census in Bengal. Baboo Bhuggobutty Churn Chatterjee will have charge of the Patna Branch Office.

ERRATUM.

The 9th February 1872.—In the orders of the 17th ultimo, published in the *Calcutta Gazette* of the 31st idem, appointing certain gentlemen to be Drainage Commissioners in Hooghly, under Act V. (B.C.) of 1871,—

For

“ Baboo Suttodoyal Banerjee,”

Read

“ Baboo Suttodoyal Bauerjea, B.L.”

H. L. DAMPIER,

Secy. to the Govt. of Bengal.

The following Orders issued by the Government of India, in the Home Department, are republished for general information :—

No. 633.—*Fori William, the 8th February 1872.*—*Notifications.—Public.*—Furlough for twenty months, under Sections II and III of the Covenanted Service Absentee Rules, with the usual subsidiary leave, is granted to the Hon'ble F. K. Cockerell, an Additional Member of the Council of the Governor General for making Laws and Regulations, with effect from 11th March next, or from the date on which he may avail himself of the same.

No. 696.—*The 9th February 1872.*—The Governor General in Council is pleased to permit Mr. E. S. Pearson to resign Her Majesty's Bengal Civil Service from the 1st instant

No. 47.—*The 8th February 1872.—Ecclesiastical.*—The following list of Chaplains belonging to the Bengal Establishment, absent on furlough or special leave on the 31st December 1871, is published for general information :—

No.	Names.	Rank.	Date of commencement of furlough or special leave.	Date of expiry of furlough or special leave.
<i>Furlough.</i>				
1	Rev'd. M. R. Burge	Senior Chaplain	September 14, 1869	March 13, 1872.
2	“ J. Cayo-Browne	“	February 1, 1870	July 31, “
3	“ J. Daly	“	March 19, “	May 18, “
4	“ W. Simpson	“	February 25, 1871	February 24, “
5	“ J. A. Stampfer	“	March 5, “	March 4, 1873.
6	“ J. K. Stuart, M.A.*	“	“ “ “ 1871	“ “ “ 1873.
7	“ C. J. Waterhouse	“	February 10, “	August 9, 1872.
8	“ C. S. P. Parish	“	March 14, “	March 14, 1873.
9	“ J. P. Boswell	Junior Chaplain	February 4, 1870	February 4, 1872.
<i>Special leave.</i>				
0	“ F. W. Homer	Junior Chaplain	May 6, 1871	May 5, 1872.
Total Absent				10
Sanctioned number of Chaplains in the Bengal Presidency				90
Percentage of Absentees				11.1

\* Furlough for two years, date of embarkation not reported.

The following Orders issued by the Government of India, in the Financial Department, are republished for general information :—

MINT AND CURRENCY.

*Fort William, the 9th February 1872.*

No. 442, dated the 24th January 1872.

From—R. B. CHAPMAN, Esq., Secy. to the Govt. of India, FINANCIAL DEPT.

To—The Comptroller-General.

In reply to your endorsement No. 1097, dated the 7th December 1871, I am directed to state that your orders to the Accountant-General, North-Western Provinces, No. 996, dated 7th December 1871, are incorrect, the relaxation authorized in paragraph 5 of the Notification No. 451, dated 24th January 1871, having been expressly withdrawn by Resolution No. 4895, dated 3rd November last. Coin ordered to a treasury officer, which has lost more than two

per cent. in weight from whatever cause, must invariably be cut and broken according to law, and the pieces returned to the tenderer. If there is no reason to suppose that the deficiency in weight is the result of any unfair practices, the pieces may be paid for, at the option of the tenderer, at the rate of one rupee a tola. In no case must any treasury officer knowingly allow a light coin once tendered to him to continue in circulation.

ORDERED, that the above, together with the Resolution No. 4895, dated 3rd November, be published in the *Gazette of India*.

Copy (together with copy of the papers noted in the margin) forwarded to the Comptroller-General, No. 1097, dated 7th December 1871, and enclosures. all Local Governments and Administrations, and the Head Commissioner of Paper Currency, the Mint Master, Calcutta, and the several Accountants-General and Deputy-Accountants-General in independent charge, in continuation of Financial Resolution No. 4445, dated 19th October 1871.



No. 4895, dated 3rd November 1871.

Judicial and Political Departments.

**RESOLUTION.—By the Government of India,  
FINANCIAL DEPT.**

Read again—

No. 195J.

**APPOINTMENTS.**

Circular letter to all Local Governments and Administrations. No. 4121, dated 12th October 1870, regarding the enforcement of Section 16 of the Indian Coinage Act of 1870.

Notification of this Department, No. 451, dated 24th January 1871, containing rules for carrying out the provisions of Sections 16 and 23 of the Indian Coinage Act of 1870.

Read also the following correspondence on any necessity of relaxing the strict responsibility of a treasurer for loss from his receipt of coin which is defaced without having lost more than two per cent. in weight, or which was of doubtful legality from its appearing to have been reduced in weight otherwise than by reasonable wearing, *viz* :—

From Head Commissioner of Paper Currency, No. 393, dated 6th September 1871.

From Mint Master, No. 477 of 8th September 1871.

**RESOLUTION.**—The Governor General in Council observes that, under Section 13 of the Coinage Act, defaced coin is not legal tender, and accordingly all coin which has been defaced, including that to which a piece of solder may have been attached, should be declined at a Government Treasury or a Paper Currency Office. The solder imparts to the coin a suspicious character, for it may conceal a drilling of the coin, though, in other cases, it is attached for the purpose of using the coin as an ornament.

2.\* Similarly, coin which has been artificially diminished (as by partial solution in acids), should be treated under Section XIII of the Coinage Act as not legal tender, and be dealt with as Section XVI and the rules in the notification dated 4th January 1871 may permit.

3. Coins which have lost more than two per cent. by fair wear and tear should be cut or broken and paid for at the rate of one rupee per tolah, as, directed in paragraph 2 of Financial Notification No. 451, dated 24th January 1871.

4. Weights for testing whether coins have lost more than the prescribed allowance in weight by wear and tear should be supplied by the Mint Masters to all Treasuries and Paper Currency Offices; and the Mint Master, Calcutta, should be requested to submit a draft of the rules which he would propose for testing the scales and weights in use at Treasuries, since such test must become necessary in time, even when proper weights and adjusted scales may have been supplied in the first instance by the Mint.

The following Order issued by the Government of India, in the Military Department, is republished for general information :—

No. 133.—*Fort William, the 8th February 1872.*—That part of G. G. O. No. 1, dated 2nd January 1872, publishing an amended Rule XV. to the Furlough Regulations of 1868 is cancelled, and that rule will remain as published in G. G. O. No. 1064, dated 10th November 1868.

H. L. DAMPIER,

*Secy. to the Govt. of Bengal.*

**NOTIFICATION.**

*The 12th February 1872.*—Candidates for admission into the Subordinate Executive Service, and the Police and Opium Departments, who require to pass the examination in Law, &c., are directed to present themselves at the Bengal Secretariat, Judicial Branch, at 10 A.M. precisely on Friday, the 16th instant.

The examination will be held on that day from 10 A.M. to 1 P.M., and from 1½ to 4½ P.M.

H. L. DAMPIER,

*Secy. to the Govt. of Bengal.*

*The 7th February 1872.*—Baboo Sreenath Pal, B.L., to officiate as Additional Moonsiff of Chittagong, during the absence, on duty, of Baboo Mohima Chunder Ghose, or until further orders.

Mr. Charles James Cowie to be a Municipal Commissioner for the town of Gowhatty, and to be Vice-Chairman of the Municipal Commissioners for that town.

The following gentlemen are appointed to form a Committee for the management of the Charitable Dispensary at Joydebpore in Dacca

Baboo Bharut Chunder Mitter.

„ Hari Nath Roy.

„ Nobocomar Neogy.

„ Gooroopersad Bhoomick.

*The 9th February 1872.*—Baboo Sumbhoo Chunder Dey, B.L., to officiate as Additional Moonsiff of Serampore, in Hooghly, during the absence, on leave, of Baboo Chunder Coomar Mitter, or until further orders.

The following Deputy Magistrates and Deputy Collectors in the Sonthal Pergunnahs are vested with the powers of a Moonsiff, with effect from the dates mentioned against their names :—

Mr. Laurence Barlow Roberts, from the 9th December 1871.

Mr. John Reginald Hand, from the 1st January 1872.

Mr. William James Money, c.s.i., to officiate as District and Sessions Judge of Mymensing, during the absence, on duty, of Mr. Augustus Rivers Thompson, or until further orders.

The following gentlemen to be members of the Committee for the management of the Charitable Dispensary at Nusseerabad in Mymensing :—

Mr. Roger Henry Pawsey, c.s.

Baboo Goopeekristo Banerjee.

„ Soorjokant Acharjee Chowdry.

„ Ruttonmonce Goopto.

„ Poorno Chunder Roy.

*The 10th February 1872.*—Baboo Shumbhoo Chunder Nag, M.A. and B.L., to be a Moonsiff of the Third Grade, and to be Moonsiff of Baraset in the 24-Pergunnahs, *vice* Baboo Gopeenath Moitro, retired.

Third Grade Sub-Assistant Surgeon Mohim Chunder Roy to have charge of the Charitable Dispensary at Nowkhilla in Bograh.

Mr. William Robert Green, Assistant Superintendent of Police, is posted temporarily to Cuttack, from the date on which he was relieved of the Gurjhat Mehals by Mr. David Josiah Poole.

*The 12th February 1872.*—Mr. Vincent Stewart Robertson, Assistant Superintendent of Police, Bhaugulpore, is transferred to Purneah.

*The 13th February 1872.*—The following promotions and appointments in the class of Subordinate Judges and Small Cause Court Judges are sanctioned, *viz.* :—

*Vice* Moulvie Nazfirooddeen Mahomed, retired.  
Baboo Gopee Nath Bose from the Third to the Second Grade.

„ Gopee Kristo Banerjee from the Fourth to the Third Grade.

„ Gooroo Persad Sen to be a Subordinate Judge of the Fourth Grade, to be Additional Subordinate Judge of Jessore, but to continue to officiate, until further orders, as Subordinate Judge of Rungpore.

„ Bancy Madhub Shome to be First Subordinate Judge of Dacca, but to continue to officiate, until further orders, as Judge of the Small Cause Courts of Dacca, Bohor, and Naraingunge.

*Vice* Baboo Kali Kinker Roy, retired.

Mr. William DaCosta from the Third to the Second Grade.

Baboo Mohesh Chunder Sen from the Fourth to the Third Grade.

„ Sree Nath Roy to be a Subordinate Judge of the Fourth Grade, and to be Subordinate Judge of Furreedpore, and Judge of the Small Cause Courts of Furreedpore and Bhanga.

*Vice* Baboo Modhoo Suden Ghose, retired.

Baboo Judoo Nath Mullick to be a Subordinate Judge of the Fourth Grade, and to be Subordinate Judge, and Judge of the Small Cause Court, Rajshahy.

*Vice* Baboo Kalipersad Dutt, retired.

Baboo Bidoo Bhooshun Banerjee to be a Subordinate Judge of the Fourth Grade, to be Additional Subordinate Judge of Mymensing, but to continue to officiate as Subordinate Judge of Chittagong, during the absence, on duty, of Baboo Kader Nath Banerjee, or until further orders.

„ Kalidas Dutt to officiate as Additional Subordinate Judge of Mymensing, during the absence, on duty, of Baboo Bidoo Bhooshun Banerjee, or until further orders.

Baboo Kader Nath Banerjee is promoted to the Third Grade of Subordinate Judges to fill an existing vacancy.

#### LEAVE OF ABSENCE.

*The 30th January 1872.*—Mr. Walter F. Smith, Officiating Assistant Superintendent of Police, Rancegunge, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules from the 26th December last.

*The 13th February 1872.*—Baboo Noruttam Mullick, Subordinate Judge and Judge of Small Cause Court, Moorshedabad, for four weeks,

under paragraph 11 of the Uncovenanted Service Absentee Rules, in extension of the leave granted to him under orders of the 1st December last.

RIVERS THOMPSON,

*Offg. Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*The 12th February 1872.*—The Lieutenant-Governor of Bengal is pleased to sanction the undermentioned transfers between Zillahs Burdwan and Nuddea :—

*First.*—The village of Angurdeop (Thakbust No. 17, Pergunnah Belgong) is transferred from the civil, fiscal, and criminal jurisdiction of Zillah Nuddea to that of Zillah Burdwan, and attached to Thannah Cutwa in the latter zillah.

*Second.*—The village of Busuntangah (Thakbust No. 126, Pergunnah Monohurshahce) is transferred from the civil, fiscal, and criminal jurisdiction of Zillah Burdwan to that of Zillah Nuddea and attached to Thannah Kalligunge in the latter zillah.

RIVERS THOMPSON,

*Offg. Secy. to the Govt. of Bengal.*

The following Order issued by the Government of India, in the Military Department, is republished for general information :—

*No. 132.—Fort William, the 8th February 1872.*—The services of Assistant Surgeon R. H. Stevens, in medical charge of the 11th Regiment, Native Infantry, are placed at the disposal of the Government of Bengal from the date on which he may be relieved from his present duties.

RIVERS THOMPSON,

*Offg. Secy. to the Govt. of Bengal.*

Public Works Department,—Bengal.

#### ESTABLISHMENT.

No. 59.

*The 9th February 1872.*

*Transfer.*—Baboo Bhuggobutty Churn Mookerjee, Oversecr, First Grade, from the Cuttack Division to the Northern Circle.

No. 60.

*Posting.*—Mr. W. Barnfather, Executive Engineer, Second Grade, having returned from leave to Europe on Medical Certificate, is posted as a temporary arrangement to the First Presidency Division.

61.

*Trans*  
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## No. 62.

*Notifications*—Baboo Joygopaul Ruckhit, Assistant Engineer, Second Grade, joined the Central Assam Division on the 23rd January 1872, afternoon.

## No. 63.

Mr. W. H. White, Assistant Engineer, First Grade, joined the Presidency Circle on the 18th January 1872, before noon.

## No. 64.

Mr. A. Percy, Accountant, Fourth Grade, joined the Central Office of Accounts, Bengal, on the 2nd February 1872.

## No. 65.

*Leave of Absence.*—Mr. A. Percy, Accountant, Fourth Grade, attached to the Central Office of Accounts, Bengal, for one month on Medical Certificate, under Sections 11 and 20 of the revised Uncovenanted Service Absentee Regulations.

## No. 66.

*The 12th February 1872.*

The following Order issued by the Government of India, Military Department, is republished for information:—

No. 136, dated 8th February 1872.—The undermentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Second Captain George Scott Hills, of the Royal Engineers, Executive Engineer, Second Grade, Department Public Works, Bengal, for two years, under the Regulations of 1868, embarking at Bombay.

## No. 67.

The following Order issued by the Government of India, Public Works Department, is republished for information:—

No. 77.—*The 7th February 1872.*—The following is republished for information and guidance in the Public Works Department:—

## EXPENDITURE.

(ADMINISTRATION).

*The 12th January 1872.*

No. 325.—RESOLUTION—It is usual for officers, when submitting propositions for the revision of establishments, to set down the average monthly cost of a pay which rises from a minimum to a maximum, however quickly, at the mean between the minimum and the maximum.

2. As a matter of fact, however, the monthly average cost of a pay so fixed, unless the period of rise be very long, is much higher than this. By the present erroneous practice, officers may be led to propose, and perhaps the Government sometimes may sanction proposals for the revision of establishments under a practical misapprehension of their actual financial effect.

3. It is not at present possible to show exactly what the average monthly cost of a progressive pay is. No doubt it varies under varying circumstances; and under all circumstances it depends largely upon the length of the period of rise.

4. The Governor General in Council is, however, convinced that the average monthly cost of a pay, which rises by five equal annual increments from a minimum to a maximum, is, at least, the minimum plus two-thirds, in the case of ministerial establishments, three-fourths of the difference between the minimum and the

5. His Excellency in Council is accordingly pleased to direct that, for the present, the average monthly cost of such pay shall be calculated in this way:—

*Examples*—

The average monthly cost of the pay of an officer in the classified list in the Financial Department, which rises from Rs. 400 a month by five annual increments of Rs. 40 to Rs. 600 a month is Rs. 400 +  $\frac{2}{3}$ ths of Rs. 200 = (Rs. 134) = Rs. 534.

The average monthly cost of the pay of a clerk rising from Rs. 100 a month by five equal annual increments of Rs. 10 to Rs. 150 a month is Rs. 100 +  $\frac{1}{4}$ ths of Rs. 50 = (Rs. 37-8) = Rs. 137-8.

6. If the period of rise is 20 years, the average monthly cost may be taken at the exact mean.

7. In other cases an intelligent estimate may be made. ORDERED, that this Resolution be published in the *Gazette of India*, and communicated to the Departments of the Government of India, to the Local Governments, to the Heads of Departments, and to the Officers of Account and Audit for information and guidance.

## ESTABLISHMENTS.

## No. 68.

*The 12th February 1872.*

*Declaration under Section 6 of Act X. of 1870 of the Government of India.*—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken up by Government at the public expense for a public purpose, viz., for brick-making in Bâd Phuldobe, in the Village of Mudhobuny, Pergunnah Haveli, Zillah Purneah, it is hereby declared that, for the above purpose, a piece of land measuring, more or less, 72 beegahs 6 cottahs of standard measurement, bounded on the north by Râumâ in settlement with Kali Persaud and Sathen, Tetaigope, and by a Jeul tree; on the west by cultivation of Baker Mistri, Satair Mistri, and Ghoghun Mistri; on the south by Râumâ of Hectroo, Sathen, Tetaigope, and Auckhoo Gowala, and land cultivated by Kali Persaud; and on the east by Râumâ Sheikh Hoosanee, and land cultivated by Teethroo Gowala and Bhekari Singh, is required within the said Bâd Phuldobe.

This Declaration is made, under Section 6 of Act X. of 1870, to all whom it may concern.

## COMMUNICATIONS.

## No. 69.

*The 12th February 1872.*

*Declaration under Section 6 of Act X. of 1870 of the Government of India.*—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense for a public purpose, viz., for maintaining the line of communication between Jeagunge and Bhogwangola in an efficient state by diverting the line of road of the sites of the two bridges formerly existing at Decgha and Kalookhalee, Pergunnah Koorprotap, Zillah Moorshedabad, it is hereby declared that, for the above purpose, certain pieces of land measuring in all more or less 47 beegahs 9 cottahs and 8 chittacks of standard measurement, and bounded as specified below, are likely to be required within the aforesaid villages of Decgha and Kalookhalee.

A piece of land measuring, more or less, 21 beegahs 17 cottahs and 8 chittacks, bounded on the north and south by the present roadside ditches, and following the line of deviation. This land is situated in the Village of Kalookhalee,

Turruf Deegha, Pergunnah Koorprotap, Zillah Moorshedabad.

First plot measuring, more or less, 15 beegahs 10 cottahs and 8 chittacks, bounded on the north by the present roundside ditch; on the south by the northern channel of the Gobra Nulla and following the line of deviation. This piece of land is situated in the village of Joinpore, Pergunnah Koorprotap, District Moorshedabad.

Second plot measuring, more or less, 5 beegahs 13 cottahs and 4 chittacks, bounded on the north by the northern channel of the Gobra Nulla, and on the south by the southern channel of the same, and following the line of deviation. This piece of land is situated partly in the village of Deegha and partly in the village of Jounpore.

Third plot measuring, more or less, 4 beegahs 8 cottahs and 4 chittacks, bounded on the north by Government land formerly taken up for the road which no longer exists on the south by the northern channel of the Gobra Nulla. This land is situated in the village of Deegha, Pergunnah Koorprotap, Zillah Moorshedabad.

This Declaration is made, under the provisions of Section 6 of Act X. of 1870 of the Government of India, to all whom it may concern.

By order of the Lieutenant-Governor of Bengal.

H. LEONARD, C. E.,

*Offg. Secy. to the Govt. of Bengal,  
P. W.*

Irrigation.

ESTABLISHMENT.

NOTIFICATION.

No. 45.

*The 12th February 1872.*

*Posting.*—Mr. H. D. Pearsall, Assistant Engineer, Second Grade, to the Sasseram Division, which he joined on the forenoon of the 26th January 1872.

No. 46.

Mr. C. J. Elms is, with the approval of the Governor General in Council, appointed to the Public Works Department as a Temporary Overseer, First Grade, and posted to the Arrah Division, which he joined on the forenoon of the 31st January 1872.

No. 47.

Mr. J. M. Conell is, with the approval of the Governor General in Council, appointed to the Public Works Department as a Temporary Overseer, First Grade, and posted to the Patna Division, which he joined on the forenoon of the 6th February 1872.

G. A. SEARLE, *Lieut.-Col., S.C.,  
For Offg. Joint-Secy. to the Govt. of Bengal,  
in the P. W. D., Irrigation Branch.*

## High Court Notice.

Orders by the High Court of Judicature at Fort William in Bengal.

NOTIFICATION.

*The 6th February 1872.*

LEAVE OF ABSENCE.

*The 17th January 1872.*—Baboo Shibpershad Singh, Moonsiff of Kendraparah, Zillah Cuttack, for ten days, under paragraph 12, clause 1, of the Uncovenanted Absentee Rules. The Moonsiff's Sheristadar to be placed in charge of the current duties of the office.

*The 25th January 1872.*—Baboo Krishto Chunder Chowdry, Moonsiff of Deang, Zillah Chittagong, for six weeks, in extension of that granted to him on the 18th December last, under paragraph 11 of the Uncovenanted Absentee Rules.

*The 31st January 1872.*—Baboo Chundro Kumar Mitter, Additional Moonsiff of Hooghly, for two months, under Despatch from the Secretary of State, No. 255, dated 8th November 1865.

Baboo Joggesh Chunder Mitter, Additional Moonsiff of Baraset, Zillah 24-Pergunnahs, for one month, under paragraph 11 of the Uncovenanted Absentee Rules.

*The 1st February 1872.*—Baboo Mothoora Lall Roy, Moonsiff of Dhamuggur, Zillah Cuttack, for three months, from 20th January last, under Financial Notification No. 3622, dated the 22nd December 1865.

*The 3rd February 1872.*—Baboo Kalidass Dutt, Moonsiff of Ranaghat, for twenty-one days, from 21st November to 11th December 1871, under paragraph 11 of the Uncovenanted Absentee Rules.

*The 6th February 1872.*—Baboo Aghore Nath Ghose, late Moonsiff of Jehanabad, Zillah Hooghly, for one month, in extension of the leave granted to him on the 25th November 1871, under paragraph 11 of the Uncovenanted Absentee Rules.

ADDENDUM.

In High Court Notification of 8th January 1872, published at page 104 of the *Calcutta Gazette* of the 10th January 1872, in the leave granted on 21st December 1871 to Baboo Shitul Chunder Mookerjee, Moonsiff of Thakoorgung, after the words "from the 15th of November last,"

ADD

"Under paragraph 11 of the Uncovenanted Absentee Rules."

By order of the High Court,

HIGH COURT, F. B. PEAR

*The 7th February 1872.*

**Circular Order by the High Court of Judicature at Fort William in Bengal.**

No. 262, dated Calcutta, the 26th January 1872.

From—F. B. PEACOCK, Esq., Registrar of the High Court of Judicature at Fort William in Bengal,

To—The Officiating Judge of the Small Cause Courts, Sealdah and Howrah.

In reply to your letters as noted below,\* I am directed to inform you that when a new trial has been granted by a Judge of a Court of Small Causes under Section 21, Act XI of 1865, the filing of a fresh plaint should not be required.

HIGH COURT, &c.  
(CIVIL SIDE.)  
*Present:*  
The Hon. Sir R. Couch, Kt.,  
*Chief Justice.*  
The Hon'ble G. Loch,  
" Louis S. Jackson,  
" A. G. Macpherson,  
" E. Jackson,  
*Judges of the Court.*

\* No. 361, dated 17th November 1871.  
No. 384, dated 30th December 1871.

**CIRCULAR ORDER No. 32.**

Forwarded to all Judges of Courts of Small Causes for their information and guidance, in continuation of Circular Order No. 32, dated 19th December 1865.

**Notice.**

WHEREAS it appears desirable to ascertain the qualifications of persons who desire to be employed as Translators in the High Court by a formal and uniform test, the following rules have been framed by order of the Chief Justice for that purpose:—

Any person being a candidate for the office of Translator or of Sworn Examiner of translations in appeals to Her Majesty in Council, or of Translator in appeals to the High Court exceeding Rs. 10,000 in value, may, after satisfying the Chief Justice that he is in other respects a fit person to be appointed to such office, be furnished with a letter to the Examiners, from time to time to be appointed, requesting that such candidate may be examined.

The candidate, on presenting such letter and after payment of the fee of Rs. 10, shall be examined at such time and place as the Examiners may direct.

The Examination shall comprise the following parts:—

1. A written translation into the vernacular language in which the appointment as Translator is sought, of a chosen printed passage from a Classical English Author extending to not less than 30 lines of an ordinary octavo page.
2. A written translation into the same vernacular of a manuscript paper, to be furnished by the Registrar to the Examiners, being a judgment, deposition, or document taken from the *misl* of some decided case.
3. A written translation into English of a similar paper in the same vernacular, to be likewise furnished by the Registrar. *videlicet* rendering from the vernacular into English of at least six short sentences to be read out by the Examiner, and a like rendering *vice versa* from English into vernacular.

To each written translation the Examiner shall assign a reasonable time within which the task is to be completed, and no translation shall be accepted which is not completed within the time so fixed.

A candidate who desires to qualify in more than one language shall undergo a like examination in each language, paying the same fee for each.

The candidate shall, if he pass the examination to the satisfaction of the Examiner, receive from him a certificate to that effect.

The Chief Justice reserves to himself the power of subjecting any of the existing Translators or Examiners to the test above prescribed, or of requiring the passing of such test as a condition precedent to the promotion of any person employed in the Translation Department.

R. COUCH.

HIGH COURT, APPELLATE JURISDICTION,  
Calcutta, the 8th January 1872.

**Departmental Notices.**

**Notification.**

BABOO KANTI CHANDER CHATTERJEA, Deputy Collector, has been placed in charge of the Bancoorah Treasury, and authorized to draw bills on other treasuries.

C. T. BUCKLAND,  
BURDWAN COMM'R'S OFFICE, *Commissioner.*  
The 30th December 1871.

**Notification.**

MR. EXTRA ASSISTANT COMMISSIONER J. B. SHADWELL has been placed in charge of the Treasury at Shillong, and is authorized to draw bills on other treasuries.

HENRY HOPKINSON,  
*Agent, Govr.-Genl., and Commr. of Assam.*  
GOWHATTY,  
The 23rd January 1872.

**Notification.**

MR. COVENANTED DEPUTY COLLECTOR TREVOR JOHN CHICHELEY GRANT, having received charge of the Treasury at Monghyr on the 29th December last, has been authorized to draw bills on all other treasuries.

J. W. DALRYMPLE,  
*Commissioner.*

BHAUGULPORE,  
The 4th January 1872.

**Notification.**

MR. DEPUTY COLLECTOR HALDANE RATTRAY, having received charge of the treasury at Rajmehal on the 30th December last, has been authorized to draw bills on all other treasuries.

J. W. DALRYMPLE,  
*Commissioner, S. P.*

BHAUGULPORE,  
The 8th January 1872.

**Notification.**

MR. DEPUTY COLLECTOR AND DEPUTY MAGISTRATE JOHN REGINALD HAND, having received charge of the Godda Treasury on the 5th instant, has been authorized to draw bills on all other treasuries.

SYED AMEER HOSSKIN,  
*Perst. Asst. to the Commr., for Commr., S. P.*  
 BHAUGULPORE,  
 The 16th January 1872.

**Notification.**

MR. ASSISTANT COLLECTOR FRANCIS WILLIAM BADCOCK, having received charge of the treasury at Bhaugulpore on the 17th instant, has been authorized to draw bills on all other treasuries.

SYED AMEER HOSSKIN,  
*Perst. Asst. to the Commr., for Commr.*  
 BHAUGULPORE,  
 The 20th January 1872.

**Notice.**

MR. UNCOVENANTED DEPUTY COLLECTOR WILLIAM SHAW ROCHFORD DAVIES, having been placed in charge of the Julpigooree Treasury from the 29th December 1871, is authorized to draw bills on other treasuries.

J. C. HAUGHTON,  
*Commr. of Cooch Behar Divn.*  
 JULPIGOOREE,  
 The 29th December 1871.

**Notice.**

COVENANTED DEPUTY COLLECTOR MR. E. G. GLAZIER has been placed in charge of the Rungpore Treasury, and authorized to draw bills on other treasuries.

E. W. MOLONY,  
*Commissioner.*  
 COMM'R'S OFFICE, RAJ. DIVN., CAMP ISWARDEE,  
 The 31st December 1871.

**Notification.**

BABOO CHUNDER NARAIN SING, Deputy Collector, has been placed in charge of the Bancoorah Treasury, and is authorized to draw bills on other treasuries.

By order,  
 KALI PUDDO MOOKERJEE,  
*Head Clerk.*  
 For Pl. Asst. to Commr.

**Notice.**

BABOO MOHENDRO NAUTH ROY, Second Clerk, Monghyr Collectorate, has been appointed Money Order Agent at that Station, *vice* Baboo Ashootosh Roy.

Baboo Chunder Cant Bhuttacharjee has been appointed Money Order Agent at Purneah, *vice* Baboo Sreenauth Benerjee.

Baboo Rajani Kanta Bosu has been appointed Money Order Agent at Tezapore, *vice* Baboo Shobany Churn Surmah.

H. A. MANGLES,  
*Offg. Acct.-General of Bengal.*  
 CALCUTTA,  
 The 12th February 1872.

**Sheriff's Office, the 30th January 1872.**

NOTICE is hereby given that the Second Criminal Session of the year 1872 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Thursday, the Twenty-ninth day of February next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

JOHN COWIE,  
*Sheriff.*

সরিক আকিস ১৮৭২ সাল ৩০ জানুয়ারি।

সমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গালার কোর্ট উইলিয়ম দুর্গের অধীন শহর কলিকাতার ও অন্যান্য স্থানের কোজদারী বিচার নিষ্পত্ত্য জন্য আগামি ২৯ কেবআরি বৃহস্পতিবার বেলা ১১ ঘটিকার সময় এবং যে পর্যন্ত সেশিয়ানের কার্য শেষ না হয় প্রতিদিন উক্ত সময়ে কলিকাতার চৌনহালে হাই কোর্টের আদালত ঘরে সন্ ১৮৭২ সালের দ্বিতীয় ক্রিমিনেল সেশিয়ান বসিবেক এবং এতদ্বারা প্রচার করা যাইতেছে যে, যে সকল ব্যক্তি কোন কয়েদীর বিরুদ্ধে কোজদারী মিছিল করিবেক তাহারা উক্ত স্থানে ঐ সময়ে হাজির থাকিয়া মোকদ্দমা করে।

JOHN COWIE,  
*Sheriff.*

Statement showing the importation of Salt (private property) in bond and afloat on River Hooghly, subject to Customs' duty on the 1st February 1872.

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In Mds.	In Mds.	In Mds.	In Mds.
Liverpool Pangah ...	16,69,785½	98,858½	3,74,510½	21,33,154
French Kurkutch ...	7,010	.....	.....	7,010
Italian Salt ...	366	.....	.....	366
Bombay Kurkutch ...	.....	.....	29,926	29,926
Madras ...	30,564½	.....	.....	30,564½
Arabian and Persian Gulf's Kurkutch and Muscat Rock ...	3,91,599½	.....	.....	3,91,599½
Total ...	20,89,226½	98,858½	4,04,336½	25,92,420

By order of the Board of Revenue, L.P.,

J. A. CRAWFORD,  
*Collector of Customs.*  
 CALCUTTA CUSTOM HOUSE,  
 The 5th February 1872.

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

The undermentioned Students have passed the examination for the Degree of Bachelor in Law :

SECOND DIVISION.

*In order of merit.*

1.	{ Mahit Chandra Basu	...	Presidency College.
	{ Chandra Mohan Chakravarti	...	Patna College.
3.	Chandrakanta Páin	...	Kishnaghur College.
4.	Krishnakamal Bhattacharyya	...	Presidency College.
5.	Hariprasanna Mukhopadhyay	...	Kishnaghur College.
6.	Devendranath Ghosh	...	Presidency College.
7.	{ Lal Mohan Das	...	Ditto.
	{ Bipinkrishna Basu	...	Ditto.
9.	Bipinvihari Mukhopadhyay	...	Kishnaghur College.
10.	Sivnath Bandyopadhyay	...	Presidency College.
11.	Basantakumár Basu	...	Ditto.
12.	Rajanikánta Chaudhuri	...	Dacca College.
13.	{ Narasinha Datta	...	Presidency College.
	{ Trailokyanath Basu	...	Ditto.
15.	Abdul Bari	...	Ditto.
16.	Syamaldás Chakravarti	...	Patna College.
17.	{ Akshaykumár Basu	...	Presidency College.
	{ Umákáli Mukhopadhyay	...	Ditto.
19.	Kedarnath Sarkar	...	Ditto.
20.	{ Rajaninath Basu	...	Ditto.
	{ Gopal Chandra Mukhopadhyay	...	Ditto.

The undermentioned Students have passed the examination for a Licence in Law :-

*In Alphabetical Order.*

Baksi, Kedarnath	...	Presidency College.
Bandyopadhyay, Bhuvanmohan	...	Ditto.
„ Binádvihári	...	Ditto.
„ Gopalchandra	...	Kishnaghur College.
„ Kántichandra	...	Presidency College.
Basu, Upendranath	...	Ditto.
Bhattacharyya, Jogendranath	...	Ditto.
Chatopadhyay, Trailokyanath	...	Ditto.
Chaudhuri, Kálikrishna	...	Ditto.
„ Sirischandra	...	Ditto.
Dán, Parmeswar	...	Ditto.
Dás, Bhairavchandra	...	Ditto.
„ Jagatechandra	...	Dacca College.
Datta, Priyanath	...	Presidency College.
„ Radhakrishna	...	Patna College.
De, Govindachandra	...	Presidency College.
Gangopadhyay, Binadvihari	...	Ditto.
Ghosh, Bhuvanmohan	...	Kishnaghur College.
„ Chandrakumar	...	Ditto.
„ Mahendranath	...	Presidency College.
„ Nilmádhav	...	Berhampore College.
„ Upendranath	...	Presidency College.
Lahiri, Purnachandra	...	Ditto.
Majúmdar, Mahendrachandra	...	Berhampore College.
„ Upendranarayana	...	Presidency College.
Mallik, Mahendranath	...	Ditto.
Masánta, Parvaticharan	...	Ditto.
Mitra, Bhagavaticharan	...	Patna College.
„ Saradacharan	...	Presidency College.
Mukhopadhyay, Avinashchandra	...	Ditto.
Ráy, Girischandra	...	Ditto.
„ Syámácharan	...	Dacca College.
Ráychaudhuri, Rámchandra	...	Presidency College.
Sarkár, Jogeschandra	...	Hooghly College.
„ Muhimchandra	...	Berhampore College.
Sen, Bauavarilal	...	Presidency College.
„ Jadunándan	...	Berhampore College.
„ Kánáílal	...	Presidency College.
„ Umeschandra	...	Kishnaghur College.
Sukul, Bhadránath	...	Ditto.

The 26th January 1872.

J. SUTCLIFFE,  
Registrar.

The following Resolutions having been passed by the Senate and approved by His Excellency the Governor General in Council, are published for general information :—

(a).—That for the better encouragement of Vernacular education and literature an examination in Vernacular be instituted by the University, on the plan of the Middle-class Examinations conducted by British Universities.

(b).—That a convocation for conferring degrees upon graduates of the North-West Provinces, the Punjab, Oudh, and the Central Provinces, be held annually at Allahabad.

(c).—That notices of meetings of the Faculty of Arts for the discussion of all business of importance be circulated to all Members, resident and non-resident, in order that any minute they may forward to the Registrar may be laid before the meeting of the Faculty.

(d).—That Persian be added to the list of second languages for the First Arts and B. A. Examinations.

(e).—That, as a part of the Entrance Examination in Oriental languages, the Examiners shall set a paper containing passages in English to be translated into one of the Vernaculars of India at the option of the candidate; the passages being taken from a newspaper or other current literature of the day.

(f).—That the following revised scale of fees be adopted for admission to the Examinations in Medicine :—

For the 1st L. M. S. Examination, a fee of Rs. 20.

„ 2nd „ „ „ 25.

„ 1st M. B. „ „ „ 20.

„ 2nd „ „ „ 30.

2. The following Rules for the conduct of the examination in Vernaculars established under Resolution (a) have been approved by the Senate and His Excellency the Governor General in Council :—

#### RULES FOR THE UNIVERSITY VERNACULAR EXAMINATION.

1. The examination shall commence annually on the Monday immediately preceding that fixed for the Entrance Examination, and shall be held in such places as the Directors of Public Instruction of the several provinces may appoint.

2. Every candidate for admission to the examination shall send his application and a fee of Rs. 3 in the Form A, given below, and the application must reach the Registrar at least 60 days before the date fixed for the commencement of the examination. Each local Director shall issue rules for the receipt of applications and fees in his province, and shall forward them to the Registrar.

3. A candidate who fails to pass or to present himself for examination shall not be entitled to claim a refund of the fee.

4. The examination shall be conducted by means of printed papers, the same papers being used at every place where the examination is held.

5. The Syndicate shall appoint a Board of Examiners in Calcutta to set all the questions and to determine the full marks to be given for each question. The answers shall be examined by Local Examiners for each province, who shall be nominated by the Director of Public Instruction and approved by the Syndicate.

6. The Syndicate shall place at the disposal of each Director 80 per cent. of the fees collected in his province for the remuneration of local Examiners.

7. At the examination every candidate shall be examined in the following subjects :—

#### I.—LANGUAGES.

One of the following :—\*

Bengali.		Hindi.
Urdu.		Uriya.

Two papers in each language shall be set; one paper shall contain passages in prose and verse, with questions concerning their meaning and construction, from books or periodicals—the other paper shall contain general questions on Grammar, and questions to test the candidate's power of composition. A piece of prose to be written at dictation shall also be included in this paper. (Full marks, 75 for each paper.)

The Syndicate may add any other language to this list.



## II.—HISTORY AND GEOGRAPHY.

The outlines of the History of India treated briefly in the Hindu and Muhammadan periods, and more fully in the British period. (One paper—full marks, 50.)

The outlines of general Geography, with a particular knowledge of the Geography of India. (One paper—full marks, 50.)

## III.—MATHEMATICS.

*Arithmetic*,—The whole. (One paper—full marks, 50.)

*Algebra*,—As far as simple equations. (One paper—full marks, 50.)

*Geometry*,—Euclid, Books I and II, with easy deductions. (One paper—full marks, 50.)

Candidates shall not be approved by the Examiners unless they gain at least 25 per cent. of the marks allotted to each of the preceding subjects.

The candidates may also present themselves for examination in not more than two of the following optional subjects:—

- |   |  |
|---|--|
| (1) Sanskrit.   | } The standard to be that prescribed for the Entrance Examination ;<br>each language, 100 marks. |
| (2) Arabic.   |  |
| (3) Persian.  |  |
| (4) Mensuration of plane figures and simple solids. Practical Geometry.<br>Surveying by the chain with Plane Table or Prismatic Compass—50 marks. |  |
| (5) The elements of Statics, Hydrostatics, and Pneumatics—50 marks.   |  |
| (6) Physical Geography and the elements of Astronomy—50 marks.  |  |

Failure in the optional subjects shall not prevent a candidate from passing ; but candidates shall not be approved by the Examiners in any optional subject unless they gain 25 per cent. of the allotted marks.

8. As soon as possible after the examination, the Syndicate shall publish a list of the candidates who have passed in three classes, the first in order of merit, and the second and third in alphabetical order. Candidates shall be placed in the first class who obtain 50 per cent. of the aggregate marks; to be placed in the second and third classes, candidates must obtain 40 and 30 per cent. of the aggregate marks respectively.

9. Every successful candidate shall receive a certificate in the the Form B, given below.

## A.

TO THE REGISTRAR OF THE CALCUTTA UNIVERSITY.

*Dated*

SIR,

I request permission to present myself at the ensuing Vernacular Examination of the Calcutta University. The admission fee of 3 Rupees is forwarded herewith, and the particulars regarding which information is necessary are subjoined.

I am, &c.,

*Particulars to be filled in by Candidates.*

Name.  
Religion.  
Race (*i. e.*, nation, tribe, &c.)  
Where educated.  
Present position (*i. e.*, at school or present occupation).  
Town or Village where resident, Pergunnah, Tehsil, Zillah.  
Name of Father or Guardian.  
Where to be examined.  
Language in which to be examined.  
Optional subjects selected.

## B.

CALCUTTA UNIVERSITY.

*Vernacular Examination Certificate.*

I certify that \_\_\_\_\_ duly passed the  
Vernacular Examination, held in the month of \_\_\_\_\_ 187  
in the following subjects—Bengali, &c., History and Geography, Arithmetic, Algebra, and  
Geometry, and \_\_\_\_\_, and that he was placed in the \_\_\_\_\_ class.

(Signed)

The \_\_\_\_\_ January 187 \_\_\_\_\_

*Registrar.*

3. The first examination under the preceding rules will be held in November 1873.

CALCUTTA UNIVERSITY,  
The 5th February 1872.

J. SUTCLIFFE,  
*Registrar.*

\* Add the optional subjects, if any, in which the candidate has passed.

**Calcutta University.**

**NOTICE.**

THE Tagore Professor of Law will commence the delivery of a course of lectures at the Presidency College on Saturday, the 2nd March, at 9 A.M., on

*The history and constitution of the Courts and Legislatures in India.*

The lectures are open to the public, and tickets of admission (free of charge) will be granted on application to the undersigned.

The lectures will be continued on each succeeding Saturday till the end of the course.

J. SUTCLIFFE,  
Registrar.

UNIVERSITY OFFICE,  
The 9th February 1872.

**Opium Notification.**

No. 69C.

NOTICE is hereby given that the Third Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-Room, No. 2, Bankshall Street, on Monday, the 4th March 1872, at 11 A.M., and will comprise 3,575 Chests, viz.:-

	Chests.
Behar Opium ...	2,000
Benares „ ...	1,575

Total Chests ... 3,575

2. The general conditions of the sale now advertised will be the same as usual: they may be ascertained by reference to the Notification issued on the 21st November 1871, and published in the *Government and Exchange Gazette*, or on personal application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 9th and 19th March respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Saturday, the 9th March 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Tuesday, the 19th March 1872.

4. In addition to the quantity above advertised for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates, should circumstances render it expedient to do so:-

Dates.	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 3rd April 1872	2,000	1,575	3,575
On or about Monday, 6th May „	2,000	1,575	3,575
On or about Thursday, 6th June „	2,000	1,575	3,575
On or about Thursday, 4th July „	2,000	1,575	3,575
On or about Monday, 5th August „	2,000	1,575	3,575
On or about Thursday, 5th Sept. „	2,000	1,575	3,575
On or about Tuesday, 1st October „	2,000	1,575	3,575
On or about Wednesday, 6th Nov. „	2,000	1,575	3,575
On or about Thursday, 5th Dec. „	2,000	1,575	3,575
Total Chests ...	18,000	14,175	32,175

By order of the Member in charge,  
T. B. LANE,  
Secretary.  
BOARD OF REV., FORT WILLIAM,  
The 30th January 1872.

**Nuddea Rivers.**

*Weekly Water Report showing the least depth of water in the Bhagiruttee River for the week ending Friday, the 2nd February 1872.*

NAMES OF PLACES, &C.	Least depth of Water.		REMARKS.
	Ft.	In.	
On the Entrance Bar ...	4	6	
FROM			
Thence to Jungipore, 9 miles	5	6	
FROM			
Jungipore to Berhampore, 47 miles.	3	6	Boats drawing up to 4 feet can pass up and down easily.
FROM			
Berhampore to Cutwa, 50 miles.	3	6	
FROM			
Cutwa to Nuddea, 46 miles...	4	0	

Height of water on gauge at Berhampore on the 5th February 1872, above zero 5 feet 11 inches.

T. H. WICKES, C.E.,

Exc. Engr., Nuddea (Local) Rivers Division.  
BERHAMPORE.  
The 5th February 1872.

**Nuddea Rivers.**

*Weekly water Report showing the least depth of water in the Bhagiruttee River for the week ending Friday, 9th February 1872:*

NAMES OF PLACES &C.	Least depth of Water.		REMARKS.
	Ft.	In.	
On the Entrance Bar ...	4	6	
From thence to Jungipore, 9 miles ...	5	0	
From Jungipore to Berhampore, 47 miles ...	3	6	• In one place boats drawing up to 4 feet can pass up and down easily.
From Berhampore to Cutwa, 50 miles ...	4	0	
From Cutwa to Nuddea, 46 miles ...	4	0	

Height of water on gauge at Berhampore on the 12th February 1872, above zero 5 feet 10½ inches.

T. H. WICKES, C.E.,

Exc. Engr., Nuddea (Local) Rivers Division.  
BERHAMPORE,  
The 12th February 1872.

RETAIL PRICES OF FOOD AS REPORTED TO GOVERNMENT AT THE CLOSE OF THE MONTH OF JANUARY 1872.

Number of Seers of 80 Toisla weight retailed for a rupee.

Date of Return from each District.	CLEANED RICE IN ORDINARY USE.			PULSES IN ORDINARY USE.			WHEAT.		ATTAR.		JANRA, JOWA AND SUCK GRAINS.		
	Dearest sort.	Cheapest sort.		Dearest sort.	Cheapest sort.		Average rate of the three or four preceding years.	Present price of cheapest kind.	Average rate of the three or four preceding years.	Present price of cheapest kind.	Average rate of the three or four preceding years.	Present price of cheapest kind.	
		Average rate of the three or four preceding years.	Present price.		Average rate of the three or four preceding years.	Present price.							
Districts in which the prices are same or nearly the same.													
Purneah ...	26th Jan. 1872	26	25½	28	10	24	25	19	20	10½	10	31	30
Hooghly ...	1st Feb. 1872	15	18½	15	11	15½	21	14½	13	12	8½	15½	18
Howrah ...	1st "	13	20	19	14	19	16	17	15	11	9	•	•
Midnapore ...	31st Jan. 1872	21	24	24	17	17	18	10	16	8	10	•	•
Chittagong ...	1st Feb. 1872	16	23½	27	7	14	21	14½	13	9½	9	•	•
Dacca ...	1st "	24	22	30	18	15½	40	12	15	7	8	•	•
Sylhet ...	29th Jan. 1872	24½	34	35	11½	21	32	21½	13½	9	11½	•	•
Jessore ...	29th "	18	24½	22	13	20	32	16	14	8½	8	•	•
Chumparun ...	1st Feb. 1872	26	20	18	12	16	20	24	25	17	18	20	21
Maunbhoom ...	1st "	20	30	28	16	20	21	16	16	12	11	•	•
Nowgong ...	31st Jan. 1872	10	18	18	10	25	18	12	16	5	6	•	•
Darjeeling ...	27th "	8	13	13	5½	8	8	8	8	8	6	18	24
Districts in which all or most articles are cheaper.													
Burdwan ...	31st Jan. 1872	26	27	29	10½	22½	24	14½	16½	10½	10	•	•
Bancoorah ...	31st "	20½	28	28½	18½	17½	21	21	17½	14	12	35	32
Tipperah ...	26th "	20	29	35	9	17	27½	10½	14	7½	7	•	•
Bullooah ...	1st Feb. 1872	19	23½	25	8	11	20	•	•	5	5	•	•
Mymensingh ...	1st "	•	24½	33	9	14	30	15	•	7	•	•	•
Cachar ...	1st "	21½	22½	29½	16	10½	17½	12½	11½	7	8½	•	•
24-Pergunnahs ...	1st "	17½	17	22½	13½	13	13½	15	16	8	8½	•	•
Gya ...	1st "	21	19½	24½	30	25½	31½	16½	27	18½	23	31½	40
Pubna ...	1st "	15	24	27½	8	32	55	19½	24	10½	11½	•	•
Kamroop ...	31st Jan. 1872	20	20	26	20	13	22	13	22	6	8	•	•
Districts in which all or most articles are dearer.													
Nya-Doomka ...	31st Jan. 1872	23	26	30	12	16	16	14	16	9	12	45	40
Rajmehal ...	3rd Feb. 1872	20	22½	25	14	15½	25	16	23½	12	11	35	40
Poorce ...	29th Jan. 1872	21	30½	23½	22½	14½	23½	8½	10½	7	7½	•	•
Nuddea ...	1st Feb. 1872	16	25	22½	20	37½	40½	24½	16	12½	10½	•	•
Patna ...	1st "	20	24	20½	17½	27½	31	17½	20	14½	14	31½	26
Sarun ...	29th Jan. 1872	15	17½	19	22½	16½	35	14½	19	10½	14	27	23½
Dinapore ...	1st Feb. 1872	27	29½	33	10	17½	26	11	11½	9½	9½	•	•
Rungpore ...	31st Jan. 1872	15	27½	24	8½	13½	25	19½	22½	8½	7½	•	•
Hazareebaugh ...	1st Feb. 1872	13	25½	24½	12½	25½	22½	18½	22	12½	15½	41½	30
Luckhimpore ...	29th Jan. 1872	8	7	16	8	8	13	9	13	5	10	•	•
Districts in which some articles are dearer and some cheaper.													
Bhaugulpore ...	1st Feb. 1872	21½	31½	24	21½	47½	24	27½	20½	20½	15½	50½	32½
Moughyr ...	31st Jan. 1872	15	19	21	9	19	28	18	19	14	16	36	28
Goida ...	31st "	23	30½	29	10	29	16	22½	16	12½	8	46½	40
Deoghur ...	1st Feb. 1872	16	35	28	20	20	22	23	21	14	14	50	37
Beerbloom ...	31st Jan. 1872	21	25½	29	6	18	31	17	16	12½	10½	30	•
Backergunga ...	29th "	16	22½	23	11½	16	12	•	13½	7½	7	•	•
Furcedpore ...	31st "	15	22	26	16	27½	40	25	30	8	10½	•	•
Cuttack ...	1st Feb. 1872	17	30	32	18	25	31	10	18	8	12	•	•
Balasore ...	1st "	16	24	32	10	17	18	9	12	7	9	•	•
Shahabad ...	1st "	13	20	20	19	21	29	18	21	14	18	24	28
Tirhoot ...	1st "	19	19	20	15	14	20	19	18	14	16	35	24
Rajshahye ...	31st Jan. 1872	16½	26½	27½	13½	32	43½	15	16½	12	13½	•	•
Maldah ...	1st Feb. 1872	26	28	27	15	16	35	23	17	14	16	•	•
Moorehedabad ...	31st Jan. 1871	23½	24	25½	11	30	32	19	20	15	12½	15	20
Loharduggah ...	31st "	20	26	26	10	14½	16	13	14	8½	11	35½	40
Durrung ...	31st "	9	21½	20	9	11½	20	9½	8½	5½	7	•	•
Sebsaugor ...	31st "	12	21	20	6½	10	10	8	14	4	5	•	•
Gowalparah ...	1st Feb. 1872	14	16	17	13	14	15	30	30	8	7½	40	40
Julpigoree ...	24th Jan. 1872	10	•	16	•	•	16	•	11	•	7	•	•

• Information not supplied.

PUBLISHED for general information,

R. H. WILSON,

Offg. Under-Secy. to the Govt. of Bengal.

FORT WILLIAM,  
The 12th February 1872.

Commissioners for making Improvements in the Port of Calcutta.

NOTICE.

UNDER SECTION 69 OF ACT V. (B.C.) OF 1870.

THE following Packages landed at the Jetties from the undermentioned Ships have been removed to the Commissioners' Import Warehouse, where they remain at the risk and expense of the owners. If not cleared within two months from the date stated against each item, they will be sold under Section 72 of the said Act:—

Date of removal to Import Warehouse.	No., mark, and description.	Consignees.	Ships.
1872.			
Feb. 3rd ...	28 Packages, [A W N]	... Order	... Calcutta.
" 3rd ...	1 Sample, [C. C. & Co.] or [M] C. C. & Co.	"	... Ditto.
" 3rd ...	1 Sample, [C] or [C. C. & Co.]	... "	... Ditto.
" 3rd ...	1 Sample, [H D B L] 4	... "	... Ditto.
" 3rd ...	3 Cases, [K B] A. B. & Co.	... "	... Ditto.
" 3rd ...	2 Cases, [M S M I] A B	... "	... Ditto.
" 3rd ...	5 Coils of Wire	... Telegraph Department..	... Ditto.
" 3rd ...	2 Packages, [X]	... Ahmuty & Co.	... Ditto.
Jan. 31st ...	8 Cases, [G] D R	... Order	... Orchis.
" 31st ...	1 Case, addressed	... W. B. Hudson	... Ditto.
" 29th ...	1 Case, [42] A. B. & Co.	... Order	... Cardigan Castle.
" 29th ...	16 Kegs, N L	... "	... Ditto.
" 29th ...	8 Packages, S W M	... "	... Ditto.
" 29th ...	2 Jars, F or J	... "	... Ditto.
" 29th ...	20 Cases, F M E M	... "	... Ditto.
" 29th ...	5 Cases, addressed	... H. W. Bellen	... Red Gauntlet.
" 29th ...	1 Case, [E. & Co.] S C S	... Order	... Ditto.
" 29th ...	1 Case, F. R. & Co.	... "	... Ditto.
" 29th ...	1 Parcel, F S G	... "	... Ditto.
" 29th ...	1 Case, H. & Co.	... "	... Ditto.
" 29th ...	2 Cases, [J. T. & Co.] D S	... "	... Ditto.
" 29th ...	10 Cases, [J. T. & Co.] B G	... "	... Ditto.
" 29th ...	4 Cases, B P	... "	... Ditto.
" 29th ...	1 Case, B B	... "	... Ditto.
" 29th ...	20 Cases, T B	... "	... Ditto.
" 29th ...	1 Case, J. D. S. & Co.	... "	... Ditto.
" 29th ...	2 Cases, K M N	... "	... Ditto.
" 29th ...	23 Cases [P] C D	... "	... Ditto.
" 29th ...	1 Case, [T. F. & Co.] P H	... Todd, Findlay & Co.	... Ditto.
" 29th ...	1 Case, [T. S. & Co.]	... T. Sink & Co.	... Ditto.
" 29th ...	6 Cases, [W] R	... Order	... Ditto.
" 29th ...	2 Cases, [W. C. K. & Co.]	... "	... Ditto.
" 29th ...	7 Packages, [X]	... "	... Ditto.
" 20th ...	50 Cases, [K H H, S. K. & Co.]	... "	... Assaye.
Feb. 5th ...	4 Cases, [Arcuttipore]	... "	... Scotland.
" 5th ...	2 Cases, [55] A & N	... "	... Ditto.
" 5th ...	1 Cask, [A W N]	... "	... Ditto.
" 5th ...	1 Case, Arcuttipore	... "	... Ditto.
" 5th ...	6 Cases, addressed	... Bannerjee & Co.	... Ditto.
" 5th ...	1 Case, B S C	... Order	... Ditto.
" 5th ...	1 Case, addressed	... H. C. Barston	... Ditto.
" 5th ...	5 Cases, [Bundookmara]	... Order	... Ditto.
" 5th ...	2 Cases, [Barry Kandy]	... "	... Ditto.
" 5th ...	1 Case, [S. Barry Sen]	... "	... Ditto.
" 5th ...	1 Case, B. S C	... B. Sasoon & Co.	... Ditto.
" 5th ...	1 Case, [C & M]	... Order	... Ditto.
" 5th ...	19 Bales, [C S C]	... "	... Ditto.
" 5th ...	2 Cases, [D] B S	... "	... Ditto.
" 5th ...	2 Cases, [D] N C	... "	... Ditto.
" 5th ...	3 Cases, [Dilkossa]	... "	... Ditto.
" 5th ...	26 Cases [58] E D J	... "	... Ditto.
" 5th ...	4 Cases, [92] E D J	... "	... Ditto.
" 5th ...	2 Cases, [98] E D J	... "	... Ditto.

Date of removal to Import Warehouse.	No., mark, and description.	Consignees.	Ships.
1872.			
Feb. 5th ...	1 Case, G C D	... Order	... Scotlaad.
" 5th ...	11 Cases, [J J H C]	... "	... Ditto.
" 5th ...	7 Packages, J A	... "	... Ditto.
" 5th ...	6 Cases, [J P C]	... "	... Ditto.
" 5th ...	1 Case, addressed	... Keshub Chunder Scin...	... Ditto.
" 5th ...	5 <sup>h</sup> Cases, K G	... Order	... Ditto.
" 5th ...	1 Case, L N P	... "	... Ditto.
" 5th ...	1 Case, [M M D]	... "	... Ditto.
" 5th ...	5 Casks, [N D 30]	... "	... Ditto.
" 5th ...	1 Case, [S]	... "	... Ditto.
" 5th ...	1 Case, [T]	... "	... Ditto.
" 5th ...	100 Cases, [His Excellency the Viceroy]	M. Stuart	... Ditto.
" 5th ...	8 Cases, [27] W D	... Order	... Ditto.
" 5th ...	10 Cases, [15] W J S	... "	... Ditto.
" 5th ...	14 Cases, [W J S]	... "	... Ditto.
" 5th ...	4 Cases, [8913]	... "	... Ditto.

CALCUTTA,  
The 12th February 1872.

W. D. BRUCE, *Vice-Chairman.*

(1103—1)

### NOTICE.

THE following Packages landed from the undermentioned Ships are lying unclaimed at the Custom House. If the Goods are not cleared on or before the dates stated against each item, they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

Date of Sale.	Mark or Address of Packages.	Ships.
1872, Feb. 17th	1 Parcel, G C	... Patna.
" 21th	1 Parcel, Khan Mahomed Dhurmsee, Esq., Calcutta	Meinam.
Mar. 2nd	2 Empty Cases, J M	... Serbia.
" 2nd	2 Cases, G P. M. D. & Co.	... Khedive.
" 2nd	1 Case, J S W	... Ditto.
" 9th	1 Parcel, A P	... Chinsurah.
" 9th	500 Boxes, [R M]	... Krishna.
" 9th	...1880 Boxes, [ ] I C	... Ditto.
" 9th	... 7 Boxes, no mark	... Ditto.
" 9th	... 1 Grindstone, C	... Ditto.

CALCUTTA CUSTOMS,

The 12th February 1872.

J. D. MACLEAN, *Deputy Collector of Customs.*

### NOTICE.

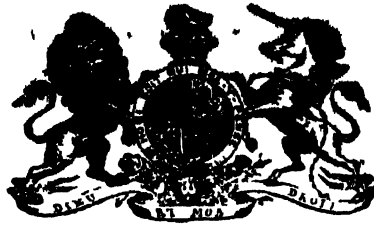
THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be sold for the realization of duty, wharf rent, and other charges, under Section 56 of Act VI. of 1863:—

Date of Sale.	Mark or Address of Packages.	Ships.
1872. Mar. 2nd ...	20 Casks, [J S]	... City of Madrid.
April 15th ...	2,289 broken pieces Spelter, G B B	... Gryte.
" 15th ...	4,362 ditto ditto, T J L	... Ditto.
" 15th ...	84 ditto ditto, no mark	... Ditto.
" 15th... {	709 Cakes Spelter ... } A I M	... Ditto.
" 15th... {	712 ditto ... }	... Ditto.
" 27th ...	300 Cases, [J B B]	... Antoinette.
" 27th ...	6 Cases, [37] A. J. and Co.	... Ditto.

CALCUTTA CUSTOMS,

The 12th February 1872.

J. D. MACLEAN, *Deputy Collector of Customs.*



# The Calcutta Gazette.

WEDNESDAY, FEBRUARY 21, 1872.

REGISTERED  
No. 50.

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## Government of Bengal.

### NOTIFICATION.

FORT WILLIAM, THE 13TH FEBRUARY 1872.

THE LIEUTENANT-GOVERNOR announces with inexpressible grief and pain to the people of these Provinces that the VICEROY and GOVERNOR GENERAL OF INDIA died on the 8th instant, at the Andamans, from wounds inflicted by a convict.

This sad event was announced by a Gazette Extraordinary of the Government of India, a copy of which is annexed.

The LIEUTENANT-GOVERNOR feels sure that not only all Officers of Government, but all private subjects, European and Native, will unite with him in deploring the untimely end of one who was not only a distinguished Statesman and a most able and successful representative of HER MAJESTY, but was endeared as an individual to all who knew him from his rare personal qualities.

The Hon'ble J. STRACHEY, under the provisions of the law, acts as Governor-General till the arrival of HIS EXCELLENCY THE RIGHT HON'BLE ANCHES BARON NAPIER OF MERCHISTOUN. Copy of the Notification on this subject is annexed.

The Acting Governor General in Council has directed a general mourning for the late Viceroy in a Notification of which a copy is also annexed.

The LIEUTENANT-GOVERNOR is sure that he need do no more than make it in this mode in which respect may be shown for the memory of the late Viceroy.

RIVERS THOMPSON,  
Secretary to the Government of Bengal.

**The Gazette of India Extraordinary, February, 12, 1872.****HOME DEPARTMENT.****NOTIFICATION.—PUBLIC.***Fort William, the 12th February 1872.*

THE Government of India announces with inexpressible grief that the VICEROY AND GOVERNOR GENERAL OF INDIA was assassinated at Port Blair at 7 P.M. on the 8th instant.

The assassin was a convict under sentence of transportation for life. He broke through the guard and stabbed the VICEROY as HIS EXCELLENCY was on the point of embarking after inspecting the station.

The country has lost a Statesman who discharged the highest duties which HER MAJESTY can intrust to any of her subjects with entire self-devotion, and with abilities equal to the task.

Those who were honoured by the EARL OF MAYO's friendship, and especially those whose pride it was to be associated with him in public affairs, have sustained a loss of which they cannot trust themselves to speak.

The Government of India therefore abstains at present from saying anything on this great calamity.

Under the provisions of the Indian Councils' Act, section 50, the office of VICEROY AND GOVERNOR GENERAL devolves upon HIS EXCELLENCY THE RIGHT HON'BLE FRANCIS BARON NAPIER OF MERCHISTOUN. Orders will be given in a separate Notification as to the marks of respect to be shown to the memory of the EARL OF MAY.

By Order,

E. C. BAYLEY,

*Secretary to the Government of India.***The Gazette of India Extraordinary, February, 13, 1872.****HOME DEPARTMENT.****NOTIFICATION.—PUBLIC.***Fort William, the 13th February 1872.*

No. 751.

WHEREAS HIS EXCELLENCY THE RIGHT HON'BLE LORD NAPIER OF MERCHISTOUN, upon whom the office of Governor General of India has devolved under section 50 of the Indian Council's Act, has declared that it is not his intention to assume the said office until he shall have taken his seat in Council, it is hereby notified, in accordance with section 51 of the said Act, and section 62 of the Act of 3rd and 4th years of King William the Fourth cap. 85, that the office of Acting Governor General has devolved upon the HON'BLE JOHN STRACHEY, Senior Ordinary Member of Council, until HIS EXCELLENCY'S arrival.

No. 752.

WITH reference to the great public calamity announced in yesterday's *Gazette Extraordinary*, the Acting Governor General in Council directs that the Flag of Fort William be hoisted half-mast high until further orders.

Forty-nine Minute Guns will be fired from the Ramparts of Fort William this afternoon, the last gun to be fired at sunset.

Similar marks of respect will be paid on receipt of this Notification at the respective Seats of Government, and at all the principal Military Stations in India.

The Acting Governor General in Council directs that all the Officers of Her Majesty's Civil, Military, and Marine services do put themselves into mourning for a period of one month, and invites all classes of Her Majesty's

subjects in India to join in this tribute of respect to the memory of the late EARL MAYO.

Further orders will be issued on the arrival of the remains of the late VICEROY, now on their way to Calcutta.

No. 764.

THE following telegram received from His Excellency the Governor of Madras, is published for general information:—

Dated 13th February 1872.

Telegram from—LORD NAPIER, Madras,

To—The HON'BLE J. STRACHEY, Calcutta.

IN acknowledging the receipt of a telegram from the Hon'ble B. H. Ellis, of this date, from Saugor Island, and of one from the Home Secretary at Calcutta, reporting the death of HIS EXCELLENCY THE EARL OF MAYO by the hand of an assassin at Port Blair, I have to convey to you, on my part and on the part of the Government, our deep sense of the irreparable loss which the country has suffered by an act so criminal and deplorable. We offer to the Government of India the assurance of our heartfelt sympathy.

By Order,

E. C. BAYLEY,

*Secy. to the Govt. of India.*

THE ASSASSINATION OF HIS EXCELLENCY THE RIGHT HON'BLE THE VICEROY AND GOVERNOR GENERAL OF INDIA, AT PORT BLAIR.

THE following narrative of facts, relating to the lamented death of His EXCELLENCY THE VICEROY AND GOVERNOR GENERAL, is published for general information.

This narrative contains a statement of all that is known to Government up to the present time.

HIS EXCELLENCY THE VICEROY arrived in Her Majesty's Steam Frigate *Glasgow* at the Convict Settlement of Port Blair, Andamans, at 9-30 A. M., on Thursday, the 8th February. Shortly after 11 A. M., His Excellency and the Countess of Mayo, with the staff and other gentlemen and ladies, landed at Ross, the chief station of the Settlement, and were received at the pier by the troops lining the approaches. The Countess of Mayo and the ladies proceeded to the house of the Superintendent, Major General Stewart, C. B., while the Viceroy and suite, accompanied by General Stewart, visited the Convict Establishments at this station. His Excellency inspected the Sudr Bazar, the Convict Barracks, the Native Infantry Lines, the Hospitals, the New Church, and other public buildings, and was accompanied throughout by a strong guard of both Native Infantry and Police, who closely attended His Excellency on either side of and behind the Staff immediately surrounding him. After a short rest at the house of the Superintendent, the Viceroy inspected the barracks of the European troops, and, assisted by Colonel Jervois, R. E., C. B., and Colonel Rundall, R. E., made a minute examination of the foundations and walls of the buildings, to ascertain the cause of their having given way shortly after they were built. His Excellency then, attended as before, visited the European Convict Barracks and Library, and returned with the Countess of Mayo and party to H. M.'s Ship *Glasgow* by 2 P. M.

At 3 P. M. the Viceroy, accompanied by Major General Stewart, C. B., the Hon'ble Mr. Ellis, Colonel Jervois, C. B., Mr. G. W. Allen, and the Personal Staff—Major Burne, Private Secretary, Captains Lockwood and Gregory, Aides-de-Camp, and Mr. Hawkins, R. N., Flag Lieutenant—left the *Glasgow* in a steam launch, and, passing the stations of Aberdeen and Heddo, landed at Viper Island. This station is in the inner harbour, about five miles from Ross, and here are detained about 1,300 convicts, including all those who are received from India with the character of being desperate men, and all who, by their bad conduct during their residence in the Settlement, have been proved deserving



of specially rigorous treatment. His Excellency was received at the landing place by the officials in charge, and was here, as in Ross, closely attended by a guard of Native Infantry and Police. After an inspection of the jail and other arrangements, the Viceroy and party returned to the steam launch and visited Chatham, a station on a small island dividing the inner from the outer harbour. His Excellency, under the escort of a guard of police and the petty officers of the station (there being no Native Infantry on this island), inspected the Saw Mills and the Coaling Depôt, and then re-embarked in the steam launch, leaving on board the Steamer *Nemesis*, then lying at the coaling station, Captain Gregory, Aide-de-Camp, who had to give orders in anticipation of the proposed departure of the *Nemesis* early on the following morning.

It was then nearly 5 p. m., and the Viceroy decided that he would visit Mount Harriet. It had been proposed earlier in the day that His Excellency should do this if time allowed, but no decision had been come to, nor had any notice been given that this place would be visited by His Excellency that evening. Mount Harriet is a lofty hill on the main island, nearly opposite Chatham. There is no regular convict station on the hill, but below it is Hopetown, where there are convicts, chiefly invalids and ticket-of-leave men, with a few others required for work at the station.

The Viceroy landed from the steam launch at the pier at Hopetown, where Mr. Ellis left the party and returned to the Steamer *Dacca*. There being ordinarily no free Police or Sepoy Guard in this station, the Superintendent ordered the guard from Chatham Island to cross to Hopetown to escort the Viceroy; and accordingly eight policemen from Chatham arrived just after His Excellency landed, accompanied him to the top of the hill, and were with him throughout. There was one poney here, and His Excellency rode up part of the way. The road is narrow, but the ground on either side has been cleared, and in places plantain and cocoanut trees have been planted. On reaching the top, His Excellency sat down for about a quarter of an hour. The sun had set, but there was light enough for a view of the whole Settlement, with its numerous islands and inlets. Two ticket-of-leave men addressed the Viceroy on his way down, and were informed by General Stewart that on their making formal petitions their cases would be inquired into. No other convicts were met on Mount Harriet: they were all at their huts at Hopetown below.

While the Viceroy was still on the hill, Captain Lockwood, Aide-de-Camp, and Count Waldstein (who had joined the party before they commenced the ascent) went on in front and arrived at the pier, the latter about a quarter of an hour, and the former some ten minutes, before the rest of the party. It was then dusk, but not quite dark, and when Captain Lockwood and Count Waldstein met on the pier and sat down on some stones, about twenty yards from the pier-head, waiting for His Excellency, there was apparently no one loitering on the pier, though they saw men passing to and fro carrying water for the steam launch.

By the time His Excellency reached the foot of the hill it was a quarter-past seven and quite dark, and lighted torches were by order of an Officer of the Settlement sent to meet the party. The huts where the convicts, some forty or fifty in number, were drawn up had been passed, General Stewart had stopped to give orders to an overseer, and the Viceroy had walked about one-third the length of the pier preceded by two torch-bearers, and a few paces in advance of the rest of the party, when a man jumped on him from behind and stabbed His Excellency over the left shoulder, and a second time under the right shoulder-blade, before any one could interpose. The assassin was at once knocked down by the guard and people in attendance, and, but for the interference of the Officers, would probably have been killed. There is no consistent account to show how the man made his way to the Viceroy, and it is not clear whether he was lying concealed on the side of the pier, or whether he rushed in from behind. Major Burne and the Viceroy's Jemadar were a few paces from the Viceroy, Colonel Jervois, Mr. Hawkins, and Mr. Allen somewhat behind, and the Police and petty officers of the station in flank and rear.

The Viceroy on being struck moved forward and staggered over the side of the jetty; it is not certain whether he fell into the water or jumped into it, but he either quickly raised himself or alighted on his feet, and stood a few seconds, till he was assisted up and placed on a truck close by. The words he uttered after the blow were "I'm hit," or words of similar kind, and the only movement he made after being placed on the truck was convulsive motion forwards. It is probable that His Excellency expired then, but the precise moment of his death is not ascertained. He was at once carried on board the launch; every effort was made to staunch the flow of blood from the wound on the top of the shoulder, and to keep up the circulation by rubbing the extremities, but to no purpose, as the Viceroy was dead before the steam launch reached the *Glasgow*.

The Surgeons of the vessel were promptly in attendance, and Dr. Barnett was summoned at once. A *post-mortem* examination was forthwith made by Dr. Loney, Staff Surgeon, R. N., Dr. Barnett, Personal Surgeon to the Viceroy, and Dr. More, Assistant Surgeon, R. N., in the presence of the Hon'ble B. H. Ellis, Member of Council, the Hon'ble Ashley Eden, Chief Commissioner, British Burmah, Mr. Aitchison, Foreign Secretary, and Major Burne, Private Secretary. It then for the first time became known that there were two wounds, and it was the opinion of the Medical Officers that either wound was sufficient to cause death. Copy of the *post-mortem* record (A) is appended.

The assassin was at once secured and taken on board the *Glasgow*. He was shortly afterwards interrogated by the Hon'ble Mr. Eden and by Mr. Aitchison, and stated that his name was Shere Ali, the son of Wullee; that he came from a village near Jumrood, at the foot of the Khyber; that he had no accomplices; that it was his fate; and that he had committed the act "by the order of God." He was then removed ashore, and kept during the night in custody of a guard of European Infantry.

Early on the morning of the 9th the prisoner was again brought on board the *Glasgow*, where the Magistrate, Major Playfair, held a preliminary inquiry, and after hearing the evidence of the European gentlemen and others who were present, committed the assassin for trial before General Stewart. The knife was a common one, such as is used for cooking or other domestic purposes; it was taken from the assassin on the spot by Urjoon, a convict petty officer, who was slightly scratched by the knife, and had his coat torn in securing it. The prisoner did not freely confess before the Magistrate as he had confessed the night before, nor did he deny his guilt. He said that if any of the European gentlemen present would state that they had seen him commit the deed he would admit it, but not otherwise. The final trial before General Stewart was being proceeded with, but had not been concluded at the time of the latest advices.

The assassin is 30 years of age, strong and well made. He is a Khyberce of the Kookce-Kheyl clan, and a resident of Pakhree, in the Cabul territory. He was convicted on the 2nd April 1867 of murder by Colonel Pollock, Commissioner of Peshawur, and being sentenced to transportation for life, was forwarded, *via* Kurrachee and Bombay, to the Andamans Penal Settlement. He arrived there in May 1869, and, except on one occasion, on which he had in his possession some flour for which he could not account, nothing whatever has been recorded against him. The prisoner was removed to Hopetown on the 15th May 1871, in order to perform duty as barber at that station, and he has since been employed there.

Major General Stewart was called on by Mr. Ellis to furnish a report to Government, detailing the special precautions taken by him to secure the personal safety of HIS EXCELLENCY THE VICEROY. The Superintendent's report is appended (B).

The body of HIS EXCELLENCY THE VICEROY is being conveyed to Calcutta by Her Majesty's ship *Glasgow*. The steamer *Scotia* was despatched direct from Port Blair with Mr. Aitchison, Foreign Secretary, and Major Taylor, Aide-de-Camp, to convey intelligence of the mournful event to Lord Napier, the Governor of Madras. The steamer *Nemesis* was sent to False Point to inform His Honor the Lieutenant-Governor of Bengal, and the *Dacca* returned to

telegraph from Saugor Island news of this great public calamity to the Supreme Government in Calcutta, and to the Governors of Madras and Bombay.

By Order,  
E. C. BAYLEY,  
*Secretary to the Government of India.*

## A

WE, the undersigned, record the result of a *post-mortem* examination of the body of His EXCELLENCY THE VICEROY AND EARL OF MAYO, on the evening of the 8th instant, at Port Blair, Andaman Islands, on board H. M. S. *Glasgow*.

When we saw him he was quite dead. The examination was made in the Viceroy's cabin, about a quarter of an hour after the body was brought on board.

We made a most careful examination of the wounds inflicted. There were two wounds; one incised wound, about  $1\frac{1}{2}$  inch long, extending obliquely from above downwards and inwards to the spine, was situated behind lower third of posterior margin of right scapula.

On examination, the finger passed in direction of spine, and impinged upon a deep indentation, apparently on a rib.

On passing a probe along the finger, it was found to penetrate deeply into cavity of chest. During the necessary examination a large quantity of blood flowed from this wound.

A second incised wound, of the same extent as the one above described, and apparently inflicted by the same instrument, was situated about  $1\frac{1}{2}$  inch above superior angle of left scapula, and passed directly downwards into cavity of chest, slightly splintering superior angle of scapula, and indenting either first rib or transverse process of a cervical vertebrae. In this case also a probe passed along the finger in the wound penetrated deeply into cavity of chest, and a large quantity of dark blood flowed from this wound also. Either wound was sufficient to cause death.

We would also state that the back of the clothes worn by His Excellency were completely saturated with blood.

(Signed) WILLIAM LONEY,  
*Staff Surgeon, R. N.*  
" OLIVER BARNETT, *Staff Surgeon,*  
*Surgeon to the Viceroy.*  
" ROBERT H. MORE,  
*Assistant Surgeon, R. N.*

Her Majesty's Steamer *Glasgow*, dated 9th February 1872.

The examination above referred to was conducted in our presence, and is hereby attested by us.

(Signed) B. H. ELLIS,  
*Member of Council.*  
" ASHLEY EDEN,  
*Offg. Chief Commr., British Burmah.*  
" C. U. AITCHISON,  
*Foreign Secy. to Govt. of India.*  
" O. T. BURNE, *Major,*  
*Private Secy. to the Viceroy.*

## B.

Dated Port Blair, the 9th February 1872.

From—MAJOR GENERAL D. M. STEWART, Offg. Supdt. of Port Blair and Nicobars,  
To—The Secretary to the Government of India, Home Department.

At the request of the Hon'ble B. H. Ellis, Member of the Council of the Governor General of India, I have the honor to make the following statement of the precautions taken by me for the protection of the person of His EXCELLENCY the VICEROY on his visit to Port Blair.

2. I may premise that I had been in personal communication with the Viceroy's Private Secretary on this subject before the arrival of His Excellency in the harbour, and I am aware that my arrangements, as communicated by me to His Excellency, were approved by His Excellency's approval.

3. My orders were that the convict and petty officers in charge should see that all objects should all be kept at their ordinary work, and that no one was permitted to leave his gang.

4. A detachment of free Police, armed with muskets, was to move with the Governor General's party in front, flank, and rear; and on Viper and Ross, where the worst characters are quartered, detachments of Native Infantry were in support of the Police, who had instructions to allow no one to approach His Excellency.

5. On Ross and Viper the whole of the troops were likewise under arms.

6. Some of the chief petty officers of stations were in the rear, to see that convicts did not approach the Viceroy.

7. During His Excellency's progress, the Governor General seemed to think that the guards were too officious in surrounding him, and requested me more than once to make them stay behind.

8. The visit to Mount Harriet being an uncertain contingency till the last moment, no guards were sent to that station beforehand, and no one there could be aware that it was the Viceroy's intention to visit it at all. It was not until nearly 5 o'clock, whilst at Chatham, that His Excellency decided that an effort should be made to reach the top of Mount Harriet that evening. The free Police guard of eight armed men employed at Chatham were then at once despatched to Hopetown Jetty, where they landed immediately after the Viceroy at a little after 5 P.M.

9. As it was unlikely that we should meet any convicts on that station, save perhaps, an occasional ticket-of-leave man, I considered the Police guard here referred to sufficient for all purposes.

10. The Viceroy rode a pony up the hill, and was accompanied by several gentlemen and the Police. When His Excellency approached the top of the hill he moved off rapidly, escorted by a few policemen only, the officers and others on foot being unable to keep up with the pony.

11. Being unable myself to keep up with the Viceroy, I called out to the Police, who were running along, not to permit any convict to go near His Excellency.

12. In this manner the Viceroy reached the house at Mount Harriet. After a few minutes' delay the party proceeded to return to Hopetown on foot.

13. We met one or two invalids and ticket-of-leave men as we were leaving Mount Harriet who wished to address the Viceroy. I told these men that if they had any representation to make to His Excellency, they should submit their petitions in the usual manner, and that they would be duly laid before His Lordship.

14. In this manner, accompanied by a number of gentlemen and the Police guard, the Viceroy reached Hopetown: there I observed a number of convicts drawn up in line in the village, but off the road. On inquiry I found these were jampan men, who had been sent from Ross for the purpose of conveying Lady Mayo and her party to Mount Harriet the following morning. With the exception of these men, and a few residents of Hopetown standing at their doors, I saw no convict about the place.

On reaching the jetty I dropped behind His Excellency to give some orders to the Station Overseers, and while talking to him I heard a noise and shout of "mar," "mar." So far as I can remember, there did not appear to be a single soul on the pier when I left the Viceroy's side to speak to the Overseers.

There appeared to be no one with the Viceroy except three gentlemen of his party, the Police guard, and the chief petty officers of the station who were behind.

## The Gazette of India Extraordinary, February 16, 1872.

### HOME DEPARTMENT.

#### NOTIFICATION.—PUBLIC.

*Fort William, the 16th February 1872.*

No. 801.

THE following telegram from the Right Hon'ble the Secretary of State is published for general information:—

Dated London, 2-30 A.M., the 15th February 1872.

Telegram from—The Secretary of State for India,

To—The Acting Governor General of India, Calcutta.

I HAVE learnt with the deepest grief that HIS EXCELLENCY THE EARL OF MAYO, VICEROY AND GOVERNOR GENERAL OF INDIA, was, on the eighth instant, assassinated by a convict at Port Blair in the Andaman Islands, whilst His Lordship was on an official visit of inspection to the convict establishment there. In this calamitous event Her Majesty's Government has to deplore the loss, in the prime of life, and in the midst of his career, of a Statesman whose faithful and laborious

discharge of the duties of his great office was animated by the warmest loyalty to his Sovereign, by constant devotion to the interests of her Indian subjects, and by a sincere desire to conduct with justice and consideration the relations of the Queen's Government with the Native Princes and States of India. LORD MAYO's exertions for these ends have been marked with great success, and have not been surpassed by the most zealous labours of any of his most distinguished predecessors at the head of the Government of India. The painful impression produced by this most melancholy catastrophe is so fresh, and my information relating to it so scanty, that I confine this despatch to an expression of the deep sorrow felt by my colleagues in the Council of India, and by myself, at the loss of this eminent public servant.

THE Acting Governor General in Council directs that the General Treasury and all Public Offices shall be closed to-morrow in token of respect to the memory of the late VICEROY, whose remains will be landed during the afternoon of that day.

No. 815.

HIS EXCELLENCY THE ACTING GOVERNOR GENERAL IN COUNCIL notifies for public information the following arrangements for the reception in Calcutta of the remains of HIS EXCELLENCY THE RIGHT HON'BLE THE EARL OF MAYO, late Viceroy and Governor General of India.

HER MAJESTY'S Ship *Daphne*, conveying the remains, will arrive within the limits of the Port of Calcutta during the afternoon of Saturday the 17th instant.

A deputation, consisting of His Honor the Lieutenant-Governor of Bengal, with his Personal Staff, the Hon'ble B. H. Ellis and the Hon'ble Major-General Norman, c. b., Members of Council, with the Secretaries to the Government of India in the Home and Military Departments, and the Personal Staff of the late VICEROY, will proceed down the river to meet the *Daphne*, and will accompany the remains to the point where the procession will be formed.

His Excellency the Acting Governor General, His Excellency the Commander-in-Chief, the Chief Justice of Bengal, the Right Reverend the Lord Bishop of Calcutta, and the Ordinary Members of the Council of the Governor General, will be present at Prinsep's Ghaut to receive the remains of HIS EXCELLENCY LORD MAYO, and to escort them to Government House. The head of the Procession, which will be formed at 4 p.m., will rest upon the Strand Road opposite Prinsep's Ghaut, extending along the road leading to Kidderpore Bridge. A Battery of Royal Artillery will be placed near Prinsep's Ghaut, from which twenty-one minute guns will be fired on the arrival of the Coffin. After the last gun has been fired from the Battery, twenty-one minute guns will be fired from the Fort.

While the minute guns are firing the Procession will start from Prinsep's Ghaut and proceed on foot (except as otherwise specified below) by way of the Strand Road, round the southern end of the Eden Gardens to Government House.

The procession will move in the following order:—

An Officer of the Quarter-Master General's Department (mounted).

A Detachment of 1st Bengal Cavalry

The escort consisting of the Calcutta Volunteer Rifle Corps, with Arms reversed, with the Bands of Her Majesty's 14th and 107th Regiments, the Bands playing a Funeral March.

The Viceroy's Band.

The Body Guard (dismounted).

## Clergy of Fort and Cathedral Churches.

The Chaplain to the late Viceroy.

Dr. J. Fayerer, c. s. i.

Col. G. Delane, Comdg.  
Body-Guard.

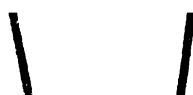
Lieut. T. Deane.

Capt. F. H. Gregory,  
A-D-C.

Capt. R. H. Grant, A-D-C.

Dr. O. Barnett.

borne on a  
gun-carriage of  
the Royal  
Artillery.

Subadar Major and Sirdar  
Bahadur Sewbuccus  
Awusty, A-D-C.Capt. H. B. Lockwood,  
A-D-C.Capt. C. L. C. de Robeck,  
A-D-C.

Capt. T. M. Jones, R. N.



Lieut. C. Hawkins, R. N.

Major O. T. Burne, Private Secretary.

*Chief Mourners.*The Hon'ble R. Bourke, the Hon'ble Terence Bourke, Major the  
Hon'ble E. R. Bourke.

Confidential Clerk to His Excellency the Viceroy.

His Excellency's Personal Servants.

The Officers of His Excellency's Personal Staff.

The Viceroy's Native Personal Servants.

Sailors, Marines, and Marine Artillery of Her Majesty's Ships *Glasgow*  
and *Daphne*.Officers of Her Majesty's Ships *Glasgow* and *Daphne*.

His Excellency the Acting Governor General.

His Honor the Lieutenant-Governor of Bengal. His Excellency the  
Commander-in-Chief.The Chief Justice of Bengal. The Right Reverend the Lord Bishop  
of Calcutta. The most Reverend the Archbishop and Vicar-  
Apostolic of Western Bengal.

The Ordinary Members of the Council of the Governor General.

The Puisne Judges of the High Court of Judicature.

The additional Members of the Council of the Governor General.

Native Princes.

Consuls General. The Chief Commissioner of British Burmah.

Consuls and Agents of Foreign Powers.

The Secretaries to the Government of India.

The Members of the Council of the Lieutenant-Governor of Bengal.

The Adjutant General and Quarter Master-General of the Army and  
Deputy Adjutant General of Royal Artillery.The Inspectors-General of Hospitals, British and Indian Medical  
Departments.

The Secretaries to the Government of Bengal.

Personal Staff of His Honor the Lieutenant-Governor of Bengal.

Personal Staff of His Excellency the Commander-in-Chief.

The Advocate General, the Standing Counsel, the Solicitor to Government, and the Bar of the High Court.  
 Chairman, Vice-Chairman, and Justices of the Peace for the Town of Calcutta.

Agents and superior Officers of Railways.

Members of the Press.

President and Vice-President and Deputation of the Chamber of Commerce.

The Master and Deputation of the Trades Association.

The President and Deputation of the Landholders Association.

President and Deputation of the British Indian Association.

President and Deputation of the Mahomedan Literary Association.

Provincial Grand Master and Deputation of the Freemasons of Bengal.

The Clergy and Ministers of the Churches of Calcutta.

Civil, Military, and Naval Officers of Government not named above.

The Master Attendant, Deputy and Assistant Master Attendants.

Members of the general community of Calcutta.

Captains, Officers, and deputations of four Sailors from each of the Ships in Port.

Detachment 1st Bengal Cavalry.

The Procession will, except as otherwise directed, be drawn up eight abreast.

The road from Prinsep's Ghaut to Government House will be lined by the following troops, under the orders of the Brigadier General Commanding the Presidency District :

H. M.'s 1st Battalion 14th Foot, H. M.'s 107th Regiment, 8th Regiment Native Infantry, 10th Regiment Native Infantry, and 13th Regiment Native Infantry.

The Procession will approach Government House by the North-West gate ; the escort, Sailors and Marines, will form up on either side of the road within the gates, and the Coffin will be halted opposite the centre of the Grand Staircase. On the approach of the Procession, twenty-one minute guns will be fired from a Battery of Royal Artillery drawn up at Government House.

The portion of the Procession ending with the Personal Staff of His Excellency the Commander-in-Chief will remain with the Coffin. The remainder of the Procession will file past the Coffin, and then pass out of Government House by the north-east gate. The public ceremonial will then close, and the Coffin will be removed into Government House.

Gentlemen intending to join the Procession should be in their places not later than 4 P. M.

Officers entitled to wear uniform will appear in full dress, with sword-knots covered with crape and black bands on left arm, and Military sashes will be craped.

European and Native gentlemen not entitled to wear uniform, are requested to appear in mourning according to their respective customs.

Admission to the Procession will be by tickets ; those for the general community of Calcutta will be distributed at the Bengal Secretariat, and those for Officers and Sailors of Vessels in Port will be distributed at the Master Attendant's Office ; all others by the Foreign Office.

By Order,

E. C. BAYLEY,  
*Secy. to the Govt. of India.*

**The Gazette of India Extraordinary, February 17, 1872.**

## HOME DEPARTMENT.

## NOTIFICATION.—PUBLIC.

*Fort William, the 17th February 1872.*

No. 817.

THE ACTING GOVERNOR GENERAL notifies for public information that the remains of HIS EXCELLENCY THE RIGHT HON'BLE THE EARL OF MAYO, late Viceroy and Governor General of India, will lie in State in the Throne-Room of Government House from half past six to half past ten A. M., and from 3 to 6 P. M., on Monday the 19th and Tuesday the 20th February.

On each day, and during the period mentioned, all who desire to pay this last token of their personal respect to THE LATE VICEROY AND GOVERNOR GENERAL will be admitted to view the Lying-in-State.

The admission will be by tickets, which will be given at the North-East Gate, on application. Visitors will alight at the North-East Gate, and will proceed on foot to the Grand Staircase. After viewing the Lying-in-State they will proceed on foot through Government House to the South-West Gate, where carriages will be arranged by the Police.

Military Officers will appear in full dress, with the mourning ordered to be worn on the occasion of the reception of the remains of the late VICEROY.

## HOME DEPARTMENT.

## NOTIFICATION.—PUBLIC.

*Fort William, the 20th February 1872.*

No. 825.

THE ACTING GOVERNOR GENERAL IN COUNCIL notifies that the remains of HIS EXCELLENCY THE EARL OF MAYO, late Viceroy and Governor General of India, will be removed from Government House and conveyed on board Her Majesty's Ship *Daphne* early on the morning of Wednesday, the 21st February.

The Ceremonial will be conducted as follows:—

Twenty-one minute guns, commencing at sunrise, will be fired from the batteries of Fort William.

The Coffin having been placed on a gun-carriage at the foot of the Grand Staircase of Government House, a Funeral Service will be performed at 7 A.M. by the Right Reverend the Lord Bishop of Calcutta.

Places will be allotted, without regard to precedence of rank, to members of the Christian community of Calcutta on the steps of the Grand Staircase. The number of these will of necessity be limited by considerations of space. The platform in the centre of the Staircase will be reserved for the Bishop of Calcutta, the Officiating Clergy, the Choir, and the Christian members of the Procession which will accompany the Coffin to the place of embarkation. All other persons desirous of witnessing the ceremony will be provided with places on the north-east and north-west sides of the Government House enclosure. Places should be occupied by 6-30 A. M.

At the conclusion of the Funeral Service, the Public Ceremonial will be considered to have closed. The congregation on the Grand Staircase, as well as those who have places in the enclosure, will, however, retain their places while the Coffin, under a Military and Naval Escort, and accompanied by the Procession detailed below, is conveyed through the North Entrance of Government House towards the place of embarkation in the following order:—

- Officers of the Quarter-Master-General's Department.
- A Detachment of 1st Bengal Cavalry (mounted).



The Escort, consisting of the Calcutta Volunteer Rifle Corps, with arms reversed, with the Bands of Her Majesty's 14th and 107th Regiments,—the Bands playing "The Dead March in Saul."

The Viceroy's Band.

The Body Guard (dismounted).

The Viceroy's Chaplain. The Lord Bishop. The Domestic Chaplain

Col. G. Delane, Comdg.  
Body-Guard.

Capt. F. H. Gregory,  
A-D-C.

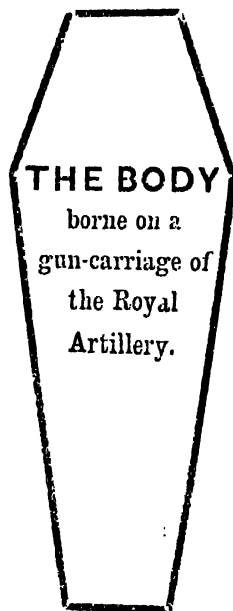
Dr. C. Barnett.

Capt. H. B. Lockwood,  
A-D-C.

Capt. T. M. Jones, R. N.

Col. T. James.

Lieut. C. Hawkins, R. N.



Lieut. T. Deane.

Capt. R. H. Grant, A-D-C.

Subadar Major and Sirdar  
Bahadoor Sewbuccas  
Awusty, A-D-C.

Capt. C. L. C. de Robeck,  
A-D-C.

Col. W. Jervois, R. E.

Dr. J. Fayer.

The Earl of Donoughmore

Major O. T. Burne, Private Secretary

*Chief Mourners.*

The Hon'ble Terence Bourke.

The Hon'ble R. Bourke. Major the Hon'ble E. R. Bourke.

Sailors, Marines, and Marine Artillery of Her Majesty's Ships *Glasgow* and *Daphne*.

Officers of Her Majesty's Ships *Glasgow* and *Daphne*.

His Excellency the Acting Governor General.

His Honor the Lieutenant-Governor of Bengal. His Excellency the Commander-in-Chief.

The Chief Justice of Bengal. The Most Reverend the Archbishop and Vice-Apostolic of Western Bengal.

The Ordinary Members of the Council of the Governor General

Counsuls General. The Chief Commissioner of British Burmah

Counsuls and Agents of Foreign Powers.

Two representatives from, respectively—

The Civil Service.

The Bar of the High Court.

The Justices of the Peace for the Town of Calcutta.

The Chamber of Commerce.

The Traders' Association.

The Landholders' Association.

The British Indian Association.

The Mohammedan Literary Association.

The Freemasons of Bengal.

The British Mercantile Service.

Foreign Mercantile Service.

One representative of each of the Daily Newspapers.

The Secretaries to the Government of India.

The Adjutant General and Quarter Master General of the Army.

Personal Staff of His Excellency the Acting Governor General, His Honor the Lieutenant Governor of Bengal, and His Excellency the Commander-in-Chief.

A Detachment of 1st Bengal Cavalry.

On the Coffin leaving Government House, twenty-one minute guns will be fired from a Battery of Royal Artillery in Dalhousie Square.

The route—which will be along Wellesley Place, the south-west angle of Dalhousie Square, Coilah Ghaut Street, and the Strand, to the Custom House Jetty—will be lined throughout with Troops under the orders of the Brigadier General Commanding the Presidency District.

On reaching the entrance of the Jetty enclosure, the horses will be removed from the gun-carriage, which will then be drawn along the Jetty by a detachment of Sailors. The escort will remain outside the enclosure,—the Procession accompanying the Coffin to the river side. When the Coffin has been received on board, the Escort and Troops will be marched off under the orders of the Brigadier General Commanding.

Her Majesty's Ship *Daphne* will then steam down the river, receiving a royal salute from the batteries of Fort William on passing Fort Point.

That evening forty-nine minute guns will be fired from the Fort; the last gun to be fired, and the flag to be dropped, as the sun sets.

It is considered desirable to explain that the route selected for the line of march on Wednesday, the 21st, is so short, and the space at the point of embarkation so restricted, that it has been found necessary to very greatly reduce the numbers of those joining the Procession.

Admission to the ceremony will be by tickets. Those for the Procession and Grand Staircase will be distributed by the Foreign Office on application from 2 to 6 P. M. to-day; those for the area of the north-east and north-west sides of Government House, by the Bengal Secretariat.

Officers entitled to wear uniform will appear in full dress, with the mourning ordered to be worn on the occasion of the reception of the remains of the late Viceroy.

European and Native gentlemen not entitled to wear uniform, are requested to appear in mourning according to their respective customs.

#### No. 826.

THE ACTING GOVERNOR GENERAL IN COUNCIL directs the publication, for general information, of the following message, which he has received from the Secretary of State for India, on the part of Her Most Gracious Majesty the QUEEN:—

“I am commanded by the QUEEN to forward the following message for publication in India:—

“The QUEEN has been deeply affected by the intelligence of the deplorable calamity which has so suddenly deprived all classes of her subjects in India of the able, vigilant, and impartial rule of one who so faithfully represented her as Viceroy of her Eastern Empire. Her Majesty feels that she has indeed lost a devoted servant and a loyal subject in whom she reposed the fullest confidence. To LADY MAYO the loss must be irreparable, and the QUEEN heartily sympathises with her under the terrible blow.”

#### No. 838.

THE ACTING GOVERNOR GENERAL IN COUNCIL directs that every mark of distinction and respect shall continue to be paid to Her Excellency the Countess of Mayo while Her Excellency may remain in India. The requisite Guards and Escorts will be furnished, and Public Officers are charged with the duty of fulfilling the anxious desire of the Government of India, that nothing shall be omitted which can tend in any way to promote Her Excellency's dignity and convenience.

By Order,

E. C. BAYLE Y,

Secy. to the Government of India.

## Government of India.

## LEGISLATIVE DEPARTMENT.

The following Preliminary Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter was referred, have the honor to report that we have considered the Bill and the papers noted in the Appendix and have come to the following resolutions, which we now submit in the form of a preliminary report.

**RESOLUTION 1.**—We are of opinion that the jurisdiction of Magistrates and Sessions Judges who are Justices of the Peace might with advantage be extended in the case of European British subjects.

We recommend—

(1.) That a full-power Magistrate, being a Justice of the Peace, and being, in the case of Mofussil Magistrates, an European British subject, should be empowered to try European British subjects for such offences as would be adequately punished by three months' imprisonment and a fine of Rs. 1,000.

(2.) That a Sessions Judge, being an European British subject, should be empowered to pass a sentence on European British subjects of one year or fine; and that, if the European British subject pleads guilty or accepts the Sessions Judge's jurisdiction, the Court may pass any sentence which is provided by law for the offence in question.

(3.) That an European British subject, convicted by a Justice of the Peace or Magistrate, should have a right of appeal, either to the Court of Session, or High Court, at his option.

(4.) That in every case in which an European is in custody, he may apply to a High Court for a writ of habeas corpus, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit.

**RESOLUTION 2.**—We think that the provisions of the Code ought to be extended to proceedings in the Presidency Towns, but not so as to vary the procedure now in force in trials by jury in the Presidency Towns. We are not, however, as yet in a position to say whether this can be more conveniently done in the present Bill or in a separate measure.

**RESOLUTION 3.**—We think that, if the jury system in the Mofussil is to be maintained, the Judge should, in cases in which he differs from the jury, have power to refer the case to the High Court, and that the High Court should be empowered to pass final order in the case.

J. F. STEPHEN.	F. S. CHAPMAN.
G. CAMPBELL.	R. STEWART.
J. STRACHEY.	J. R. BULLEN SMITH.
J. F. D. INGLIS.	F. R. COCKERELL.
W. ROBINSON.	

The 30th January 1872.

## APPENDIX.

- Endorsement, Home Department, No. 502, dated 17th April 1869, forwarding Letter from Secretary to Chief Commissioner, British Burma, Nos. 95-9, dated 22nd March 1869, and enclosure. Petition from Mukters of Berhampore, dated 2nd May 1869.
- Endorsement, Home Department, No. 655, dated 19th May 1869, forwarding Letter from Chief Secretary to Government, Fort Saint George, No. 639, dated 19th April 1869.
- Endorsement, Home Department, No. 757, dated 7th June 1869, forwarding Letter from Secretary to Government, Bengal, No. 3323, dated 12th May 1869, and enclosures.
- Endorsement, Home Department, No. 772, dated 9th June 1869, forwarding Letter from Secretary to Government, North-Western Provinces, No. 120, dated 28th May 1869, and enclosure.
- From Registrar, High Court, Calcutta, No. 584, dated 21st June 1869.
- Endorsement, Home Department, No. 925, dated 30th June 1869, forwarding Letter from Acting Secretary to Government, Bombay, No. 1675, dated 31st May 1869, and enclosures.
- Endorsement, Home Department, No. 1103, dated 3rd August 1869, forwarding Letter from Assistant Secretary to Chief Commissioner, Central Provinces, No. 2139, dated 16th July 1869, and enclosures.
- From Secretary to Government, Madras, No. 1369, dated 18th August 1869, and enclosures.
- From Secretary to Chief Commissioner, British Burma, No. 511-9, dated 21st August 1869, and enclosure. Petition from Dwarkanauth Buxshee and others, dated 21st August 1869.
- From Officiating 1st Assistant Resident, Hyderabad, No. 2711, dated 2nd September 1869, and enclosure.
- Endorsement, Home Department, No. 1529, dated 10th October 1869, forwarding Letter from Secretary to Government, Bengal, No. 4631, dated 22nd September 1869, and enclosures.
- Endorsement, Home Department, No. 1769, dated 8th December 1869, forwarding Letter from Acting Under-Secretary to Government, Bombay, No. 4161, dated 21st November 1869.
- From Acting Chief Secretary to Government, Madras, No. 21, dated 7th January 1870, and enclosures.
- Endorsement, Home Department, No. 61, dated 16th January 1870, forwarding Letter from Acting Under-Secretary to Government, Bombay, No. 4592, dated 22nd December 1869.
- From Military Department, No. 556, dated 12th January 1870, and enclosures.
- Endorsement, Home Department, No. 131, dated 17th January 1870, forwarding Letter from Secretary to Government, North-Western Provinces, No. 13A, dated 6th January 1870, and enclosures.
- From Secretary to Chief Commissioner, British Burma, No. 24-8, dated 5th February 1870, and enclosure.
- “ Officiating 1st Assistant Resident, Hyderabad, No. 624, dated 18th February 1870, and enclosure.
- “ Officiating 1st Assistant Resident, Hyderabad, No. 738, dated 7th March 1870, and enclosure.
- “ Officiating Junior Secretary to Government, Bengal, No. 1326, dated 15th March 1870, and enclosures.
- Endorsement, Home Department, No. 485, dated 15th March 1870, forwarding Letter from Officiating Secretary to Chief Commissioner, Oudh, No. 531, dated 5th February 1870, and enclosures, and
- Despatch from Secretary of State, No. 39, dated 21st October 1868.
- From Secretary to Government of Bombay, No. 1430, dated 21st April 1870, and enclosure.
- “ Secretary to Government, Punjab, No. 613, dated 5th May 1870, and enclosures.
- “ Officiating Under-Secretary to Government, North-Western Provinces, No. 84A, dated 13th May 1870, and enclosure.
- Office Memorandum, Home Department, No. 943, dated 27th May 1870.
- Endorsement Home Department, No. 1221, dated 11th July 1870 forwarding

- Despatch from Secretary of State, No. 30, dated 21st July 1870, and enclosure.  
 From Secretary to Government, Bengal, No. 3142, dated 29th July 1870, and enclosures.  
 From Government of Bombay, No. 2899, dated 30th July 1870, and enclosure.  
 Endorsement, Home Department, No. 1397, dated 8th August 1870, forwarding  
 Office Memorandum, Financial Department, No. 2397, dated 30th July 1870.  
 From Officiating 1st Assistant Resident, Hyderabad, No. 53, dated 25th August 1870.  
 Endorsement, Home Department, No. 1536, dated 26th August 1870, forwarding  
 Letter from Officiating Secretary to Government, North-Western Provinces, No. 917A, dated 3rd August 1870,  
 and enclosures.  
 From Officiating Secretary to Government, North-Western Provinces, No. 168A, dated 26th August 1870, and enclosures.  
 From Assistant Secretary to Chief Commissioner, British Burma, No. 329-9, dated 27th August 1870, and enclosure.  
 From Officiating Commissioner, Jhansi Division, No. 401A, dated 29th September 1870.  
 From Acting Under-Secretary to Government, Bombay, No. 3810, dated 8th October 1870.  
 Endorsement, Home Department, No. 2022, dated 23rd November 1870, forwarding  
 Judicial despatch from Secretary of State, to the Government of Bombay, No. 1, dated 26th January 1869, and  
 connected correspondence.  
 From T. H. Thornton, Esq., dated 24th November 1870, and enclosures.  
 " Secretary to Government, Bombay (no No. and date), and enclosure.  
 " Officiating Legal Remembrancer, No. 1150, dated 16th December 1870.  
 Endorsement, Home Department, No. 79, dated 20th January 1871, forwarding  
 Letter from Secretary to Government, Punjab, No. 1796, dated 27th December 1870, and enclosures.  
 Endorsement, Home Department, No. 81, dated 20th January 1871, forwarding  
 Letter from Under-Secretary to Government, Punjab, No. 1777, dated 23rd December 1870, and enclosures.  
 From Judge of Bhagulpore, No. C. O. , dated 23rd January 1871.  
 Office Memorandum, Home Department, No. 103, dated 24th January 1871.  
 Endorsement, Home Department, No. 134, dated 2nd February 1871, forwarding  
 Letter from Registrar, High Court, No. 51, dated 17th January 1871.  
 Endorsement, Home Department, No. 87, dated 11th February 1871, forwarding  
 Letter from Under-Secretary to Government, Punjab, No. 279, dated 19th January 1871, and enclosure.  
 From Officiating Junior Secretary to Chief Commissioner, Oudh, No. 868, dated 17th February 1871, and enclosures.  
 Endorsement, Home Department, No. 250, dated 20th February 1871, forwarding  
 Letter from Chief Secretary to Government, Fort Saint George, No. 100, dated 26th January 1871, and enclosure.  
 Endorsement, Home Department, No. 254, dated 21st February 1871, forwarding  
 Letter from Officiating Civil and Sessions Judge, Nuddea, No. 66, dated 4th February 1871.  
 Note by the Hon'ble Mr. Shaw Stewart, dated 25th February 1871.  
 From Officiating Junior Secretary to Government, North-Western Provinces, No. 39A, dated 28th February 1871, and enclosures.  
 " Acting Under-Secretary to Government, Bombay, No. 894, dated 2nd March 1871, and enclosure.  
 " Chief Secretary to Government, Madras, No. 300, dated 13th March 1871, and enclosure.  
 Endorsement, Home Department, No. 436, dated 25th March 1871, forwarding  
 Letter from Officiating Junior Secretary to Government, Bengal, No. 727, dated 18th February 1871, and enclosures.  
 From H. Birdwood, Esq., to Hon'ble F. S. Chapman (no date).  
 Memorandum by C. D. Field, Esq., dated 1st April 1871.  
 Note by Officiating Deputy Commissioner, Goojranwalla, dated 3rd April 1871.  
 From Acting Under-Secretary to Government, Bombay, No. 1531A, dated 12th April 1871, and enclosures.  
 " Junior Secretary to Government, Bengal, No. 1799, dated 20th April 1871, and enclosures.  
 " Acting Under-Secretary to Government, Bombay, No. 1954, dated 13th May 1871, and enclosures  
 Endorsement, Foreign Department, No. 150J, dated 8th July 1871, forwarding  
 Letter from Under-Secretary to Government, Bombay, No. 2675, dated 11th July 1871, and enclosure.  
 Endorsement, Home Department, No. 1181J, dated 14th July 1871, forwarding  
 Letter from Officiating Secretary to Government, Punjab, No. 876, dated 23rd June 1871, and enclosures.  
 From Officiating Secretary to Chief Commissioner, Coorg, No. 252, dated 27th July 1871, and enclosures.  
 From Secretary to Government, North-Western Provinces, No. 207A, dated 14th August 1871, and enclosure.  
 " " " Punjab, No. 1145, dated 14th August 1871, and enclosures.  
 " Acting Under-Secretary to Government, Bombay, No. 3215, dated 18th August 1871, and enclosure.  
 Note by Officiating Deputy Commissioner, Gonda, dated 26th August 1871.  
 From Officiating Secretary to Government, Punjab, No. 1273, dated 5th September 1871, and enclosure.  
 Officiating 2nd Assistant Resident, Hyderabad, No. 2, dated 7th September 1871, and enclosures.  
 Officiating Assistant Secretary to Chief Commissioner, British Burma, No. 31, dated 9th September 1871.  
 Endorsement, Home Department, No. 1518, dated 14th September 1871, forwarding  
 Proceedings of Government, North-Western Provinces (Criminal) for May 1871.  
 " Home Department, No. 1521J, dated 15th September 1871, forwarding  
 Office Memorandum from Financial Department, No. 2785, dated 16th August 1871.  
 From Secretary to Government, Bengal, No. 4732, dated 3rd October 1871, and enclosure.  
 " Officiating Secretary to Chief Commissioner, Central Provinces, No. 2000, dated 9th October 1871, and enclosures.  
 " Assistant Secretary to Government, Madras, No. 157, dated 25th October 1871, and enclosures.  
 " Officiating Secretary to Chief Commissioner, Oudh, No. 5041, dated 2nd November 1871, and enclosures.  
 " D. G. Bartley, Esq., dated 2nd November 1871.  
 " Secretary to Government, Bengal, No. 5457, dated 4th November 1871, and enclosures.  
 " Officiating Secretary to Government, Bengal, No. 6061, dated 30th November 1871.  
 " Secretary to Government, North-Western Provinces, No. 369, dated 6th December 1871, and enclosure.  
 " " " Bombay (no date).  
 " " " Madras, No. 172, dated 7th December 1871.  
 " " " Bengal, No. 6391, dated 15th December 1871.  
 " " " Punjab, No. 1756, dated 16th December 1871, and enclosures.  
 " " " Bengal, No. 6629, dated 23rd December 1871.  
 " Chief Secretary to Government, Madras, dated 4th January 1872, forwarding  
 Opinion by J. D. Mayo, Esq.

H. S. CUNNINGHAM,

Offg. Secy. to the Council of the Gurr. Genl.

for making Laws and Regulations.

THE following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872 :—

*Second Report of the Select Committee.*

We, the undersigned, the Members of the Select Committee of the Council of the Governor

Petition from certain Barristers and Advocates of Bombay, dated 18th August 1871. General of India for the purpose of making Laws and Regulations, to which the Indian Evidence Bill was referred, have the honor to report that we have considered the Bill and the papers noted in the margin

From Officiating Secretary to Chief Commissioner of Coorg, No. 2296, dated 4th October 1871, and enclosures.  
 From certain Pleaders of the High Court, Bombay, dated 4th October 1871.  
 From Officiating Secretary to Chief Commissioner of Coorg, No. 2296, dated 9th October 1871, and enclosure.  
 From Chief Secretary to Government, Fort Saint George, No. 166, dated 21st November 1871, and enclosures.

From F. J. Fergusson, Esq., Barrister, High Court, Calcutta, dated 8th December 1871, forwarding Memorial from Barristers and Advocates, High Court, Calcutta.

From Secretary to Chief Commissioner, Central Provinces, No. 2249, dated 6th December 1871, and enclosures.

From Officiating Secretary to the Government of Bengal, No. 6326J, dated 13th December 1871, and enclosures.

Memorial from certain Members of the Madras Bar, dated 16th December 1871.

From Secretary to Government, Panjáb, No. 1745, dated 13th December 1871, and enclosures.

From Officiating Registrar, High Court, Calcutta, No. 3936, dated 18th December 1871.

From Officiating Secretary to Chief Commissioner, Oudh, No. 5719, dated 22nd December 1871, and enclosures.

3. We have omitted the provisions relating to material evidence, and have given a new and simple definition of the difference between primary and secondary evidence.

4. We have provided that the Act shall apply to all judicial proceedings, but not to affidavits presented to any Court or officer, nor to proceedings in arbitration.

5. As to the effect of an admission by one of several persons jointly tried for an offence, we have omitted sections 120 and 121 of the original Bill. Instead of these, we have provided that when two or more persons are on their trial for the same offence at the same time, and an admission is proved against one of them, which affects others of the accused besides himself, it may be taken into consideration by the Court against all the persons whom it affects.

6. We have redrawn Chapter VI, as to the exclusion of oral by documentary evidence, so as to make the sections more distinct and complete. We believe that they now represent the English law on the subject freed from certain refinements which would not be suitable for this country.

7. Exception was taken to the Bill in several quarters, on the ground that it did not sufficiently dispose of the matter of presumptions. We have reconsidered this subject with attention, and have provided for it as follows:—

Some presumptions have the effect of laying the burden of proof on particular persons in particular cases. These we have dealt with in sections 103 to 111 of the new Bill.

A conclusive presumption is a direction by the law that the existence of one fact shall, in all cases, be inferred from proof of another. This we have provided for in sections 112, 113.

We have substituted the term 'conclusive proof' in these instances for that of 'necessary inference,' which was employed for the same purpose in the first draft of the Bill.

Other presumptions are in substance mere maxims by which the Court ought to be guided in the interpretation of facts. Theoretically they are regarded in English law in a different light, that is to say, as artificial rules which the Court is bound to follow as to the inferences to be drawn from facts. Practically, however, so many exceptions are made, that the difference between a presumption of law and a presumption of fact is hardly traceable. The distinction appears to us altogether unsuitable for this country, and likely to produce great inconvenience if it were introduced. We have accordingly, by section 114, put all such presumptions in the position of mere presumptions of fact, with which the Court can deal at its discretion.

We have provided in the Chapter on the Burden of Proof, that a Notification in the Gazette that a territory has been ceded to a Native State, shall be conclusive proof of a valid cession at the date mentioned in the Notification. The object of this section is to set at rest questions which, as we are informed, have arisen on this subject.

The subject of presumptions as to documents is a very special matter, and appears to us to belong to the subject of documentary evidence, under which head we have placed it in Chapter V.

Lastly, many subjects are treated by English writers under the head of presumptions which appear to us to belong rather to different branches of the substantive law, *e. g.*, the presumption that every one knows the law is in reality a branch of the substantive criminal law. We have omitted such presumptions as these from the law of evidence, because they do not belong to the subject, and because many of them are fictitious.

8. The chapter on oaths has been omitted, as they form the subject of a separate Bill now under discussion.

9. We also recommend the omission of sections 141 to 145 of the old draft, as to questions to credit asked by barristers or pleaders, and the substitution of provisions showing the principles by which the asking of such questions should be regulated, and empowering the Court, if any such question is improperly asked, to report the circumstance to the authority to which the person asking it is subject.

10. We have amended the wording of section 166 as to the Judge's power to ask questions. The section, as originally drawn, might have been taken to authorize him to found his judgment upon irrelevant matter, such as loose rumours. The intention of the section was to give him the fullest possible power of inquiry for the discovery of relevant matter. Section 164 as now drawn makes this clear.

11. We have omitted the chapter as to the duties of Judges and Juries, which will, we think, be more properly placed in the Code of Criminal Procedure. We have also omitted the provisions as to appeal in the first draft, and have substituted for them section 57 of Act II of 1855, which provides for the cases in which the improper admission or rejection of evidence shall be ground for a new trial or reversal of a decision.

12. Subject to these amendments we recommend that the Bill be passed, but we also recommend that the amended Bill be published in the Gazette, and that this report be not taken into consideration for a month from the date of its publication.

J. F. STEPHEN. F. S. CHAPMAN.  
J. STRACHEY. B. STEWART.  
J. F. D. INGLIS. J. R. BULLEN SMITH.  
W. ROBINSON. F. R. COCKERELL.

THE INDIAN EVIDENCE BILL.

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CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

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SCHEDULE.

THE INDIAN EVIDENCE BILL.

[As amended by the Select Committee.]

WHEREAS it is expedient to consolidate, define, and amend the Law of Evidence; It is hereby enacted as follows:—

Preamble.

Part I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

This Act may be called "The Indian Evidence Act, 1872."

Short title.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator,

Extent.

Commencement of Act.

and it shall come into force on the first day of September 1872.

Repeal of enactments.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act, or Regulation in force in any part of British India.

(2.) All such rules, laws, and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861, in so far as they relate to any matter herein provided for.

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Court."

"Fact."

"Fact" means and includes—

- (1) any thing, state of things, or relation of things, capable of being perceived by the senses;
- (2) any mental condition, of which any person is conscious.

Illustrations.

- (a.) That there are certain objects arranged in a certain order in a certain place is a fact.
- (b.) That a man heard or saw something is a fact.
- (c.) That a man said certain words is a fact.
- (d.) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.
- (e.) That a man has a certain reputation is a fact.

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

'Relevant.'

"Facts in issue."

The expression "Facts in issue" means and includes—

any fact, from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being relating to Civil Procedure, any Court records an issue of fact, the



**PART I.** fact to be asserted or denied in the answer to such  
 (Ch. 1.—Pre- preliminary, as issue, is a fact in issue.

3—4.  
 Ch. 2.—Relevancy of Facts, ss. 5—8.

*Illustrations.*

A is accused of the murder of B.  
 At his trial the following facts may be in issue—  
 That A caused B's death.  
 That A intended to cause B's death.  
 That A had received grave and sudden provocation from B.  
 That A at the time of doing the act which caused B's death was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

*Illustrations.*

A writing is a document.  
 Words printed, lithographed or photographed are documents.  
 A map or plan is a document.  
 An inscription on a metal plate or stone is a document.  
 A caricature is a document.

"Evidence" "Evidence" means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence;

*Explanation.*—A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said not to be proved when it is neither proved nor disproved.

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

When one fact is declared by this Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

**CHAPTER II.—OF THE RELEVANCY OF FACTS.**

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

Evidence may be given of facts in issue and relevant facts.

*Explanation.*—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being relating to Civil Procedure.

*Illustrations.*

(a.) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club.

A's causing B's death by such beating.

A's intention to cause B's death.

(b.) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same or at different times and places.

Facts forming part of same transaction.

*Illustrations.*

(a.) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it, as to form part of the transactions, is a relevant fact.

(b.) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and goals are broken open. The occurrence of these facts is relevant as forming part of the general transaction, though A may have not been present at all of them.

(c.) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(d.) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Facts which are occasion, cause, or effect of facts in issue.

*Illustrations.*

(a.) The question is, whether A robbed B. The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(b.) The question is, whether A murdered B. Marks on the ground produced by a struggle at or near the place where the murder was committed are relevant facts.

(c.) The question is, whether A poisoned B. The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

Motive, preparation, and subsequent conduct.

The previous or subsequent conduct of any party to a suit or proceeding, or of any person, an offence against whom is the subject of a suit or proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact.

**Explanation 1.**—The word "conduct" in this section does not include statements, unless those statements accompany and explain acts other than statements; but this explanation is not to affect the relevancy of statements under any other section of this Act.

**Explanation 2.**—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

*Illustrations.*

- (a.) A is tried for the murder of B. The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.
- (b.) A sues B upon a bond for the payment of money. The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.
- (c.) A is tried for the murder of B by poison. The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.
- (d.) The question is, whether a certain document is the will of A. The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(e.) A is accused of a crime. The facts that either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favorable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(f.) The question is, whether A robbed B. The facts that, after B was robbed, C said in A's presence—'the police are coming to look for the man who robbed B,'—and that immediately afterwards A ran away, are relevant.

(g.) The question is, whether A owes B rupees 10,000. The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—'I advise you not to trust A, for he owes B 10,000 rupees,'—and that A went away without making any answer, are relevant facts.

(h.) The question is, whether A committed a crime. The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(i.) A is accused of a crime. The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(j.) The question is, whether A was ravished. The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant as a dying declaration under section 32 (1), or as corroborative evidence under section 157.

(k.) The question is, whether A was robbed. The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint, is not relevant as conduct under this section, though it may be relevant as a dying declaration under section 32 (1), or as corroborative evidence under section 157.

**9. Facts necessary to explain or introduce a fact in issue or relevant fact,**

Facts necessary to explain or introduce relevant facts.

or which rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person, whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

*Illustrations.*

(a.) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(b.) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(c.) A is accused of a crime. The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section 8, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(d.) A sues B for inducing C to break a contract of service made by him with A. C on leaving A's service says to A, I am leaving you because B has made me a better offer. This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(e.) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it—'A says you are to hide this.' B's statement is relevant as explanatory of a fact which is part of the transaction.

(f.) A is tried for a riot, and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

**10. Where there is reasonable ground to believe**

that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written, by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Things said or done by conspirator in reference to common design.

*Illustration.*

(a.) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Cabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant. **11. Facts not otherwise relevant are relevant—**

(1) if they are inconsistent with any fact in issue or relevant fact;

(2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

*Illustrations.*

(a.) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant. The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(b.) The question is, whether A committed a crime. The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else, and that it was not committed by either B, C, or D, is relevant.

PART I.  
Ch. 2.—Relevancy of Facts,  
ss. 12—16.

12. In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

In suits for damages, evidence may be given of facts tending to determine amount.

13. Where the question is as to the existence of any right or custom, the following facts are relevant—

Facts relevant when right or custom is in question.

(a.) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(b.) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

#### Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcilable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14. Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Facts showing existence of state of mind, or of body or bodily feeling.

*Explanation.*—A fact relevant as showing the existence of a relevant state of mind must show that it exists not generally but in reference to the particular matter in question.

#### Illustrations.

(a.) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(b.) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

(c.) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y, and Z, and that they had made complaints to B, are relevant.

(d.) The question is, whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(e.) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(f.) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him is relevant, as showing that A made the representation in good faith.

(g.) A is sued by B for the price of work done by B upon a house of which A is owner by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(h.) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew or had reason to believe that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(i.) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(j.) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved as showing the intention of the letters.

(k.) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(l.) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms, are relevant facts.

(m.) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(n.) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(o.) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(p.) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

15. When there is a question whether an act was accidental or intentional, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Act forming part of series of occurrences.

#### Illustrations.

(a.) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(b.) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favor of A, are relevant.

(c.) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E, are relevant, as showing that the delivery to A was not accidental.

16. When there is a question whether a particular act was done, the existence of any course of business according to which it naturally would have been done, is a relevant fact.

Course of business when relevant.

**PART I.**  
**Ch. 2.—Relevancy of Facts,**  
**16.—Admissions, ss. 17—**

*Illustrations.*

- (a.) The question is, whether a particular letter was dispatched.  
 The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.  
 (b.) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

**ADMISSIONS.**

**17. An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons hereinafter mentioned.**

*Admissions defined.*

Statements made by a party to the proceeding, or by an agent to any such party whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

Admissions by parties interested in subject-matter.

**18. Statements made by—**

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

**19. Statements made by persons whose position or liability it is necessary to prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.**

Admissions by persons whose position must be proved as against party to suit.

*Illustration.*

- A undertakes to collect rents for B.  
 B sues A for not collecting rent due from C to B.  
 A denies that rent was due from C to B.  
 A statement by C, that he owed B rent, is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

**20. Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute are admissions.**

Admissions by persons expressly referred to by party to suit.

*Illustration.*

- The question is, whether a horse sold by A to B is sound.  
 A says to B 'Go and ask C, C knows all about it.' C's statement is an admission.

**21. Admissions are relevant and may be proved as against the person who makes them or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases:—**

Relevancy of admissions against or in behalf of persons concerned.

- (1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

*Illustrations.*

(a.) The question between A and B is whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(b.) A, the Captain of a ship, is tried for casting her away. Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section 32 (1).

(c.) A is accused of a crime committed by him at Calcutta. He produces a letter written by himself and dated at Lahore on that day, and bearing the Lahore post mark of that day.

The statement in the date of the letter is admissible, because, if A were dead out, it would be admissible under section 32 (3).

(d.) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(e.) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last illustration.

**22. Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.**

When oral admissions as to contents of documents are relevant.

**23. In civil cases no admission is relevant, if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.**

Admissions in civil cases when relevant.

*Explanation.*—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakil from giving evidence of any matter of which he may be compelled to give evidence under section 126.

**24. An admission made by an accused person is irrelevant, in a criminal proceeding, if the making of the admission appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.**

Admission of crime caused by inducement, threat, or promise, irrelevant.

is irrelevant, in a criminal proceeding, if the making of the admission appears to the Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

PART I.  
Ch. 2.—Ad-  
missions, ss.  
25—31.  
Statements  
by persons who  
cannot be called  
as witnesses, s.

25. No admission of guilt made to a police officer, shall be proved as against a person accused of any offence.

Confession made to a police officer shall not be used as evidence.

26. No admission of guilt made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

27. Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to an admission of guilt or not, as relates distinctly to the fact thereby discovered, may be proved.

28. If such an admission, as is referred to in section 24, is made after the impression caused by any such inducement, threat, or promise, relevant.

29. If such an admission is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such admission, and that evidence of it might be given against him.

30. When more persons than one are being tried jointly for the same offence, and an admission made by one of such persons affecting himself and some other such person is proved, the Court may take into consideration such admission as against such other person as well as against the person who makes such admission.

#### Illustrations.

(a) A and B are jointly tried for the murder of C. It is proved that A said,—“B and I murdered C,” the Court may consider the effect of this admission as against B.

(b) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—“A and I murdered C.” This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

31. Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

#### STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESSES.

32. Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court un-

reasonable, are themselves relevant facts in the following cases:—

(1.) When the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Such statements are relevant, whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

(2.) When the statement was made by such person in the ordinary course of business, and in particular, when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of acknowledgments written or signed by him of the receipt of money, goods, securities or property of any kind; or of documents used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

(7.) When the statement is contained in any deed, will, or other document which relates to any such transaction as is mentioned in section 13 clause (a).

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

#### Illustrations.

(a) The question is, whether A was murdered by B; or A dies of injuries received in a transaction in the course of which she was ravished. The question is, whether she was ravished by B; or

**PART I.** The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

**Ch. 9—Statements by persons who cannot be called as witnesses, ss. 1—33.** Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the actionable wrong under consideration, are relevant facts.

(b.) The question is as to the date of A's birth. An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(c.) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(d.) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(e.) The question is, whether rent was paid to A for certain land.

A letter from a deceased agent to A, saying that he had received the rent on A's account, and held it at A's orders, is a relevant fact.

(f.) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(g.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(h.) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(i.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(j.) The question is, what was the price of grain on a certain day in a particular market. A statement of the price made by a deceased banya in the ordinary course of his business, is a relevant fact.

(k.) The question is, whether A, who is dead, was the father of B.

A statement by A that B was his son, is a relevant fact.

(l.) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend announcing the birth of A on a given day, is a relevant fact.

(m.) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.

(n.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

**33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving the truth of the facts which it states in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:**

Provided that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

**Explanation.**—A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

**Evidence in a former judicial proceeding when relevant.**

**STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.**

**34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.**

Entries in books of account.

**Illustration.**

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

**35. An entry in any public or other official book, register, or record, stating a relevant fact and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.**

Entry in public record, made in performance of duty enjoined by law when relevant.

**36. Statements of relevant facts made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.**

Maps and plans when relevant.

**37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the *Gazette* of any local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.**

Statement as to fact of public nature contained in any Act or Notification of Government, when relevant.

**38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.**

Statements in law-books.

**HOW MUCH OF A STATEMENT IS TO BE PRODUCED.**

**39. When any statement of which evidence is given forms part of a longer statement or of a conversation or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.**

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.



## PART I. JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.

Ch. 2.—How  
such of a state-  
ment is to be  
proved, s. 39.

Judgments  
of Courts of  
Justice when  
relevant, ss.  
40—44.

Opinions of  
third persons  
when relevant,  
ss. 45—47.

40. The existence of any judgment, order or decree which, by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

41. A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character or the title of any such person to any such thing is relevant.

Judgments in probate,  
&c., jurisdiction.

Such order, judgment or decree is conclusive proof that any legal character which it confers accrued at the time when such judgment, order or decree came into operation;

that any legal character to which it declares any such person to be entitled accrued to that person at the time when such judgment declares it to have accrued to that person;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

42. Judgments, orders or decrees other than those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the inquiry; but such judgments, orders or decrees are not conclusive proof of that which they state.

Judgments, order or  
decree between third parties  
when irrelevant and  
when not.

those mentioned in section  
41, are relevant if they relate  
to matters of a public nature  
relevant to the inquiry;

*Illustration.*

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favor of the defendant, in a suit by A against C for a trespass in the same place, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

43. Judgments, orders or decrees, other than those mentioned in sections 40, 41, and 42, are irrelevant, unless the fact that such a judgment, order or decree existed, is relevant under some other provision of this Act.

What judgments, &c.,  
not relevant.

those mentioned in sections  
40, 41, and 42, are irrele-  
vant, unless the fact that

*Illustrations.*

(a.) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages, on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(b.) A prosecutes B for adultery with C, A's wife. B denies that C is A's wife, but the Court convicts B of adultery.

Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife.

The judgment against B is irrelevant as against C.

(c.) A prosecutes B for stealing a cow from him. B is convicted.

A afterwards sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(d.) A has obtained a decree for the possession of land against B. C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

44. Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which has been proved by the adverse party, was delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

Fraud, collusion, and  
incompetency of Court  
may be proved.

## OPINIONS OF THIRD PERSONS WHEN RELEVANT.

45. When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts. Such persons are called experts.

*Illustrations.*

(a.) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(b.) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinion of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c.) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same or by different persons are relevant.

46. Facts not otherwise relevant are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Facts bearing upon  
opinions of experts.

*Illustrations.*

(a.) The question is, whether A was poisoned by a certain poison.

The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b.) The question is, whether an obstruction to a harbour is caused by a certain sea wall.

The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

47. When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

Opinion as to hand-  
writing.

*Explanation.*—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

*Illustration.*

The question is, whether a given letter is in the handwriting of A, merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither B, C nor D ever saw A write.

**48.** When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Opinion as to existence of right or custom, when relevant.

*Explanation.*—The expression 'general custom or right,' includes customs or rights common to any considerable class of persons.

*Illustration.*

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

**49.** When the Court has to form an opinion as to—

Opinions as to usages, tenets, &c., when relevant.

the usages and tenets of any body of men or family, the constitution and Government of any religious or charitable foundation, or the meaning of words or terms used in particular districts or by particular classes of people, the opinions of persons having special means of knowledge thereon, are relevant facts.

**50.** When the Court has to form an opinion

Opinion on relationship when relevant.

as to the relationship of one person to another, the opinion expressed by conduct as to the existence of such relationship of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinions shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under sections 494, 495, 497, or 498 of the Indian Penal Code.

*Illustrations.*

(a.) The question is whether A and B were married. The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(b.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

**51.** Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Grounds of opinion when relevant.

*Illustration.*

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

**CHARACTER WHEN RELEVANT.**

**52.** In civil cases, the fact that the character of any person concerned is

In civil cases, character to prove conduct imputed irrelevant.

such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases, previous good character relevant.

**53.** In criminal proceedings, the fact that the person accused is of a good character, is relevant.

**54.** In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Previous conviction in criminal trials relevant but not previous bad character, except in reply.

*Explanation.*—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

**55.** In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Character as affecting damages.

*Explanation.*—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II.

ON PROOF.

CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.

No evidence required of relevant fact judicially noticed.

**56.** No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

**57.** The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India;

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by such Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of the said Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto:

*Explanation.*—The word 'Parliament' in clauses (2) and (4) includes the Parliaments of the United Kingdom of Great Britain, of England, of Scotland, and of Ireland.

(5.) The accession and the sign-manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts would take judicial notice. The seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor-General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act of Regulation having force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such



PART II. office is notified in the *Gazette of India*, or in the official Gazette of any Local Government :

Ch. 3.—Facts which need not be proved, ss. 57—58.  
PART II. Ch. 4.—Oral evidence, ss. 59—60.

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown :

PART II. Ch. 5.—Documentary evidence, ss. 61—65.

(9.) The divisions of time, the geographical divisions of the world and public festivals, fasts and holidays notified in the official Gazette :

(10.) The territories under the dominion of the British Crown :

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons :

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attornies, proctors, vakils, pleaders and other persons authorized by law to appear or act before it :

(13.) The rule of the road.  
In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

58. No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings : Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

Facts admitted.

#### CHAPTER IV.—OF ORAL EVIDENCE.

59. All facts, except the contents of documents may be proved by oral evidence.

60. Oral evidence must, in all cases, whatever, be direct ; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it.

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it.

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner.

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds :

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called

as a witness without an amount of delay or expense which the Court regards as unreasonable ;

Provided, also, that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

#### CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. The contents of documents may be proved Proof of contents of either by primary or by documents. secondary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.  
Primary evidence.

*Explanation 1.*—Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

*Explanation 2.*—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest ; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

#### *Illustration.*

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

Secondary evidence.

63. Secondary evidence means and includes—

(1.) Certified copies given under the provisions hereinafter contained.

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies.

(3.) Copies made from or compared with the original.

(4.) Counterparts of documents as against the parts who did not execute them.

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

#### *Illustrations.*

(a.) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(b.) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(c.) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence ; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(d.) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.  
Proof of documents by primary evidence.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases :—  
Cases in which secondary evidence relating to documents may be given.

(a.) When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved, or of

PART II.  
Ch. 5.—Docu-  
mentary Evi-  
dence, ss. 65—  
73.  
PART II.  
Ch. 5.—Pub-  
lic Documents,  
ss. 74—76.

any person out of reach of or not subject to the process of the Court, or of any person legally bound to produce it, and when, after the notice mentioned in section 66, such person does not produce it.

(b.) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest.

(c.) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time.

(d.) When the original is of such a nature as not to be easily moveable.

(e.) When the original is a public document within the meaning of section 74.

(f.) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence.

(g.) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (a), (c) and (d), any secondary evidence of the contents of the document is admissible.

In case (b), the written admission is admissible.

In cases (e) or (f), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (g), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

66. Secondary evidence of the contents of the documents referred to in section 65 (a) shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law: and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases:—

(1.) When the document to be proved is itself a notice.

(2.) When from the nature of the case, the adverse party must know that he will be required to produce it.

(3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force.

(4.) When the adverse party or his agent has the original in Court.

(5.) When the adverse party or his agent has admitted the loss of the document.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of signature and handwriting of person alleged to have signed or written document produced.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof of execution of document required by law to be attested.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Proof where no attesting witness found.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Admission by party of execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof when attesting witness denies the execution.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Proof of document not required by law to be attested.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

Comparison of hand-writings.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

74. The following documents are public documents

Public documents.

1. Documents forming the Acts, or records of the Acts—

- (1) of the sovereign authority,
- (2) of official bodies and tribunals, and
- (3) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

2. Public records kept in British India of private documents.

75. All other documents are private.

Private documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such

Certified copies of public documents.

PART II.  
Ch. 5.—Public Documents, ss. 76—78.  
Presumptions as to Documents, ss. 79—84.

document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

*Explanation.*—Any officer who by the ordinary course of official duty is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

78. The following public documents may be proved as follows.—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

(2.) The proceedings of the legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette* or purporting to be printed by the Queen's Printer:

(4.) The Acts of the executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

#### PRESUMPTIONS AS TO DOCUMENTS.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports

Presumption as to genuineness of certified copies.

to be certified by any officer in British India or by any officer in any Native State in alliance with Her Majesty who is duly authorised thereto by the Governor General in Council to be genuine: Provided that such paper is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer by whom any such paper purports to be signed or certified held, when he signed it, the official character which he claims in such paper.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a

witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

that the document is genuine; that any statements as to the circumstances under which it was taken purporting to be made by the person signing it are true, and that such evidence, statement or confession was duly taken.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held at the time when he signed it the judicial or official character which he claims,

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

Presumptions on production of record of evidence.

Presumption as to Gazettes.

Presumption as to documents admissible in England without proof of seal or signature.

Proof of maps made for purposes of any cause.

Presumption as to collections of laws and reports of decisions.

PART II.  
Ch. 5.—Presumptions as to documents, ss. 90.

PART II.  
Ch. 6.—Exclusion of Oral Evidence by Documentary Evidence, ss. 91—99.

and of every book purporting to contain reports of decisions of the Courts of such country.

85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

88. The Court may presume that a message forwarded from a telegraph office to the person to whom such message purports to be addressed corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

89. The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

*Explanation.*—Documents are said to be in proper custody if they are in the place in which and under the care of the person with whom they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section 81.

*Illustrations.*

- (a.) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.
- (b.) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.
- (c.) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI — OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

*Exception 1.*—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

*Exception 2.*—Wills under the Indian Succession Act may be proved by the Probate.

*Explanation 1.*—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

*Explanation 2.*—Where there are more originals than one, one original only need be proved.

*Explanation 3.*—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence of the same fact.

*Illustrations.*

- (a.) If a contract be contained in several letters, all the letters in which it is contained must be proved.
- (b.) If a contract is contained in a bill of exchange, the bill of exchange must be proved.
- (c.) If a bill of exchange is drawn in asst of three, one only need be proved.
- (d.) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion. Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.
- (e.) A gives B a receipt for money paid by B. Oral evidence is offered of the payment. The evidence is admissible.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

*Proviso (I).*—Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto, such as fraud, intimidation, illegality,

PART II.  
Ch. 6.—Ex-  
clusion of Oral  
by Document-  
ary Evidence,  
ss. 92—98.

want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

*Proviso (2).*—The existence of any separate oral agreement on any matter on which a document is silent and not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

*Proviso (3).*—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

*Proviso (4).*—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

*Proviso (5).*—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

*Proviso (6).*—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

*Illustrations.*

(a.) A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(b.) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1870. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(c.) An estate called 'the Rampore ten estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(d.) A enters into a contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(e.) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(f.) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(g.) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(h.) A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an Attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(i.) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(j.) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Exclusion of evidence to explain or amend ambiguous document.

*Illustrations.*

(a.) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.'

Evidence cannot be given to show which price was to be given.

(b.) A deed contains blanks. Evidence cannot be given of fact which would show how they were meant to be filled.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Exclusion of evidence against application of document to existing facts.

*Illustration.*

A sells to B by deed 'my estate to Rampore containing 100 bigas.' A has an estate at Rampore containing 100 bigas. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Evidence as to document unmeaning in reference to existing facts.

*Illustration.*

A sells to B by deed 'my house in Calcutta.' A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Evidence as to application of language which can apply to one only of several persons.

*Illustrations.*

(a.) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(b.) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Scind was meant.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

*Illustration.*

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Evidence as to meaning of illegible character, &c.

**PART II.**  
Ch. 6.—Ex-  
nition of Oral  
Documents.  
Evidence, show which he meant to sell.  
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**PART III.**  
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den of Proof,  
101.—109.

*Illustration.*

A, a sculptor, agrees to sell to B 'all my models.' A has both models and modelling tools. Evidence may be given to show which he meant to sell.

**99. Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement varying the term of the document.**

*Illustration.*

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

**100. Nothing in this chapter contained shall be taken to affect any of the provisions of the Indian Succession Act (X of 1865) as to the construction of wills.**

Saving of provisions of Indian Succession Act relating to wills.

**PART III.**

**PRODUCTION AND EFFECT OF EVIDENCE.**

**CHAPTER VII.—OF THE BURDEN OF PROOF.**

**101. Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.**

Burden of proof.

*Illustrations.*

(a.) A desires a Court to give judgment that B shall be punished for a crime which A says B has committed. A must prove that B has committed the crime.

(b.) A desires a Court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts and which B denies to be true. A must prove the existence of those facts.

**102. The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.**

General burden of proof.

*Illustrations.*

(a.) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father. If no evidence were given on either side, B would be entitled to retain his possession.

Therefore the burden of proof is on A.

(b.) A sues B for money due on a bond. The execution of the bond is not disputed, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved. Therefore the burden of proof is on B.

**103. The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.**

Burden of proof as to particular fact.

*Illustration.*

(a.) A prosecutes B for theft, and wishes the Court to believe that B admitted the theft to C. A must prove the admission.

B wishes the Court to believe that, at the time in question, he was elsewhere. He must prove it.

**104. The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact on the person who wishes to give such evidence.**

Burden of proving fact to be proved to make evidence admissible.

*Illustrations.*

(a.) A wishes to prove a dying declaration by B. A must prove B's death.

(b.) A wishes to prove, by secondary evidence, the contents of a lost document. A must prove that the document has been lost.

**105. When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.**

Burden of establishing general exceptions.

*Illustrations.*

(a.) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act. The burden of proof is on A.

(b.) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control. The burden of proof is on A.

(c.) Section 325 of the Penal Code provides that whoever, except in the case provided for by section 335, voluntarily causes grievous hurt, shall be subject to certain punishments. A is charged with voluntarily causing hurt under section 325.

The burden of proving the circumstances, bringing the case under section 335, lies on the prisoner.

**106. When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.**

Burden of proving fact especially within knowledge.

*Illustration.*

(a.) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.

(b.) A is charged with travelling in a railway without ticket, the burden of proving that he had a ticket is on him.

**107. When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.**

Burden of proof as to continuance of life.

**108. When the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is on the person who affirms it.**

Burden of proof as to death.

**109. When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting**

Burden of proof as to partnership, tenancy, and agency.

as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively, is on the person who affirms it.

PART III.  
Ch. 7.—Burden of Proof,  
ss. 110—114.  
PART III.  
Ch. 8.—Estoppel, ss. 115—117.

**110.** When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

**111.** When there is a question as to the good faith of a transaction between parties one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

*Illustrations.*

(a.) The good faith of a sale by client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.

(b.) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

**112.** The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

**113.** A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

**114.** The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct, and public and private business in their relation to the facts of the particular case.

*Illustrations.*

The Court may presume—

(a.) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

(b.) That an accomplice is unworthy of credit, unless he is corroborated in material particulars.

(c.) That a bill of exchange accepted or endorsed, was accepted or endorsed, for good consideration.

(d.) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence.

(e.) That Judicial and official acts have been regularly performed.

(f.) That the common course of business has been followed in particular cases.

(g.) That evidence which could be and is not produced would, if produced, be unfavorable to the person who withholds it.

(h.) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavorable to him.

(i.) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged. But the Court shall also have regard to such facts as the following in considering whether such maxims do or do not apply to the particular case before them.

As to illustration (a)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business.

As to illustration (b)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (c)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (d)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

As to illustration (e)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course.

As to illustration (f)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances.

As to illustration (g)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances.

As to illustration (h)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family.

As to illustration (i)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked.

As to illustration (j)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER VIII.—ESTOPPEL.

**115.** When one person has by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

*Illustration.*

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

**116.** No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

**117.** No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.



ART III.  
h. 8.—Evid.  
Act, s. 117.  
h. 9.—Wit-  
ness, ss. 118  
97.

*Explanation (1).*—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

*Explanation (2).*—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

CHAPTER IX.—OF WITNESSES.

**118.** All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

*Explanation.*—A lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the questions put to him, and giving rational answers to them.

**119.** A witness who is unable to speak, may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

**120.** In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

**121.** No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

*Illustrations.*

(a.) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a superior Court.

(b.) A is accused before the Court of Session, of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the superior Court.

(c.) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

**122.** No person, who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married, nor shall he be permitted to disclose any such communication, unless the person who made it or his representative in interest consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

Communications during marriage.

**123.** No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

Evidence as to affairs of State.

**124.** No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

Official communications.

**125.** No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

Information as to commission of offences.

**126.** No barrister, attorney, pleader or vakil, at any time, shall be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakil, by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Professional communications.

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose;

(2) Any fact observed by any barrister, pleader, attorney or vakil, in the course of his employment as such, showing that any crime or fraud has been committed since the commencement of his employment;

It is immaterial whether the attention of such barrister, attorney or vakil, was or was not directed to such fact by or on behalf of his client.

*Explanation.*—The obligation stated in this section continues after the employment has ceased.

*Illustrations.*

(a.) A, a client, says to B, an attorney,—‘I have committed forgery, and I wish you to defend me.

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(b.) A, a client, says to B, an attorney,—I wish to obtain possession of property by the use of a forged deed on which I request you to sue.

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(c.) A being charged with embezzlement retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

**127.** The provisions of section 126 shall apply to interpreters, and the clerks or servants or barristers, pleaders, attorneys and vakils.

Section 126 to apply to interpreters, &c.



PART III.  
Ch. 9.—Wit-  
nesses, ss. 128—  
134.

128. If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section 126; and if any party to a suit or proceeding calls any such barrister, attorney or vakil as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakil on matters which, but for such question, he would not be at liberty to disclose.

PART III.  
Ch. 10.—Ex-  
amination of  
witnesses, ss.  
135—138.

129. No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

130. No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

131. No one shall be compelled to produce documents in his possession which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

132. A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

133. An accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

134. No particular number of witnesses shall in any case be required for the proof of any fact.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure, respect-

vely, and, in the absence of any such law, by the discretion of the Court.

136. When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant, and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

#### Illustrations.

(a.) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(b.) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(c.) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(d.) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

137. The examination of a witness by the party who calls him shall be called his examination-in-chief.

The examination of a witness by the adverse party shall be called his cross-examination.

The examination of a witness, subsequent to the cross-examination by the party who called the witness, shall be called his re-examination.

138. Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination, and if new matter is by permission of the Court introduced in re-examination, the adverse party may further cross-examine upon that matter.

#### CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

135. The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure, respect-

vely, and, in the absence of any such law, by the discretion of the Court.

**139.** A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

*Cross-examination of person called to produce a document.*

*Witnesses to character.*

**140.** Witnesses to character may be cross-examined and re-examined.

**141.** Any question suggesting the answer which the person who puts it wishes or expects to receive, is called a leading question.

*Leading questions.*

**142.** Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

*When they must not be asked.*

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

*When they may be asked.*

**143.** Leading questions may be asked in cross-examination.

**144.** Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property as to which he is giving evidence was not contained in a document; and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

*Evidence as to matters in writing.*

*Explanation.*—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

*Illustration.*

The question is, whether A assaulted B. C deposes that he heard A say to D—' B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

**145.** A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

*Cross-examination as to previous statements in writing.*

**146.** When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which

*Questions lawful in cross-examination.*

tend (1) to test his veracity, (2) to discover who he is and what is his position in life, or (3) to shake his credit by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

**147.** If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

*When witness to be compelled to answer.*

**148.** If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

*Court to decide when question shall be asked and when witness compelled to answer.*

(1.) Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2.) Such questions are improper if the imputation which they convey relates to matters so remote in time or of such a character that the truth of the imputation would not affect or would affect in a slight degree the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3.) Such questions are improper if there is a great disproportion between the importance of the imputation made against the witnesses' character and the importance of his evidence.

(4.) The Court may, if it sees fit, draw from the witnesses' refusal to answer the inference, that the answer if given would be unfavourable.

**149.** No such question, as is referred to in section 148, ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

*Question not to be asked without reasonable grounds.*

*Illustrations.*

(a.) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(b.) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(c.) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

**PART III.**  
**Ch. 10—Ex-** (d.) A witness, of whom nothing whatever is known, being  
 mination of satisfactory answers. This may be a reasonable ground for  
 witnesses, as asking him if he is a duccit.  
 143—156.

**150.** If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakil or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil or attorney, is subject in the exercise of his profession.

*Procedure of Court in case of question being asked without reasonable grounds.*

**151.** The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

*Indecent and scandalous questions.*

**152.** The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

*Questions intended to insult or annoy.*

**153.** When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely he may afterwards be charged with giving false evidence.

*Exclusion of evidence to contradict answers to questions testing veracity.*

*Exception 1.*—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

*Exception 2.*—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

#### *Illustrations.*

(a.) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim. The evidence is inadmissible.

(b.) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(c.) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(d.) A is asked whether his family has not had a blood feud with the family of B, against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

**154.** The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

*Cross-examination by party producing witness.*

**155.** The credit of a witness may be impeached in the following ways by the adverse party, or with the consent of the Court by the party who calls him :—

*Impeaching credit of witness.*

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

*Explanation.*—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

#### *Illustrations.*

(a.) A sues B for the price of goods sold and delivered to B. C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(b.) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

**156.** When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

*Corroborative facts are relevant.*

#### *Illustration.*

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

PART III.  
Ch. 10.—Ex-  
amination of  
witnesses, ss.  
157—166.

PART III.  
Ch. 11.—Im-  
proper admis-  
sion and rejec-  
tion of evi-  
dence, s. 166.

**157.** In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

**158.** A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transactions concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treatises.

**159.** A witness may also testify to facts mentioned in any such document as is mentioned in section 158, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

*Illustration.*

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

**160.** Any such writing as is mentioned in the last two sections must be produced and shown to the adverse party if he requires it, who may, if he pleases, cross-examine the witness thereupon.

**161.** A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it see fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If, for such a purpose, it is necessary to cause any documents to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

**162.** When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

**163.** When a party refuses to produce a document which he has had notice to produce, he cannot afterwards give the document as evidence without the consent of the other party or the order of the Court.

*Illustration.*

A sues B on an agreement and gives B notice to produce it. At the trial A calls for the document, and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

**164.** The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases in any form at any time of any witness or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorize any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections 122, 123, 124, 125, 127, 128, 129, 130, or 131, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections 148 or 149; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

**165.** In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses through or by leave of the Judge which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

**166.** The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision; or that if the rejected evidence had been received, it ought not to have varied the decision.

SCHEDULE.

Number and year.	TITLE.	Extent of repeal.	Number and year.	TITLE.	Extent of repeal.
Stat. 28, Geo. III, C. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act made in the twenty-fourth year of the reign of his present Majesty (intituled an Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.	Stat. 14 & 15 Vic.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
			Act XV of 1852 ..	To amend the Law of Evidence.	The whole Act.
			Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
			Act II of 1855 ...	For the further improvement of the Law of Evidence.	The whole Act.
			Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
			Act I of 1869 ...	The General Clauses Act, 1869.	Section seven.

H. S. CUNNINGHAM,  
*Offg. Secy. to the Council of the  
 Govr. Genl. for making Laws and Regulations.*

Government of Bengal.

LEGISLATIVE DEPARTMENT.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 20th January 1872, and was referred to a Select Committee who are to report thereon after the 24th February next:—

THE BENGAL MUNICIPALITIES BILL, 1872.

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*A Bill to amend and consolidate the law relating to Municipalities.*

WHEREAS it is expedient to amend and consolidate the law relating to Municipalities within the territories subject to the government of the Lieutenant-Governor of Bengal, and to make better provision for the self-government of towns and places within the said territories, for the maintenance of police, for the conservancy and improvement of such towns and places, for the diffusion of education therein, and for other objects of utility calculated to promote the health, comfort, or convenience of the inhabitants of the said towns; It is enacted as follows:—

Short title.

1. This Act may be cited as the "Bengal Municipalities Act, 1872."

PART I.—PRELIMINARY.

2. This Act shall be divided into thirteen several heads or parts:—

- the *first* relating to preliminary matters;
- the *second* relating to municipal authorities;
- the *third* relating to municipal taxation;
- the *fourth* relating to the mode of recovery of municipal taxes;
- the *fifth* relating to the municipal fund and its application.
- the *sixth* relating to the registration of births and deaths;
- the *seventh* relating to the municipal police;
- the *eighth* relating to the intervention by Government in municipal affairs.
- the *ninth* relating to various municipal regulations for conservancy and otherwise;
- the *tenth* relating to municipal markets;
- the *eleventh* relating to the jurisdiction of Commissioners in municipal and other cases;
- the *twelfth* relating to third class municipalities;
- the *thirteenth* relating to miscellaneous matters.

3. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, (that is to say)—

"Magistrate of the district" means the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

"Magistrate" means the officer exercising all or any of the powers of a Magistrate, and charged with the immediate executive administration in criminal matters in any sub-division of a district, within which any place to which this Act may be extended may be situated, by whatsoever designation such officer is called. In respect to any such place which is not situated within a sub-division of a district, the powers by this Act conferred on the Magistrate may be exercised by the Magistrate of the district or by a Joint-Magistrate.

"Sub-divisional officer" means the officer in executive charge of a sub-divisional district.

"Municipality" means any place to which this Act or part thereof shall have been extended. A Municipality created under this Act shall be distinguished as a first class Municipality, or as a second class Municipality, in manner as in the next succeeding section is provided. Any place to which Part XII of this Act shall have been extended shall be deemed to be a third class Municipality.

"The Commissioners" means the persons appointed or elected by the rate-payers to conduct the affairs of any Municipality under this Act, and shall include ex-officio Commissioners under this Act.

"House" includes any hut, shop, or warehouse.

"Place" includes any town, village, hamlet, suburb, bazaar, station, or tract of country.

"Land" includes fields, plantations, and gardens.

"Bazaar" includes any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

"Road" means any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of way, together with such land (not being private property) whether covered or not by any pavement, verandah, or other erection or structure, as may be between the roadway and the main wall of any house or houses adjacent thereto; and also the roadway over any public bridge or causeway within the place; and the expression "in or near any road" designates any site within the place. Provided that nothing in this section shall be taken to interfere with any easement enjoyed by any person in respect of such land at the date of the passing of this Act.

"Owner" means the person for the time being receiving the rent of the land or premises, whether paid in money or in kind, or in charge of the thing in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person shall be liable to make any outlay by this Act required to be made by the owner of such and or premises in excess of the amount of the funds, or of the value of the produce belonging to the owner which he may have in his possession; nor shall he be subject to any penalty if he can prove that he has made the outlay required to the extent of such funds.

"Official year" means the year beginning on the first day of April, or such other date as may hereafter be fixed by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*.

4. All the provisions of this Act, except those contained in Part XII, shall have effect in any place not being within the limits of the town of Calcutta and of the southern portion of Hastings as defined by Act V of 1868 (passed by the Lieutenant-Governor of Bengal in Council), to which the Lieutenant-Governor of Bengal may extend the same, and from such date as may by him be specified,

Limits of the operation of this Act.

by notification in the *Calcutta Gazette*. Provided that every such notification shall specify such provisions of Parts IX and X of this Act as are thereby extended to such place, and all provisions contained in the two last mentioned parts as are not specially mentioned in the said notification shall be deemed to be of no force or effect whatever in the place to which such notification applies. From and after the date mentioned in the said notification such place shall be deemed and taken to be created a Municipality for the purposes of this Act; and it shall be lawful for the Lieutenant-Governor to define the limits of such Municipality, and from time to time to alter or amend such definition, and the Lieutenant-Governor shall declare at the time of extending the said Act to such place, whether the same shall, for the purposes of this Act, be a first class or a second class Municipality, and may at any time thereafter by notification alter the class. The Lieutenant-Governor may further, from time to time, by notification in the *Calcutta Gazette*, declare to be united for the purposes of this Act, any number of towns or villages or parts thereof; provided that no portion of this Act shall be extended to any village inhabited by persons more than one-half of whom may be employed in agriculture only, or dependent for support on lands so employed, or habitually exercising trades and occupations only for the use of persons so employed, except the provisions of Parts XII and XIII of this Act. All the provisions of Parts XII and XIII of this Act shall have effect in any place to which the same may be extended by the Lieutenant-Governor or by any officer empowered in that regard under Section 202 of this Act.

5. From and after the creation of any Municipality under the provisions of the next preceding section, the provisions of the Acts named in Schedule (A) hereto annexed shall cease to have effect therein, except as to any assessment made, or as to any act done, or as to any liability incurred, or as to any money due, or as to any proceedings theretofore commenced. Provided that the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied or referred to. And all references made to any of the Acts named in the said schedule in subsequent Acts, orders or contracts, shall be read, so far as the context will allow, as if made to this Act.

6. All lands, buildings, works, and hereditaments, utensils, materials, books, plans, maps, papers, effects, securities, and monies whether derived under the Acts mentioned in Schedule (A) appended to this Act, and other property, movable and immovable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder which shall, on the date on which this Act shall take effect in such town, be vested in, or held in trust for, the Commissioners or Committee appointed under any of the said Acts, who shall hereafter in this Act be designated the late Commissioners, or which would have been vested in, or held in trust for, such Commissioners but for the passing of this Act; and all such estate and interest of and in the same respectively as shall then be, or would have been in, or in trust for, the said late Commissioners or any of them, with all rights of way and other rights

and easements now used and enjoyed by the said Commissioners shall, on and from the date when this Act comes into operation in such town, be vested in the Commissioners under this Act and their successors; and all persons who shall then owe any money to the late Commissioners, or to any person on their behalf, shall pay the same to the Commissioners under this Act, or as they shall direct: and all monies which shall be then due, and owing by, or recoverable from, the late Commissioners, shall be paid by, or be recoverable from, the Commissioners; and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before this Act comes into operation to, with, or in favor of, or by, or for, the said late Commissioners, or any of them, or any person on behalf of such late Commissioners; and all rights of action and suit arising out of contract or otherwise—shall take effect, and may be proceeded on and enforced, as far as circumstances will admit, in favor of, by, against, and with reference to the Commissioners under this Act in such manner as the same would have taken effect and might have been proceeded on and enforced in favor of, by, against, and with reference to the said late Commissioners, or any of them, if this Act had not been passed.

7. No action, suit, prosecution, or other proceeding whatsoever, commenced or carried on either by or against the late Commissioners previously to the coming into operation of this Act, shall abate, or be discontinued, or prejudicially affected by this Act, but shall continue and take effect both in favor of and against the Commissioners, in the same manner in all respects as the same would have continued and taken effect in relation to the late Commissioners or any of them, if this Act had not been passed and all decrees and orders made, and all fines and penalties imposed and incurred, respectively, previously to the coming into operation of this Act shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings commenced previously to the coming into operation of this Act shall and may be continued, proceeded with, and completed in such or the like manner as if this Act had not been passed, the Commissioners under this Act being, in reference to the matters aforesaid, in all respects substituted for the late Commissioners.

## PART II.—MUNICIPAL AUTHORITIES.

### Chapter 1.

#### *Municipal Commissioners.*

8. In any Municipality created under Part I of this Act, the Lieutenant-Governor shall, if the same shall have been declared by him to be a first class Municipality, and the said Lieutenant-Governor or any officer whom the Lieutenant-Governor may authorize in that behalf shall, if the same shall have been declared by the said Lieutenant-Governor to be a second class Municipality, from time to time appoint or cause to be elected in manner as hereinafter provided, not more than seven and not less than three persons to be Commissioners for carrying out in such Municipality the purposes of this Act.

Appointment or election of Commissioners.



9. No person shall be appointed a Commissioner or a Member of a Ward Committee under this Act in any Municipality, who does not either reside or hold land or buildings therein or within five miles from any part of the limits thereof: provided also that when the mode of municipal taxation to be adopted therein shall have once been determined, no person shall be appointed therein a Commissioner or member of a Ward Committee who does not pay municipal taxes to the Commissioners thereof. Subject to the provisions of Section 12 every person so appointed shall continue in office three years, or until his successor shall have been appointed, and shall be eligible for re-appointment. The Lieutenant-Governor may from

time to time accept the resignation of any such Commissioners or Commissioner, or may remove any such Commissioners or Commissioner for misconduct or neglect of duty, add to their number, and fill up vacancies occurring among them.

10. In addition to the Commissioners to be appointed or elected as aforesaid, the Magistrate of a district and the Magistrate in charge of a sub-division of every Municipality situated within their respective jurisdictions, and it shall further be competent to the Lieutenant-Governor to appoint as a Commissioner of any such Municipality any officer in the service of Government holding a salaried office in the district in which the same is situate: provided that not more than one-third of the whole number of Commissioners shall be persons holding salaried offices in the service of Government, unless such persons be elected to be Commissioners under any of the provisions in this Act contained.

11. If at any time it shall appear to the Lieutenant-Governor of Bengal to be advisable that a certain number of the Commissioners of any Municipality shall be elected by the rate-payers, it shall be competent to the said Lieutenant-Governor to take measures for the election of such Commissioners by the rate-payers, subject to such rules in regard to qualification, election, and discharge, as he may think fit. Subject to the provisions of Section 12 the persons so elected shall continue in office for the term of three years, or until their successors have been elected, and shall be eligible for re-election. The Lieutenant-Governor may from time to time accept the resignation of any of the Commissioners so elected, or may remove any of such Commissioners for misconduct or neglect of duty, and may provide for filling up vacancies by election.

12. When Municipal Commissioners or any Ward Committee shall be for the first time appointed or elected in any Municipality, such number of the members thereof as the Commissioner of the Division may determine, and being not more than one-third of the whole, shall retire at the end of one year, and another equal number at the end of two years, and the rest at the end of three years, to be computed from the first day of the official year next following the date of the appointment or election of such Commissioners or Committee. The members who shall retire at the end of the first and

second years respectively shall be decided by lot. But the ex-officio members appointed under Section 10 of this Act shall not be liable to retirement under this Section. Any person appointed or elected to a vacancy caused by the withdrawal, or removal, or death of another member shall fill such vacancy for the unexpired remainder of the term for which the outgoing member, may have been elected or appointed. The Chairman shall keep a roll in which the names of the Commissioners shall be entered in order of seniority according to the dates of their appointment or election. In case of two or more Commissioners being appointed or elected on the same day, the Chairman shall decide the order of seniority between them.

13. The Magistrate of a district, or the Magistrate in charge of a sub-division, if delegated by the Magistrate for the purpose, shall be ex-officio Chairman of the Commissioners for any Municipality situate within the district or sub-division under his charge. The Commissioners shall elect their own Vice-Chairman, who shall hold office for one year from the date of his election, and who shall be eligible for re-election at the end of such year.

14. The Commissioners shall have and use a common seal, and shall have their names engraved thereon in legible characters in the English language, and also in the vernacular language of the district. All contracts entered into in respect of any sum exceeding twenty rupees shall be in writing, and shall be sealed with the common seal of the Commissioners, and on their behalf, in the presence of at least two of the Commissioners, one of whom shall be the Chairman, or in the absence of the Chairman, the Vice-Chairman, who shall certify the same by affixing their signatures as witnesses at the foot of the instruments. All such contracts shall be varied or discharged in a similar manner.

15. The Commissioners shall sue and be sued in the name of their Chairman by the description of "The Chairman of the Commissioners of," and in such name so described, they shall be competent to hold property, movable and immovable, to them and their successors as a body corporate, and to convey the same and to enter into all necessary contracts for the purposes of this Act.

## CHAPTER 2.

### *Property and Contracts of the Commissioners.*

16. All public streets in any Municipality (not being private property) existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in and belong to the Commissioners and their successors. But it shall be competent to Government from time to time, by notification, to exclude any road or street from the operation of this Act, and to cancel such notification wholly or in part.



17. It shall be lawful for the Commissioners to agree with the person or persons in whom the property in any street is vested, to take over the property therein, and after such agreement to declare, by notice in writing put up in any part of such street, that the same has become a public street. Thereupon such street shall vest in the Commissioners and their successors, and shall thenceforth be repaired and kept up out of the Municipal Fund.

Commissioners may with consent of owners take over and repair certain streets.

18. All or any hospitals, dispensaries, schools, rest-houses, markets, tanks, and wells, not being private property, or the property of a religious institution or society, and all medicines, furniture, and other articles appurtenant thereto, not being private property, which at the time this Act comes into operation in any town, shall be found therein, may, by notification of the Lieutenant-Governor, be vested in the Commissioners; and thereupon all endowments or funds belonging to such hospitals, dispensaries, schools, or rest-houses shall be transferred to and vested in the Commissioners as trustees, to hold and apply the same to the purposes to which such endowments and funds were lawfully applicable at the time of such transfer. Provided always that no such notification shall be issued until one month after the intention to transfer such property shall have been notified in English and in the vernacular language of the district in such manner as the Lieutenant-Governor shall from time to time direct.

Existing hospitals, schools, rest-houses, &c., to be vested in the Commissioners.

19. The Commissioners may agree with the owners of any land for the purchase thereof for the purposes of this Act, and may sell any land not required for such purposes either together or in parcels, and the proceeds of such sale shall be applied for the purposes of this Act.

Power to purchase and sell lands.

20. When the Commissioners may be unable to agree with the owner of any land for the purchase thereof, the Lieutenant-Governor of Bengal may, upon representation of the Commissioners, and after such enquiry as may be thought proper, declare that the land is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Government, and for determining the compensation to be paid to the parties interested, according to any law now or hereafter to be in force for the acquisition of land for public purposes. On payment by the Commissioners of the compensation awarded, such land shall vest in them for the purposes of this Act.

Mode of ascertaining compensation for land, &c.

### CHAPTER 3.

#### *Their mode of transacting business.*

21. The Commissioners shall keep an office where they shall meet for the transaction of business at least twice in every month, and as often as a meeting shall be called by the Chairman or Vice-Chairman, and all questions which may come before them at any meeting shall be decided by a majority.

Commissioners to keep an office for the transaction of business.

22. The Chairman, or, in his absence, the Vice-Chairman, shall preside at every such meeting, and in the absence of both the Chairman and Vice-Chairman, the Commissioners shall choose some one of their number to preside. In cases of equality of votes the President shall have a casting vote.

Who to preside at meetings of the Commissioners.

23. No business shall be transacted at a meeting unless at least four Commissioners be present.

Quorum.

24. In any case of emergency, the Chairman, or, in his absence, the Vice-Chairman, shall exercise all the powers vested by this Act in the Commissioners. Provided that it shall not be lawful for the Chairman or the Vice-Chairman to exercise any power which it is by this Act expressly declared shall be exercised by the Commissioners at a meeting. Any Chairman or Vice-Chairman acting under this section shall inform the Commissioners thereof at the next meeting held thereafter.

The Chairman or Vice-Chairman to exercise, with certain exceptions, the powers of the Commissioners.

25. The Chairman shall from time to time appoint all such overseers, clerks, and subordinate officers and servants as he may think necessary and proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their places. And out of the Municipal Fund he shall pay, or cause to be paid, such salaries to the said persons respectively, as may from time to time be determined by the Commissioners at a meeting; or, in case of absence on leave, such portion thereof as may appear to the Commissioners to be reasonable. He may, with the sanction of the Commissioners, make such rules as he may think fit as to the manner in which, and as to the persons by whom, all duties connected with the collection of the tax or the preparation of the assessment, shall be performed, provided such rules be in all respects consistent with the provisions in this Act contained. Provided that no salary amounting to more than one hundred and fifty rupees a month shall be assigned to any officer or clerk by Municipal Commissioners under this Act without the sanction of the Commissioner of the Division. He shall also take from every collector of Municipal taxes, duties, or tolls, such security for the sums collected by him as he may think proper.

Appointment of overseers, clerks, and subordinate officers.

### CHAPTER 4.

#### *Ward Committees.*

26. It shall be lawful for the Magistrate, on the recommendation of the Commissioners at a meeting, to divide any Municipality into wards, and thereupon there shall be appointed for each ward not less than three persons qualified to be Commissioners, whether such persons be or be not Commissioners for the time being, to be members of the Ward Committee, and the said Magistrate may define the limits of the ward for which any Ward Committee may be appointed or elected. All question regarding the removal, resignation, and filling up vacancies among the members of Ward Committees shall be settled by the Commissioner at a meeting.

Power to appoint Ward Committees.

**27.** A Ward Committee shall exercise, within the limits of their ward, as defined by the Magistrate, all or any of the powers of Commissioners described in Sections 25, 52, 53, 61 to 68 inclusive, 113, 115, and in such sections of Part IX of this Act as shall be in force within the municipality, which the Commissioners at a meeting shall have delegated to them. Sections 21, 22, and 24 of the Act shall, as far as may be convenient, be applicable to Ward Committees.

**28.** The Chairman of each Ward Committee shall be appointed by the Chairman of the Commissioners, and each Ward Committee may, if it see fit, elect their own Vice-Chairman from among their own number.

CHAPTER 5.

General Provisions.

**29.** No Commissioner or member of a Ward Committee shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners, but the funds, from time to time in the hands of the Commissioners, shall be liable for, and chargeable with, all contracts and expenses duly incurred as aforesaid. Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners, to which he shall have been a party, and he shall be liable to be sued for the same.

**30.** No Commissioner or member of a Ward Committee, or servant of the Commissioners or Committee, shall be interested, directly or indirectly, in any contract made with the Commissioners. And if any such person be so interested, he shall thereby become incapable of continuing in office or employment, and shall be liable to a fine not exceeding five hundred Rupees. Provided always that no person by being a shareholder in, or member of, any incorporated or registered company, shall be disqualified from acting as a Commissioner or member of a Ward Committee by reason of any contract entered into between such company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner or member of a Ward Committee in any matter relating to any contract entered into between the Commissioners and such company.

PART III.—MUNICIPAL TAXATION.

CHAPTER 1.

Power of the Commissioners to impose Taxes, Duties, and Tolls.

**31.** It shall be lawful for the Commissioners of any Municipality at a meeting to impose, within the limits of such Municipality, any one or more of the following taxes, duties, and tolls, at such rate as the Commissioners shall see fit, not exceeding the maximum in any case hereinafter mentioned and prescribed:—But no tax duty or toll imposed by the Commissioners under this section shall

be levied until the sanction of the Lieutenant-Governor shall have been obtained to such levy:—

(a)—An annual tax on persons residing in or owning property in the Municipality, according to the circumstances and the property to be protected of the persons liable to pay the same. Provided that no person who resides outside the limits of the Municipality shall be assessed according to his circumstances, but only in regard to the property which he possesses within the Municipality; and that the average annual tax on each holding shall not exceed Rs. 4 in Municipalities of the first class, and Rs. 2 in Municipalities of the second class.

(b)—A tax not exceeding 7½ per cent. on the annual value of houses, buildings, and lands situated within the limits of the Municipality exceeding Rs. 6 per annum, to be paid by the owners thereof.

(c)—A tax on carriages, horses, and elephants, kept or used within the limits of the Municipality; and a fee on the registration of carts and other vehicles.

(d)—A tax on trades and callings carried on and exercised within the said limits.

(e)—A tax on processions, and any public ceremonies not exclusively religious, and requiring the attention of the police, and performed within the said limits.

(f)—Duties on articles entering the limits of the Municipality, or dues on articles sold at markets or hâts, according to a table of rates sanctioned by the Lieutenant-Governor, and subject to such rules and exceptions as the Lieutenant-Governor shall direct.

(g)—Tolls on vehicles and beasts of burden entering the limits of the Municipality, according to a scale sanctioned by the Lieutenant-Governor; and tolls on ferries within the said limits.

CHAPTER 2.

Taxes on persons.

**32.** When it shall have been determined that an annual tax on persons according to their circumstances and property shall be imposed under this Act in any Municipality, the Commissioners or the Ward Committee shall prepare an assessment in respect thereof upon the several persons liable to be assessed within the Municipality or Ward for which such Commissioners or Committee shall be appointed, and shall prepare a list which shall specify every parcel of land, house, or other holding on account of the occupation of which any person is liable to be assessed, the name of the person liable to be assessed in respect of each such holding, the trade, business, or other description of such person, and the amount payable quarterly by such person. It shall be competent to the Commissioners or to a Ward Committee or to the Magistrate to omit from the list prepared under this section any person who may by them or him be deemed too poor to be assessed to the tax leviable under this Chapter.

**33.** The Commissioners or the Ward Committee shall, if the Commissioners so decide, instead of preparing a new assessment for any year, revise and amend the assessment then in force.

Existing assessment may be revised.

**34.** When any assessment shall have been prepared, or shall have been revised and amended by any Ward Committee, such Ward Committee shall forthwith forward to the Commissioners the list containing the same, and such Commissioners shall examine, and, if necessary, amend and settle it.

Commissioners to examine assessment of Ward Committee.

**35.** When an assessment shall have been prepared, or revised and amended directly by any Commissioners, and not by a Ward Committee, such Commissioners shall forward to the Magistrate a list containing the same, and the Magistrate shall examine, and, if necessary, amend and settle it.

Magistrate may amend and settle assessment as made or revised by the Commissioners.

**36.** When the assessment in any Municipality shall have been so made and settled as provided by the preceding sections, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification in the form in Schedule (B) to this Act annexed, or to the like effect, and written in the language of the province in which such Municipality is situate, to be put up in some conspicuous place therein or in the division thereof for which such assessment has been made; and a written copy of the said list to be deposited in his own office. So soon as the copies of the list shall have been so hung up and deposited, public proclamation shall be made throughout such Municipality by beat of a drum notifying that such copies have been so hung up and deposited, and that the copy so deposited in the Magistrate's office is open to inspection.

Assessment to be published.

**37.** Unless and until revised and amended as herein is provided, every assessment, as settled under Section 34 or Section 35, shall be valid for three years, and until a new assessment shall be made. In case the occupant of any property included in any assessment shall be changed before a new assessment be made, the new occupant shall be liable in respect of such property for any portion of the amount so assessed which shall have become payable during his occupation; and after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupant.

Assessment to stand good for three years.

Change of occupation before a new assessment.

**38.** Whenever the period for which any assessment is valid, as provided in Section 37 of this Act, shall be about to expire, notwithstanding anything hereinbefore contained, it shall be lawful for the Magistrate, instead of requiring any Commissioners or Ward Committee to prepare a new assessment, or to revise and amend the assessment then in force, to adopt the said assessment as the assessment for the year next following.

Power to adopt old assessment.

**39.** If no new assessment be made and published before the expiration of the first three months of any year, for which no assessment valid under the provisions of Section 37 shall be in force, the assessment which was in force at the close of the preceding year shall be deemed to be the assessment for the current year.

Old assessment to be continued if new not made.

**40.** As soon as possible after an assessment shall have been adopted under Section 38, or shall have taken effect for the current year under the last preceding section, the Magistrate shall, in the manner provided in Section 36 for giving public notice that copies of the list of assessment have been hung up and deposited, give public notice that the assessment in force at the close of the preceding year will continue to have effect during the current year, but it shall not be necessary to hang up fresh copies of such list; and every person whose assessment may be so continued shall be at liberty to appeal against such assessment as if it were a new assessment made upon him.

Notice of adoption of old assessment to be given.

**41.** Any person who shall have been assessed by any Commissioners, of whom the Magistrate has not been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to such Commissioners at a meeting; and in case such Commissioners shall not grant the prayer of such appeal, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary, by examination of the appellant on oath or solemn affirmation or otherwise, may confirm the assessment or amend the same. In case the Magistrate confirm the assessment, he may order that the appellant shall pay such reasonable costs as may have been incurred in the proceedings on his appeal. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court. Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment prescribed by Sections 36 or 40 or of the notification of the substitution of the name of an occupier under Section 37, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

Appeal from assessment made by Commissioners.

Limitation of appeal.

**42.** Any person who shall have been assessed by Commissioners of whom the Magistrate has been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may apply to the Commissioners for a review of the assessment so far as regards himself; and with regard to such applications, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41,

Appeal against assessment when Magistrate a member of committee.

and the orders passed by the Commissioners on such application shall have the same effect and finality as orders passed by the Magistrate under the said section. Applications under this section to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under Section 41.

**43.** Any person who shall have been assessed by a Ward Committee, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may appeal to the Commissioners. And with regard to such appeals, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41, and the orders passed by the Commissioners at a meeting on such appeals shall have the same effect and finality as orders passed by the Magistrate under the said section. Appeals to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under the said section.

**44.** It shall be lawful for the Magistrate at any time to require any Commissioners or Ward Committee, as the case may be, to make an assessment on account of the occupation of any house which may have been constructed, or any house or other holding which may have become liable to assessment after the general assessment which may then be in force shall have been made, or which may have been by mistake or accident omitted from such assessment. Notice of the amount assessed in accordance with such requisition shall be given to the person so assessed, who may appeal or apply against such assessment according to the provisions of Sections 41, 42, or 43, within one month after the service of such notice.

**45.** It shall be lawful for any person upon whom any assessment shall have been made, who shall, during the period for which such assessment is valid have ceased to occupy any property in respect to which he may have been assessed, or whose property to be protected, and circumstances may have changed during the period aforesaid, to apply on unstamped paper to the Commissioners; and in case such Commissioners shall not grant the prayer of such application, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary by examination of the applicant on oath or solemn affirmation, or otherwise, may amend the assessment of such applicant as to him shall appear just, or may confirm the same; and in case he shall confirm the said assessment, may order that the applicant shall pay such reasonable costs as may have been incurred by reason of such application. The decision of such Magistrate upon such application shall be final.

**46.** The Commissioner of the division, with the sanction of the Government, may at any time direct the Magistrate to revise, or to cause to be revised by the Commissioners or Ward Committee,

the assessment of any Municipality, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise, and if necessary amend the same, or cause it to be revised and amended.

CHAPTER 3.

Taxes on houses.

**47.** When it shall be determined that a tax on the annual value of houses, buildings, and lands shall be imposed in any Municipality, such tax shall be paid by the owners of such houses, buildings, and lands by quarterly instalments, except as hereinafter provided.

**48.** The gross annual rent at which the houses, buildings, and lands liable to the tax may be reasonably expected to be let, shall be deemed to be the annual value of such houses, buildings, and lands, and such value shall accordingly be fixed by the Commissioners from year to year, commencing from the date on which this Act shall have come into operation.

**49.** Whenever any house or building belongs to one owner, and the ground on which the same stands, and which is usually occupied therewith, belongs to another, it shall be lawful for the Municipal Commissioners to assess such house or building and ground together at one consolidated rate. The amount so assessed shall be payable by the owner of the house or building, who shall thereafter be entitled to deduct from the rent which he pays for the ground, such proportion of the tax so paid by him as is equal to the proportion which his rent bears to the annual value of the whole property assessed.

**50.** If the sum due on account of any tax from the owner of any house, building or land remains unpaid after the notice of demand has been duly served, and such owner be not resident within the place, or the place of abode of such owner be unknown, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises, and whenever such tax shall be paid by or recovered from such occupier, he may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof. Provided also that if the tax so deducted is a consolidated tax payable by the owner of a house or building under the next preceding section, the same shall, after such deduction, be deemed to have been paid by such

owner within the meaning of the last mentioned section.

51. The Commissioners shall, at a meeting to be held as soon as may be after their appointment, assess or determine the rate of such annual tax to be levied from the date on which this Act may come into operation till the expiration of the current year, and at a meeting not less than fifteen days before the expiration of each year, shall determine the rate of such tax for the ensuing year.

52. The Commissioners may require the respective owners or occupiers of the houses, buildings, and lands to furnish them with returns of the measurements and of the rent or annual value thereof, and they, or any person appointed by them for that purpose, at any time between sun-rise and sun-set, may enter, inspect and measure any such houses, buildings or lands, after having given forty-eight hours' previous notice of their intention to the occupier thereof. When the valuation of the houses, buildings, and lands, shall have been completed, the Commissioners shall cause lists containing the valuation and assessment to be made out, and shall give public notice thereof, and of the place where the lists or copies thereof may be inspected; and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect such lists, and to make extracts therefrom, without the payment of any fee.

53. The Commissioners shall at the same time give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time valued, or the valuation is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

54. After the appeals have been inquired into, and after the revision of the valuation and assessment has been completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Commissioners, who shall at the same time certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shown 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 for which the assessment shall be made. Provided always that the Chairman or Vice-Chairman may at any time amend the said lists by inserting therein the name of any person whose name ought to be so

inserted, or by inserting any property liable to the tax, after giving notice to such person as may be interested in the making of the amendment, of a day not being less than fifteen days from the date of the service of such notice, when such amendment is to be made, or by striking out any property not liable to the tax, or reducing the amount of the tax, without notice; and in all cases in which any property is inserted as liable to the tax, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the person interested first received notice thereof; and any person interested in such amendment may appeal to the said Commissioners by application in writing left at their office three days before the day fixed in the notice of such amendment.

55. It shall not be necessary to prepare new lists, or to determine the rate of the tax every year, but the Commissioners may adopt the valuation and assessment contained in the lists for the preceding year (with such alteration as may in particular cases be deemed necessary), as the valuation and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section 53 of this Act.

56. Appeals against any tax assessed under this Act shall be heard and determined by not less than three Commissioners and their adjudication, and the assessment by the Commissioners of any tax when no appeal is made as hereinbefore provided, shall be final; and no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

57. When any house shall have been vacant for sixty or more consecutive days during any year, the Commissioners shall remit so much of the tax of that year as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house, or his agent, shall have given to the Commissioners notice in writing of the vacancy thereof, and that the amount of tax to be remitted shall be calculated from the date of the delivery of such notice.

CHAPTER 4.

*Taxes on carriages and wheeled vehicles.*

58. When it shall be determined that a tax on carriages, horses, and elephants shall be imposed in any Municipality, the Commissioners shall declare at what rates, not exceeding the rates given in Schedule (C) to this Act annexed, such tax shall be imposed on all carriages, horses, and elephants kept within the limits of such place; and thereupon such tax shall be payable quarterly. Provided that this section shall not apply to, or include, gun-carriages, or ordnance carts or wagons; cavalry horses or horses of the mounted police; horses belonging to officers

doing regimental duty, at the rate of one horse for each officer; vehicles, horses, or elephants belonging to the Government; vehicles and horses kept for sale, and not used for any other purpose, if kept by *bond fide* dealers.

59. Every person who may have owned or had charge of any carriage, horse, or elephant, kept within such place for any number of days in any quarter, shall be liable to the whole tax for that quarter; but if a carriage shall have been under repair for the whole quarter, no tax shall be leviable in respect of such carriage for that quarter.

Ownership for any number of days in a quarter creates liability to the tax for the whole quarter.

Exemption of carriages under repair.

60. Whenever the owner of the horse, or elephant, let out for hire, and kept for the time being in premises situated within any place shall not reside in such place, the sums to be charged for such carriage, horse, or elephant shall be recoverable from the person in whose premises it is for the time being kept.

Carriage, &c., let for hire within any defined place, although owned by persons not residing therein, liable to the tax.

61. The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such person, in lieu of the rates specified in the schedule.

Commissioners may compound with livery stable-keepers.

62. The Commissioners shall from time to time cause to be prepared and entered, in distinct columns, in a book to be kept by the Commissioners, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax thereon.

List of persons liable to tax to be prepared.

63. In order to enable the Commissioners to have such list prepared, the Commissioners, or any officer authorized by them, may send to all persons supposed to be liable to the payment of the tax, a schedule to be filled up with such information respecting the carriages and animals kept by them as the Commissioners may judge necessary for the assessment of the tax. The schedule shall be filled up in writing, and signed and dated and returned to the office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of the tax.

Returns may be required for purpose of making list.

64. The Commissioners may summon any person supposed to be liable to the payment of the tax, or any servant of such person, and may examine such person or his servant as to the number and description of the carriages and animals in respect of which such person is liable to be assessed, and such person or his servant shall answer such questions as may be put to him by the Commissioners.

Power to summon persons liable to tax.

65. Any person who may dispute his liability to the payment of such tax, or the amount of any such assessment, may appeal to the Commissioners: provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Appeal against assessment may be made to Commissioners.

Proviso.

66. Appeals against any such assessment shall be heard and determined by not less than three Commissioners, and their adjudication upon every such appeal shall be final, and no person shall contest any assessment so made in any other manner than by appeal to the Commissioners as hereinbefore provided.

Commissioners' decision final.

*Registration of wheeled vehicles.*

67. It shall be lawful for the Commissioners of any Municipality at a meeting, with the sanction in writing of the Lieutenant-Governor first obtained, to declare and direct, by notification published in such manner as the Lieutenant-Governor may order, that every cart, hackery, and other wheeled vehicle without springs kept and used within, or let for hire within or without such place, and used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct. Provided that this section shall not apply to, or include carts, hackeries, or other such vehicles as aforesaid kept at more than two miles distance from the said place and used only temporarily or casually in the place, or to carts, hackeries, or other wheeled vehicles without springs, the property of Government or of the Commissioners.

Registration and number of hackeries, &c.

68. The registration of carts, hackeries, and other vehicles under the last preceding section shall be made, and the numbers assigned half-yearly, upon such days as the Commissioners shall notify, and such fee as they shall fix, not exceeding one rupee, shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January of any such cart, hackery, or other vehicle which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Commissioners shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of the fee to be fixed as aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Fee for registration.

69. Whoever owns or keeps any cart, hackery, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused

Penalty for not registering a cart or hackery.



the same to be registered under the last preceding section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed by the owner or the person keeping such cart, hackery, or other vehicle within a further period of twenty days, shall become vested in the Commissioners, and be employed for the purposes of this Act.

#### CHAPTER 5.

##### *Taxes on trades and callings.*

**70.** When it shall be determined that a tax on trades and callings shall be imposed in any town, such determination shall be notified, in such manner as the Lieutenant-Governor may direct, and from the 1st day of April next following such notification, every person who shall within the town exercise any of the professions, trades, or callings specified in Schedule (D) to this Act annexed shall take out a license, and shall pay for the same an annual fee not exceeding such sum as in the said schedule is mentioned. The table of fees leviable under this chapter shall be fixed from time to time by the Commissioners, subject to the confirmation of the Lieutenant-Governor.

**71.** Every license under the next preceding section shall be granted by the Commissioners, or by some person duly authorized by them in that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted, and the sum paid for such license.

**72.** Every license shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 1st day of January next following the notification shall expire on that day, and every such license which shall be granted upon or at any time after that day, shall expire on the 31st day of December next after the day of the granting thereof.

**73.** Every person to whom such license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same from year to year so long as he shall desire to continue such profession, trade, or calling.

**74.** The Chairman, or in a first class municipality a sub-committee of the Commissioners, shall determine under which of the classes mentioned in the Schedule (D) to this Act annexed every person to whom a license may be granted shall be assessed. The Commissioners at a meeting shall from time to time declare what are to be considered bazaars, hâts, or public markets, within the meaning of this Act.

**75.** As soon as may be after the first day of September in every year, the Chairman shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be filed in the office of the said Commissioners, and be open to public inspection at all reasonable times.

**76.** If at any time after three months have elapsed from the day of the date of the said notification, any person within the said limits shall exercise his profession, trade, or calling without having duly taken out a license as required by Section 69, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding three times the amount which, in the judgment, of such Magistrate, would have been payable by such person in respect of a license duly taken out as aforesaid.

**77.** Any person required by Section 69 to take out a license, who shall, without reasonable excuse, neglect or refuse to produce and show his license when required so to do by an officer duly empowered in writing by the Commissioners to make such requisition shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred Rupees.

#### CHAPTER 6.

##### *Taxes on processions, &c.*

**78.** When it shall have been determined that a tax shall be levied in any Municipality on processions and any public ceremonies not exclusively religious, such determination shall be duly notified, and from the date of such notification no person shall organise or conduct a procession or public ceremony within the limits of such Municipality without first taking out a license from the Commissioners. Licenses under this section shall be granted at the following rates namely:—

	Rate of license.
License for a procession or ceremony whereat elephants are to be used, or fire-works are to be displayed, or guns fired	... 100 Rs. for each day.
License for a procession or ceremony whereat more than two hundred persons are to attend...	... 50 " "
License for a procession or ceremony whereat more than fifty and not more than two hundred persons are to attend ...	... 10 " "
License for a procession at which less than fifty people are to attend	2 " "

79. Any person who may organize or conduct a procession within the limits of such Municipality without first obtaining a license, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the amount of the license fees payable in respect thereof under the next preceding section. Any police officer above the grade of constable may call upon the conductor or organizer of a procession to produce his license, and if the license be not produced, he shall report the circumstances to the Commissioners or to the Magistrate; but he shall not arrest any one or stop the procession, unless he is unable to ascertain the name and address of the organizer of the procession. In the case of processions connected with marriage or betrothal the nearest adult male relative, or the guardians of the bride and bridegroom, or of the betrothed parties, shall, unless the contrary be proved, be deemed to have organized or conducted the procession.

Penalty for organising procession without license.

conduct a procession within the limits of such Municipality without first obtaining a license, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the amount of the license fees payable in respect thereof under the next preceding section. Any police officer above the grade of constable may call upon the conductor or organizer of a procession to produce his license, and if the license be not produced, he shall report the circumstances to the Commissioners or to the Magistrate; but he shall not arrest any one or stop the procession, unless he is unable to ascertain the name and address of the organizer of the procession. In the case of processions connected with marriage or betrothal the nearest adult male relative, or the guardians of the bride and bridegroom, or of the betrothed parties, shall, unless the contrary be proved, be deemed to have organized or conducted the procession.

CHAPTER 7.

*Duties on articles.*

80. When it shall have been determined that duties shall be levied on articles entering within the limits of any Municipality, the Commissioners shall prepare and submit for the Lieutenant-Governor's approval a schedule of proposed rates for the levy of such duties, and shall prepare and submit as aforesaid bye-laws which shall provide for the collection and realization of such duties, for penalties for non-payment, and for exempting all through traffic from taxation, and for refunding the duty levied on duty-paid goods which are taken out of the municipal limits. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws: provided that no duty shall be levied on any article at a rate exceeding two per centum on the average value of such article. The rates and bye-laws for any Municipality shall, when finally approved, be published in such Municipality in such manner as the Lieutenant-Governor may direct.

Duties on articles entering Municipal limits.

duties shall be levied on articles entering within the limits of any Municipality, the Commissioners shall prepare and submit for the Lieutenant-Governor's approval a schedule of proposed rates for the levy of such duties, and shall prepare and submit as aforesaid bye-laws which shall provide for the collection and realization of such duties, for penalties for non-payment, and for exempting all through traffic from taxation, and for refunding the duty levied on duty-paid goods which are taken out of the municipal limits. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws: provided that no duty shall be levied on any article at a rate exceeding two per centum on the average value of such article. The rates and bye-laws for any Municipality shall, when finally approved, be published in such Municipality in such manner as the Lieutenant-Governor may direct.

81. When it shall have been determined that market dues shall be levied upon the sale of goods at any periodical market within the limits of any Municipality, the Commissioners shall prepare and submit a schedule of rates for the levy of such dues, and shall prepare and submit bye-law for the collection and realization of such dues and for penalties for non-payment. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws, provided that such dues shall in no case exceed one quarter of an anna in every rupee of the price for which such goods may be sold.

Market dues on sale of goods.

market dues shall be levied upon the sale of goods at any periodical market within the limits of any Municipality, the Commissioners shall prepare and submit a schedule of rates for the levy of such dues, and shall prepare and submit bye-law for the collection and realization of such dues and for penalties for non-payment. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws, provided that such dues shall in no case exceed one quarter of an anna in every rupee of the price for which such goods may be sold.

82. It shall be lawful for the Commissioners, with the sanction of the Lieutenant-Governor, to lease out for any term not exceeding three years, the collection of duties or dues under the two next preceding sections. Such lease shall be subject in all respects to the rates and bye-laws passed under the said sections.

Power to lease the same.

with the sanction of the Lieutenant-Governor, to lease out for any term not exceeding three years, the collection of duties or dues under the two next preceding sections. Such lease shall be subject in all respects to the rates and bye-laws passed under the said sections.

CHAPTER 8.

*Tolls.*

83. When it shall have been determined that Municipal Funds shall be raised by tolls on ferries within the limits of a Municipality the Commissioners shall notify the ferry or ferries at which such tolls shall be levied; and shall also notify such rates of tolls as the Lieutenant-Governor may from time to time sanction. A table of tolls, written or printed, in the English and native languages, shall be hung up in some conspicuous place near every ferry so as to be easily read by all persons crossing at the ferries.

Table of tolls.

84. Every toll-keeper or ferry lessee who shall neglect to hang up and keep in good order and repair such table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding ten Rupees.

Penalty for neglecting to put up a table of tolls.

shall neglect to hang up and keep in good order and repair such table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding ten Rupees.

85. Every toll-keeper or ferry lessee who shall ask or take any toll other than the lawful toll, or who shall without due cause delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding fifty Rupees.

Extortion or misconduct by toll-keeper.

ask or take any toll other than the lawful toll, or who shall without due cause delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding fifty Rupees.

86. Every person crossing at any such public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any toll-keeper or any of his assistants in any way in the execution of their duty under this Act; and every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy, or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding fifty Rupees over and above the value of the damage, if any, which he has done.

Refusal to pay toll, &c.

public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any toll-keeper or any of his assistants in any way in the execution of their duty under this Act; and every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy, or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding fifty Rupees over and above the value of the damage, if any, which he has done.

87. The Commissioners may make rules, subject to confirmation by the Lieutenant-Governor, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers, and other persons employed at any public ferry: and any tindal, toll-keeper, or other person infringing or disobeying any such rule, shall be liable to a penalty not exceeding twenty Rupees, and also to make good any loss or damage caused thereby, the amount of which shall be summarily ascertained by the Magistrate, within whose jurisdiction the offence was committed, and such amount may be recovered as any penalty under this Act may be recovered.

Bye-laws for regulating ferry-boats, &c., to be made by Commissioners.

subject to confirmation by the Lieutenant-Governor, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers, and other persons employed at any public ferry: and any tindal, toll-keeper, or other person infringing or disobeying any such rule, shall be liable to a penalty not exceeding twenty Rupees, and also to make good any loss or damage caused thereby, the amount of which shall be summarily ascertained by the Magistrate, within whose jurisdiction the offence was committed, and such amount may be recovered as any penalty under this Act may be recovered.

88. Every person who shall convey for hire any passenger, animal, cart, carriage, or goods, across any arm of the sea, creek, or river within the provinces subject to the Lieutenant-Governor to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any public ferry, without the special license of the Magistrate of the district in which the ferry is situated, shall be liable to a penalty not exceeding fifty Rupees. Provided that nothing in

Carrying for hire within three miles of a ferry without license of Magistrate.

Every person who shall convey for hire any passenger, animal, cart, carriage, or goods, across any arm of the sea, creek, or river within the provinces subject to the Lieutenant-Governor to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any public ferry, without the special license of the Magistrate of the district in which the ferry is situated, shall be liable to a penalty not exceeding fifty Rupees. Provided that nothing in

Provided.



this section shall subject to such penalty any person who shall specially let for hire his boat for the conveyance of any other person or his family or goods across any creek or arm of the sea within the said settlement.

89. The Commissioners may appoint at any ferry managed under this Act toll-keepers, and may collect the tolls through such toll-keepers, or they may grant a lease of any such ferry for any period not exceeding three years.

90. It shall be lawful for the Lieutenant-Governor to make over to the Commissioners any existing ferry within the limits of the Municipality, and such ferry shall thenceforward be subject to the provisions of this Act.

91. When it shall have been determined that tolls shall be levied on vehicles and beasts of burden entering any town, the Commissioners shall submit to the Lieutenant-Governor a table of rates and rules for the levy of such tolls; and the Lieutenant-Governor may modify or approve such tables and rules. The rules and rates, so modified or approved, shall not take effect until one month after they shall have been duly notified. Provided that the rates shall in no case exceed the rates laid down in Schedule (E) appended to this Act.

92. The tolls or rates determined as in the next preceding section shall be levied upon all carriages, carts, and animals entering the municipal limits; and the Commissioners may construct toll-bars, gates, and gate-keepers' stations, and may place the collection of such tolls under the management of such persons as may appear to them proper, or may lease out the same for any period not exceeding three years, and shall frame bye-laws in manner hereinafter provided for the guidance of such toll collectors; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would attach to them if employed in the collection of any assessment or tax under this Act. Provided that this section shall not apply to carriages, carts, and animals licensed or registered by the Commissioners: provided also that no more than one payment of toll shall be demanded for, and in respect of, any carriage, cart, or animal in any one period of twenty-four hours from midnight to midnight.

93. In case of non-payment of any such toll on demand, the officer appointed or duly authorized to collect the same may seize any carriage or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll. If any toll, together with the cost arising from such seizure and custody, remains undischarged for forty-eight hours, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale. Any balance that may remain shall be returned, on demand, if made within twelve months, to the owner of the property, and

if unclaimed after such period, shall be credited to the Municipal Fund. After seizure of the property, as aforesaid, the Commissioners shall forthwith issue a notice in writing that, after the expiration of two days, exclusive of Sunday, they will sell at such place as they may state in the notice the property by auction. Provided that if at any time before the sale has actually begun the person whose property has been seized shall tender to the Commissioners, or other officer appointed by them, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

94. No tolls shall be paid for the passage of troops on their march, or of military or Government stores, or of military or police officers on duty, or of any person or property in their custody, or of conservancy carts or other such vehicles belonging to the Commissioners; but no other exemption from payment of the tolls levied under this Act shall be allowed.

95. It shall be lawful for the Commissioners to compound with persons living outside the Municipal limits for a sum to be paid annually or half-yearly, in lieu of all tolls payable under the provisions of this Act in respect of carriages, carts, or animals entering the municipal limits; and the Commissioners shall issue licenses for such carriages, carts, or animals; and while such licenses shall remain in force, such carriages, carts, and animals shall be exempt from all tolls as aforesaid upon entering the municipal limits. Provided always that such composition shall include all the carriages, carts, and animals possessed by the person compounding.

96. In all cases of resistance to the lawful authority of the toll-collectors, all police officers shall be bound to assist the toll collectors when required; and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

97. Every person other than persons appointed or duly authorized to collect the tolls under this Act, who shall levy or demand any toll, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act, seize or sell any property, knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be deemed to have committed the offence of cheating or extortion, as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

98. A table of the tolls authorized to be taken at any toll-gate or station, legibly written or painted in English words and figures, and in the vernacular language or languages of the district, shall be put up in a conspicuous place near such gate or station.

**PART IV.—MODES OF RECOVERY OF MUNICIPAL TAXES.**

**99.** Every tax collector shall prepare for the lists heretofore mentioned a register which shall contain the names of all persons assessed, the property in respect of the occupation of which the assessment in each case is made, and the amount payable quarterly by each person in the Municipality or division, or portion of a Municipality in which the duties of such tax collector are to be performed; and every such list shall be attested by the Chairman.

**100.** Every tax to be payable under this Act shall be payable by four equal quarterly instalments. The instalment of tax on account of any quarter shall be due on the first day of the month in the said quarter.

**101.** When any sum is due on account of any tax leviable under this Act, the Chairman shall, unless otherwise specially provided in this Act, cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the property or thing for which the charge is made. If the bill be in respect of the tax upon carriages, horses, and elephants, it shall contain a notice of the time within which an appeal against such tax may be preferred.

**102.** For all sums collected on account of any tax under this Act, a receipt shall be given signed by the tax collector or by some other officer who may have been specially authorized by the Magistrate to grant such receipts.

**103.** The Tax Collector or other officer appointed on that behalf shall remit, in such manner and at such times as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment, and the Magistrate, or some other officer authorized on that behalf, shall give the tax collector a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to the Municipal Fund.

**104.** If any bill which may have been presented in pursuance of this Act be not paid by the person liable to pay the same within ten days from the presentation thereof, the Magistrate may cause to be served upon such person a notice of demand in the Form (A) in Schedule F annexed to this Act, or to the like effect; and if such person shall not, within ten days from the service of notice of such demand, pay the sum due, together with a fee of two annas as costs for the service of the notice of demand, or show to the Magistrate sufficient cause for non-payment of the same, the amount of the arrear due, with costs on the scale in the Form (B) in Schedule F set forth, which shall include those of serving the notice of demand, may be levied by distress and sale of any goods and chattels belonging to the defaulter which may be found within the Municipality, or

of any goods and chattels whatever which may be found on the premises in respect of the occupation of which such defaulter is liable to such tax.

**105.** Every warrant of distress and sale under the last preceding section shall be issued by the Magistrate, and shall be in the Form (C) in Schedule F set forth. The officer charged with the execution of the warrant of distress shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof, by beat of drum, in the town or division thereof in which the property is situated and by serving on the defaulter a notice in the Form (D) in Schedule F. If the arrear be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Magistrate, the goods and chattels seized shall be sold by public outcry at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and the costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The tax collector or other officer appointed on that behalf under this Act shall make a return of all such sales to the Magistrate in the Form (E) specified in Schedule F; and the costs upon every such proceeding shall be such as are mentioned and set forth in Form (B) in Schedule F annexed to this Act.

**106.** If no sufficient goods or chattels belonging to a defaulter or being upon the premises in respect of the occupation of which the tax is due can be found within the Municipality in which the premises are situate, the Magistrate on being satisfied thereof, and of the existence of an arrear, may issue his warrant for the distress and sale of any goods and chattels belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any goods and chattels belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall back the warrant so issued, and cause it to be executed and the amount (if levied) to be remitted to the Magistrate issuing the warrant.

**107.** All goods and chattels, except tools or instruments of trade, which may be found upon any premises in respect of the occupation of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels, belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same. Provided that no arrear of tax which has remained due for more than three calendar months shall be recovered by distress and sale of the goods and chattels of any person other than the defaulter himself, who did not reside on the premises in respect of which such tax was imposed at the time when such arrear became due.

All goods found on premises liable to sale.

But owner of goods to be indemnified by the defaulter.

108. Every tax collector and other servants appointed for, or employed in, the performance of any duties connected with the assessment or collection of the tax under this Act, is prohibited from bidding for or purchasing any property at such sales as aforesaid. Any person purchasing property in contravention of this section shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty Rupees, and the sale shall be quashed and the property declared liable to resale.

109. The Magistrate shall cause a regular account to be kept of all distresses levied and sales made for the realization of arrears under this Act.

110. Whoever conceals, removes, or disposes of any property belonging to the person who is liable for any amount of tax, for the purpose of avoiding a distress under the provisions of this Act, shall be considered to have concealed, removed, or disposed of such property fraudulently.

#### PART V.—MUNICIPAL FUND AND ITS APPLICATION.

111. All monies, rents, and profits received by the Commissioners by virtue of this or any other Act, and all fines, fees, and penalties paid or levied under this Act, and all other monies which, under sanction of Government, may be transferred to such Commissioners, shall constitute a fund, which shall be called the Municipal Fund, and shall, together with all property of every nature or kind which may become vested in the said Commissioners, be under their control, and shall be held by them and their successors in trust for the purposes of this Act.

112. The Commissioners shall set apart annually out of the Municipal Fund a sum sufficient for the maintenance of police officers appointed or employed under Act V of 1861, or any other Act which may for the time being be in force for the regulation of the police within the territories subject to the Lieutenant-Governor of Bengal or any part thereof; provided that the number of police officers shall be determined in manner as hereinafter provided.

113. The Municipal Fund, after a sum has been set apart as in the manner provided by the next preceding section, may, subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe, be applicable within the towns in which it is raised, to the following purposes, that is to say—

(1)—The construction, repair, and maintenance, of streets and bridges.

(2)—Works of public utility calculated to promote the health, comfort, or convenience of the townspeople; including the supply of water, expenses of lighting of streets, the construction, repair, and maintenance of hospitals, dispensaries, lunatic asylums, rest-houses, tanks, wells, and markets; also the payment of all charges connected with the objects for which such buildings were constructed, the training and employment of medical practitioners and vaccinators, the sanitary inspections, the registration of births and deaths, the cleansing of

tanks or wells, and the application of the Indian Contagious Diseases Act.

(3)—The diffusion of education, and with this view, the construction and repair of school-houses, the establishment, and maintenance of schools, either wholly or by means of grants-in-aid, the inspection of schools, and training of teachers.

(4)—The support or relief of the poor in time of exceptional distress and scarcity.

114. It shall be competent to the Commissioners, with the sanction of the Lieutenant-Governor, to contribute a portion of the Municipal Funds toward the expenses incurred in any other Municipality under this Act, or in any district or sub-division under the District Road Cess Act 1871 passed by the Lieutenant-Governor of Bengal in Council where such expenditure is incurred for any of the purposes described in the last preceding section and is calculated to benefit the inhabitants of the contributing town, or to relieve exceptional distress in the neighbourhood; provided always that where such contribution has not been originally recommended by the Commissioners, it shall not be obligatory upon them until the proposal to make such contribution shall have been submitted to them by the Lieutenant-Governor, and they shall have had the opportunity of offering their opinions thereon.

115. It shall be competent to the Lieutenant-Governor to appoint, from time to time, such officers as may be required for the purpose of inspecting or superintending the operations of the Municipalities created by this Act, and to assign to them such salaries as the Lieutenant-Governor shall think reasonable; and the expense incurred by reason of such appointments shall be defrayed in rateable proportions out of the funds of the several Municipalities established under this Act. And the said Lieutenant-Governor may direct that the municipalities in any district or division shall pay such sum as he may consider reasonable towards the cost of clerks or other establishment maintained in the office of the Collector or Commissioner for purposes of supervision under this Act.

116. The Commissioners shall consider and pass at a meeting, a statement or estimate showing the probable receipts, and the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of April then next, and the items in respect of which it is proposed to incur such expenditure, and may also consider and pass a supplemental estimate providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised in the official year then current for the purposes of this Act.

117. Copies of the aggregate estimates for any Municipality which shall have been passed under the provisions of the next preceding Section, and if necessary, translations thereof into the vernacular of the district, shall be lodged in the offices of the Magistrate of the district and of the Magistrate, and at some convenient place within such Municipality. During fourteen days after such estimates shall have been so lodged in the said offices, of which due notice shall be

publicly given, such estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times and seasons by any rate-payer of such towns who may desire to inspect the same.

118. As soon as is practicable, after the expiration of the said fourteen days, the Magistrate shall transmit to the Magistrate of the district the said estimates, with any remarks or objections thereupon which may have been recorded by himself or by the Municipal Commissioners at a meeting. The Magistrate of the district shall transmit to the Commissioner of the Division the said estimates, together with any remarks or objections made by the Magistrate or the Municipal Commissioners, and his own opinion thereon.

119. The Commissioner of the division shall sanction, if unobjectionable, any estimate forwarded under the next preceding section. If he see any objection to such estimate he may record his objection: and he shall have power to remit for reconsideration the estimate of any Municipality made under this Part which may have been voted by less than two-thirds of the Commissioners of such Municipality.

120. The Commissioners shall, at such time or times, and in such form as the Lieutenant-Governor shall direct, furnish an annual report of their proceedings and statements in detail of all the works executed by them, and of all sums received and expended by them. All the municipal accounts shall be audited by such person and in such manner as the Lieutenant Governor shall direct. The annual report shall be published in the *Calcutta Gazette*.

121. All sums collected under this Act, and all funds appropriated by Government for the purposes of this Act, shall be paid into the nearest Government treasury of the district, or, with the sanction of Government, into any Bank or branch Bank, or Native Banker established in or near to the Municipality, and shall be credited to an account to be called the Municipal Fund of the Municipality where they have been raised, provided always that it shall be competent to the Commissioners, with the sanction of Government, to invest any sums not required for immediate use either in the Government Savings Bank or in Government securities, or in any other form of security which may be approved of by Government.

122. All orders for payment of money from the Municipal Fund shall be signed by the Chairman or, in his absence, by the Vice-Chairman, or, in the absence of the Vice-Chairman, by any two of the Commissioners.

123. Within one month after the commencement of each year, the Magistrate shall cause to be prepared accounts of the receipts and expenditure of the Municipal Fund during the previous year; and shall cause such accounts to be laid before the

Municipal Commissioners for the space of one month, and shall cause copies of such accounts, and of any remarks made thereon by the Municipal Commissioners to be forwarded to the Magistrate of the district, who shall forward the same to the Commissioner of the Division.

PART VI.—REGISTRATION OF BIRTHS AND DEATHS.

124. It shall be lawful for the Commissioners to keep in their office a register of all births and deaths within the Municipality, and for this purpose they shall divide the Municipality into such and so many districts as they shall think fit, and for every such district they shall appoint a person to be Registrar of births and deaths within such district.

125. Every Registrar shall dwell within the district of which he is Registrar, and shall cause his name, with the addition of Registrar for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house; and the Commissioners shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the town.

126. The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place within the Municipality according to the forms prescribed in Schedules (G) and (H) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

127. Every Registrar shall inform himself carefully of every birth and of every death which shall happen in his district after the first day of September, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H), respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

128. The father or mother of every child born within the Municipality, or in case of the death, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one month next after the day of every such birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

129. Some one of the persons present at the death, or in attendance during the last illness, of every person dying within the Municipality, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person. Any person who shall refuse or neglect to give any information which it is his duty to give under this section, shall be liable to a penalty not exceeding one hundred Rupees.

130. Every person by whom the information contained in any register of births or deaths under this Act shall have been given, shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

#### PART VII.—MUNICIPAL POLICE.

131. At such time or times, and in such form as the Lieutenant-Governor shall direct, the Commissioners at a meeting shall prepare a statement of the police force required for their Municipality, and such statement, when passed at a meeting of the Commissioners shall be forwarded to the Lieutenant-Governor through the Magistrate to the Commissioner of the division, who shall either himself sanction or amend the statement, or shall forward it to the Lieutenant-Governor for sanction or amendment, according as the said Lieutenant-Governor may, in each case from time to time, direct who shall sanction or amend such statement. The police force, according to the statement finally approved by the Lieutenant-Governor, shall be the police force of the Municipality for the year next ensuing, and its cost shall be incorporated on the estimates of expenditure to be prepared under this Act.

132. When the strength and the cost and distribution of the police of any Municipality shall have been settled under the next foregoing section, no alteration shall be made in such strength or cost or distribution of costs, save on the recommendation of the Commissioners and with the sanction of the Lieutenant-Governor of Bengal, or of the Commissioner of the division in cases where the Lieutenant-Governor may have delegated to the Commissioner powers under this section.

133. The Commissioners or a sub-committee of the Commissioners nominated for that purpose shall control, appoint, and dismiss or suspend the members of the town police force; provided that no police officer above the rank of constable shall be dismissed or suspended without the sanction of the magistrate of the district; and provided that all the acts of a sub-committee under this section shall be liable to revision by the Commissioners at

134. No police officer, who forms part of the strength of the Municipal police, shall be liable to serve beyond the limits of the Municipality, save in execution of duties imposed on him by his employment as a police officer of such Municipality.

135. As soon as possible after the close of each month the District Superintendent of Police shall, as regards each Municipality, present to the Magistrate, in whose jurisdiction such Municipality may be situated, a bill showing the actual expenses incurred during the preceding month in the payment of the said force, and the contingent expenses thereof; and the said Magistrate, on being satisfied that the bill is substantially in accordance with the estimate for such town, shall cause the amount of such bill to be paid to the District Superintendent from the Municipal Fund.

136. The total amount which shall be chargeable to the Municipal Fund for the cost of any police force which may be sanctioned by the Government for employment within any town, including the contingent expenses of such force, shall not exceed the average rate of one rupee and eight annas per annum for each house in such town, provided that the number of police officers appointed shall not be greater than one superior officer for every fifteen constables, and one constable for every fifty houses.

#### PART VIII.—INTERVENTION BY THE GOVERNMENT.

137. If the Commissioners of any Municipality fail to effect the necessary repairs and maintenance of roads, or to pay for the police of the town, it shall be lawful for the Commissioner of the Division in which such Municipality is situated to convene a Committee, consisting of the district sub-divisional Magistrate, the executive engineer of the division, the civil surgeon, and two members nominated by the said Commissioner; and such Committee shall inquire into and report upon the state of such Municipality. And the Lieutenant-Governor may on the report of such Committee call upon the Commissioners, by requisition in writing signed by him and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Act, and thereupon if the Commissioners neglect for the space of three months then next ensuing to comply with the said requisition, the Lieutenant-Governor may direct the Magistrate to raise the necessary funds under the provisions of this Act and carry out in all respects the purposes thereof.

138. When it shall appear to the Lieutenant-Governor in regard to any first class Municipality, or to such officer as he may delegate authority under this section in regard to any second class Municipality, either that due provision is not made for the construction and maintenance in the municipal limits of any district road passing through such limits, and that hinderance to the traffic of the country is caused thereby, or that reasonable elementary education is not available at a fair cost for children of the residents, it shall be lawful for

Police paid under Act not to be employed beyond town.

Maximum amount chargeable on account of police.

Administration of Municipality may be transferred to Magistrate if Commissioners fail to maintain roads and pay for police.

Or if Commissioners fail to maintain district roads or provide means of elementary education.

the Lieutenant-Governor, or such delegated officer as aforesaid, to call upon the Commissioners to repair or maintain such roads, or to provide such means of elementary education as may seem to the Lieutenant-Governor fit; and in case they shall not within three months make due provision for the same, to authorize the Magistrate to collect and apply to these purposes any of the municipal taxes hereinbefore authorized to be imposed.

139. It shall be lawful for the Lieutenant-Governor to direct the Commissioners of any Municipality to contribute the whole or a part of the cost of any elementary school established within such municipality, provided that in no case shall the contribution made under this section for any one year exceed one-sixth part of the balance of the Municipal Fund available, after the cost of police has been met, for carrying out the purposes of this Act. An elementary school shall be deemed to be a vernacular school or a school with a vernacular department, provided that the fee for each vernacular scholar at such school be not more than one anna per month.

Commissioners may be required to contribute towards the cost of Government schools.

PART IX.—MUNICIPAL REGULATIONS.

CHAPTER I.

*Duties of Commissioners, &c.*

140. The provisions of this and the next succeeding Part shall not have force in any Municipality until they shall have been specially extended thereto, and it shall be lawful for the Lieutenant-Governor of Bengal to extend any or all of the sections in this Part to any Municipality created under this Act, and the said Lieutenant-Governor shall have power to withdraw any Municipality from the operation of all or any of the sections of this Part.

Limits of the operation of this Part.

141. The Commissioners may cause a name to be given to any road and affixed in such place or places as they may think fit, and may also cause a number to be affixed to every house in every road for the purpose of identifying such house; and the Commissioners at a meeting may cause such names and numbers to be altered.

Names of streets and numbers of houses.

142. The Commissioners shall provide all carts, carts, and implements required for the removal of night-soil, dung, and other filth, and shall, from time to time, appoint or provide places convenient for the deposit of such night-soil, dung, and other filth, and for keeping all cattle, carts, and implements, required for the removal thereof, and for other purposes of conservancy.

Places of deposit for filth.

143. It shall be the duty of the occupier of every house within the limits of any Municipality to remove from his premises all night-soil, dung, and other filth into carts provided by the Commissioners for the purpose of carrying away the same, and at such times and in such manner as the Commissioners may direct. Provided that of the occupier of any house shall prefer to carry

Occupiers of houses to remove night-soil, &c., to carts of Commissioners.

Proviso.

away the said night-soil, dung, or other filth, it shall be open to him to do so in conformity with the provisions of Section 148 of this Act.

144. All dirt, ashes, rubbish, sewage, soil, dung, and filth, collected by the Commissioners from the roads, houses, privies, sewers, and cess-pools, shall be held to be the property of the said Commissioners, who shall have power to sell and dispose of the same; and the money arising from the sale thereof shall form part of the Municipal Fund.

All rubbish collected to be the property of Municipal Commissioners.

145. The Commissioners may cause any number of movable or fixed dust boxes, or other convenient receptacles wherein dust and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in convenient situations, and may require the occupiers of houses in roads to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles.

Dust boxes in streets.

146. The Commissioners shall from time to time fix the hours within which it shall be lawful to remove night-soil or other such offensive matter, and the manner in which such night-soil or other offensive matter shall be removed.

Removal of night-soil.

147. The Commissioners, or any officer appointed by them for that purpose, may inspect all privies, drains, and cess-pools within any Municipality at any time between sunrise and sun-set, after six hours' notice in writing to the occupier of any premises in which such privies, drains, or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he think fit for the purpose of preventing or removing any nuisance arising from such privies, drains, or cess-pools.

Inspection of drains, privies, and cess-pools.

148. All public streams, channels, water-courses, tanks, reservoirs, springs, and wells in any town shall, for the purposes of this Act, be under the direction and control of the Commissioners.

All public streams, &c., to be under direction and control of the Commissioners.

149. The Commissioners shall have power to set apart a sufficient number of convenient tanks, or parts of rivers, streams, or channels, not being private property, for the inhabitants to bathe in, and also to set apart tanks or other places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

Bathing places, &c.

150. It shall be lawful for the Commissioners to require, by notice in writing, the owner of any premises to cleanse any private tank, and to drain off and remove any waste or stagnant water within any such premises which may appear to be injurious to health or offensive to the neighbourhood; and if such owner refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioners, their officers, and workmen, may enter such premises, and do all such necessary acts for all or any of the purposes aforesaid as they shall think fit; and the expense incurred thereby shall be paid by the

Power to require unwholesome tanks on private premises to be cleansed or drained.



owner of such premises so making default, and shall be recoverable as a debt due to the Commissioners.

**151.** Whenever any lands or premises being private property or within any private enclosure, appear to the Commissioners to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation or drain such premises, and if he do not within one week after such notice begin to cut, clear, and remove such vegetation, or to drain such land, and do not complete such work with the due diligence, the Commissioners, their officers and workmen, may after forty-eight hours' notice, enter into the said premises, and do all necessary acts for the purpose aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

**152.** The Commissioners may, from time to time, as they see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

#### CHAPTER 2.

##### Penalties.

**153.** Whoever wilfully removes, obliterates, or destroys any name or number affixed under section 141 of this Act, or under the provisions of any Act hereby repealed, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 20.

**154.** Whoever commits any nuisance, or deposits, or permits his servants to deposit any dust, dirt, dung, ashes, garden, kitchen, or stable refuse or filth of any kind, or any animal matter, or any broken glass or earthenware, broken brick, mortar, or other rubbish, in any road or on the pavement or verandah of any house, or on any ground between the house and the road, or any public quay, jetty, or landing place, or on any part of a river bank, whether above or below high water-mark, except in such places and in such manner and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**155.** Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any road or public highway; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such road or highway, shall be liable to a fine not exceeding ten Rupees.

**156.** Whoever, being the occupier of a house within the limits of any Municipality, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in or upon the roof of any out-house, or in any yard or ground attached to, and occupied by the occupier of such house, shall be liable to a penalty not exceeding ten Rupees for each offence.

**157.** Whoever, being the owner or occupier of any house, building, or land within any Municipality, whether tenanted or otherwise, suffers the same to be in a filthy or unwholesome state, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

**158.** It shall also be lawful for the Commissioners to grant to such persons and for such period as they think fit, licenses to keep privies for public accommodation, subject to such conditions as may be necessary for the preservation of public health and decency. Any such person holding such license, and failing to observe the conditions prescribed in such license, shall be liable to a fine not exceeding fifty Rupees. Provided that it shall be lawful for the Commissioners, at any time, on giving one month's notice in writing, to cancel any license granted under this section.

**159.** Whoever throws or puts, or permits his servants to throw or put any earth, dirt, or other filth, rubbish, or night-soil into any sewer not specially appropriated for such purpose by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**160.** Whoever, except as permitted by the Commissioners, bathes in any public stream, channel, water-course, tank, reservoir, spring, or well, or in any other manner fouls the water thereof, shall be liable to a fine not exceeding ten Rupees for each offence.

**161.** Whoever being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any road or public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees, and to a fine not exceeding three Rupees for every day after conviction for such offences during which the offence is continued.

#### CHAPTER 3.

##### Conservancy works.

**162.** The Commissioners shall provide and maintain, in sufficient numbers and in proper situations, common privies and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

**163.** It shall be lawful for the Commissioners to prescribe the form or construction of privy which the owner or occupier of any house or building within the limits of the Municipality may have on his premises; and such owner or occupier shall have such privy shut out by a wall or fence from the view of persons passing by or residing in the neighbourhood; and any such owner or occupier having a privy constructed in a form different from that prescribed by the Commissioners, or failing to shut it out from public view in the manner hereinbefore directed, shall be liable to a fine not exceeding ten Rupees, and to a further fine not exceeding ten Rupees a day for each day of default or breach of the provisions of this section after written notice duly given by the Commissioners to such owner or occupier.

**164.** All public sewers, drains, and other works for conservancy existing in any Municipality at the time this Act comes into operation, or which may afterwards be made, shall be under the direction and control of the Commissioners.

**165.** All public sewers, or other works for the improvement, or the conservancy hereafter required in any Municipality shall be constructed under the direction of the Commissioners, who shall be empowered to purchase any land necessary for such purpose from funds at their disposal; or such land shall, if necessary, be taken under the sanction of Government, under the provisions of any Act heretofore passed, or which shall hereafter be passed, for the acquisition of land for public purposes.

**166.** All branch drains, and all privies and cess-pools within any town, shall be under the survey and control of the Commissioners, and shall be repaired and made efficient at the cost of the owners of the lands and buildings to which the same belong. If any such owner neglect, during eight days after notice in writing, to repair and make the same efficient in such manner as may be required by the Commissioners, the Commissioners shall cause such drain, privy, or cess-pool to be made efficient, or, if necessary, removed, and the expense of such removal or repair shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

**167.** If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool, which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees. And the Commissioners may cause such drain, privy, or cess-pool to be removed, or may cause such amendment or alteration to be made therein as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built,

CHAPTER 4.

*Obstructions in the road.*

**168.** Whoever builds any wall or erects or sets up any fence, rail, post or other obstruction or encroachment, in any road or public highway, or in or over any open drain, sewer, or aqueduct along the side of any such road or highway, shall be liable to a fine not exceeding one hundred Rupees: and the Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as a debt due to the Commissioners.

**169.** Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any road or public highway, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

**170.** The Commissioners may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which after this Act shall have taken effect, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road or public highway, or obstructs, or projects or encroaches into or upon, any uncovered aqueduct, drain, or sewer in such road or highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred Rupees; and the Commissioners in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

**171.** The Commissioners may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building in any road or public highway before this Act shall have been extended to the place, to be removed or altered as they shall think fit; provided that notice be given of such intended removal or alteration to the occupier of the house or building against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

**172.** Whenever any house or building, part of which projects beyond the regular line of



side thereof, shall be taken down in order to be re-built or altered, the Commissioners may require the same to be set back to, or towards the line of the road or highway, or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of such house or building for any damage he may thereby sustain.

173. The Commissioners may give notice to the owner or occupier of any land to cut and trim any hedges or trees which overhang any road or public highway, so as to obstruct the passage; and in the event of such notice not being complied with within eight days from the date of service thereof, the Commissioners may cause the said hedges or trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner or occupier, and shall be recoverable as a debt due to the Commissioners.

174. It shall be lawful for the Commissioners, by a by-law to be made in manner hereinafter provided, to direct that the external roof and walls of huts or other buildings about to be erected or renewed in or near any road or public highway shall not be made of grass, leaves, mats, or other such inflammable materials.

175. No person intending to build or take down, alter, or repair any building, shall deposit any building materials or make a hole in or near any public highway, without the permission of the Commissioners, and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night: and whoever so deposits materials or so makes a hole without such permission, or fails to fence or enclose and cause to be lighted such materials or hole, or remove such materials or fill up or otherwise make secure such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

176. If any house or other building, tank, well, or hole or other place, whether on public or private ground be, for want of sufficient repair or protection, dangerous to human beings, the Commissioners shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier of the premises, if any, and shall also cause notice to be put on some conspicuous part of such premises, requiring the owner, or occupier, if any, forthwith to take down, secure, repair, or protect such building, tank, well, or hole, or other dangerous place; and if such owner or occupier do not, within three days after such notice, begin to comply with the requisition, and do not carry on the work to the satisfaction of the Commissioners, they may

cause the same to be taken down, secured, repaired, or protected, so as to prevent danger therefrom; and the expense of such work shall be paid by the owner or occupier of such property so making default, and shall be recoverable as a debt due to the Commissioners.

177. If, in any road any house, building or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state or likely to fall, or in any way dangerous, they shall forthwith give notice in writing to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier thereof, if any, requiring such owner or occupier to take down or secure the same within a fixed time; and in default the Commissioners shall cause such repairs to be made or such buildings to be removed; and the expense thereby incurred shall be paid by the owner of the premises so making default, and shall be recoverable as a debt due to the Commissioners.

178. Whenever, under the provisions of this Act, any work is required by the Commissioners to be executed, or any alterations or improvements to be made in any building, premises, or place, and such work, alterations, or improvements are executed by the occupier of such house, place, or premises, or by the Commissioners, at his expense, the cost thereof may be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction. Provided always, that in case the occupier has a beneficial interest in such building, premises, or place, he shall deduct or recover such sum only as will bear the same proportion to the entire cost of such work, alteration, or improvement, as the value of the owner's interest bears to the value of the joint interest of him and the occupier. And provided also, that in case the rents issuing out of any such building, premises, or place belong to more persons than one, who are entitled to the same, either as being joint proprietors of such building, premises, or place, or as having intermediate and other interests therein, the cost of any work, alteration, or improvement as aforesaid payable by the owner, shall be borne by such persons in proportion to their respective interests, and any one or more of such persons, who may have been compelled to pay more than a just proportion in the first instance, shall have like remedies against the others, for enforcing contribution by them, as are hereby given to the occupier as against the owner.

179. The materials of any such house, building, wall, or other structure or any part of the same which may be pulled down as provided in Section 176, may be sold by the Commissioners, and the proceeds of such sale applied to the payment of the expenses incurred. Any overplus of such sale shall on demand be restored to the owner of such house, building, or wall, and if unclaimed shall, after the lapse of twelve months, be carried to the credit of the Municipal Fund.

CHAPTER 5.

*Regulation of certain offensive trades and of Burial and Burning Grounds.*

180. Within such limits as may for the purposes of this section be fixed by the Commissioners, no premises shall be newly used except under license from the Commissioners, for any of the following purposes, namely, for melting tallow, for boiling offal or blood, or as a soap house, oil-boiling house, dyeing house, tannery, brick pottery or lime kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or depôt for hay, straw, wood, or coal; and whoever without a license uses any such premises for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence, during which the said offence is continued.

181. No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant Governor of Bengal, without a license from the Commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

182. If, upon the evidence of competent persons, it shall appear to the Commissioners that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground, and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

CHAPTER 6.

*Vaccination and Inoculation.*

183. In any Municipality where the Lieutenant-Governor may consider that proper and sufficient arrangements have been made for the vaccination or inoculation with the cow-pox of the inhabitants thereof, the practice of inoculation shall be prohibited with effect from such date as may be notified by the Lieutenant-Governor at the time of the extension of this Chapter to such Municipality.

184. Any person who shall thereafter produce, or attempt to produce, in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing in-

pregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

185. If any person having been inoculated with the small-pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the town of Calcutta, or any other town or place to which such provision shall then be applicable, before the elapse of forty days from the date of such inoculation, or without a certificate from a qualified medical officer, stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

186. Whenever a Magistrate shall sentence an offender to fine under this Chapter, it shall be lawful for such Magistrate to award any portion not exceeding one-half of such fine to the person on whose information such offender has been convicted.

PART X.—MUNICIPAL MARKETS.

187. It shall be lawful for the Municipal Commissioners to grant licenses for the use of any place as a market for the sale of meat, fish, fruit and vegetables within the Municipality.

188. Every license to be granted under the provisions of this Act shall be in force until the next ensuing the day therein named for the commencement thereof, and the said Municipal Commissioners shall grant such license whenever it shall be certified to them in writing, under the hand of the Vice-Chairman of the Municipal Commissioners, that such place is fit to be used as a market.

189. The Vice-Chairman, upon the application in writing of the owner of any such place, shall certify under the preceding section, unless such place be defective as a market in drainage, ventilation, water-supply, or proper width of paths and ways therein.

190. Whoever wilfully or negligently permits any place within the limits aforesaid to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall, unless such place shall have been used as a market for the sale of similar articles at the time of the passing of this Act, be liable to a penalty not exceeding two hundred Rupees; and shall also be liable to a further penalty not exceeding fifty Rupees for every day during which the said offence shall be continued.

191. Whenever three convictions under the provisions of the next preceding section shall have been pronounced in respect

Penalty for establishing certain offensive and dangerous trades within limits to be fixed by the Commissioners.

Penalty for entering into any place, subject to this Act, without a proper certificate, before forty days from date of inoculation.

No burial or burning place henceforth to be formed without leave of Government, or of Commissioners.

Power to grant licenses for markets.

Commissioners may order certain burial or burning places to be closed.

Duration of license, and terms on which granted.

Vice-Chairman bound to certify fit places.

Operation of this chapter.

Penalty on permitting unauthorized places to be used as markets.

Penalty for inoculating or otherwise producing small-pox.

Power to close unwholesome places.

Magistrate, on the application of the Municipal Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale, meat, fish, fruit, or vegetables in any place which shall have been so closed shall be liable for each offence to a fine which may extend to ten Rupees.

**192.** The owner or lessee of every place within the limits aforesaid at the time of the passing of this Act used as a market for the sale of meat, fish, fruit, or vegetables, shall, within six months of the passing of this Act, register, or cause to be registered, the same in a book to be kept for that purpose by the Municipal Commissioners at their office, in which shall be stated the name of the owner thereof, and of the lessee, the extent and boundary of the market, and the description of articles sold therein.

**193.** Such registration shall be made on the application in writing of the owner or lessee, or some one of the owners or lessees thereof, and every such application shall contain the particulars hereinbefore required to be set out in the registration.

**194.** Every transfer of interest in any such market as last aforesaid shall be in like manner registered within two months after the date of transfer.

**195.** Any market which, or the transfer of which, shall not be duly registered under the preceding sections shall be deemed to be a place not used as a market at the time of the passing of this Act.

**196.** The Municipal Commissioners may from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places within the said town for the purpose of being used as municipal markets, and may charge such rents, tolls and fees as to them may seem fit for the use of or right to expose goods for sale in such markets, and for the use of shops, stalls and standings thereon.

**197.** All such rents, tolls, and fees which shall be imposed shall be recoverable by the Municipal Commissioners from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provision of this Act.

**198.** It shall be lawful for the Commissioners to make bye-laws for the establishment and publication of a price-current by measure, weight, or tale of the articles sold in Municipal markets under this Act, and for prescribing the mode of sale of such articles.

**199.** It shall be lawful for the Municipal Commissioners to expel from any such market any person who or whose servants may be

further carrying on any trade or business in such market, or occupying stalls or shops therein, and to determine any lease or tenure which such person may have in any such stall or shop.

#### PART XI.—JURISDICTION OF COMMISSIONERS IN MUNICIPAL AND OTHER CASES.

**200.** It shall be lawful for the Lieutenant-Governor to direct that any two or more Commissioners of any Municipality may

Jurisdiction of Commissioners. exercise within the limits of such Municipality the powers of a Magistrate in respect of all or any of the offences under the following provisions of this Act, namely, Sections 69, 76, 77, 79, 84, 85, 86, 87, 88, 97, 117, 118, all the sections of Parts IX and X, and the rules and bye-laws which may be framed under any Section of this Act, and also in respect of all offences named in the Penal Code which may be triable under the Criminal Procedure Code by a subordinate magistrate of the first class. When such direction shall have been notified in the *Calcutta Gazette*, then any person accused of an offence, or liable to a penalty under or in pursuance of the above-mentioned provisions of this Act, shall be tried by a bench of not less than two Commissioners sitting together. With respect to any matter which may, under this section, be transferred to the jurisdiction of the Commissioners, the powers, duties, and authority of the Magistrate shall cease. Provided that if the Commissioners, or a bench of the Commissioners, refuse or omit to act under this section, the Magistrate may, with the sanction of the Commissioner of the Division, resume for such time as he may seem fit the functions transferred to the Commissioners under this section. It shall be competent to the Lieutenant-Governor to amend, modify, or recall any direction notified under this section. In case of difference of opinion between the members of a bench of Commissioners, the opinion of the majority shall prevail; when the numbers are equally divided, the opinion of the senior Commissioner shall prevail. The provisions of this section shall not be held to affect the appellate jurisdiction of the Magistrate of the district, under Chapter XXX of the Code of Criminal Procedure, or the powers of supervision vested in the Magistrate of the district by section 434 of the same Code.

**201.** It shall be lawful for the Commissioners at a meeting to make bye-laws for regulating the rotation in which, and the place at which, the Commissioners shall sit to decide cases under the next foregoing section, and to assign from the Municipal Fund salaries to clerks and other servants who may be appointed by the Commissioners to serve in the courts of benches of Commissioners sitting under the next preceding section.

#### PART XII.

##### THIRD CLASS MUNICIPALITIES.

It shall be lawful for the Lieutenant-Governor to extend the provisions of law and the next succeeding Part to any place not being a I or II Class Municipality, and it shall be lawful for the Lieutenant-Governor

Appointment of magistrates.

Power to expel persons from markets.

fit. After such extension shall have been notified the Magistrate of the district may by a writing under his hand and seal appoint not less three and not more than five persons to be a punchayet in such place. Provided that no punchayet shall be appointed for any place in which there shall be less than sixty houses, and provided that no punchayet shall be appointed in any place, until a Magistrate shall, in personal communication with some of the residents of such town, have explained to them the general duties of a punchayet.

**203.** If two or more places containing together not less than eighty houses are so situate that some house in one of such places is situate within one mile of some house in each of the others, it shall be lawful for the Magistrate to form such places into a union, and for the purposes of this part such union shall be deemed to be a village.

**204.** It shall be lawful for the Magistrate of the district to permit or cause the election of a punchayet, under such rules as the Lieutenant-Governor may from time to time prescribe for any place, instead of appointing such punchayet under section 201 of this Act. The Magistrate of the district shall have power to accept resignations and to fill up vacancies in punchayets either by election or by appointment. Every member of a punchayet shall hold office until a successor be elected or appointed. But no person shall be eligible for membership of the punchayet of any place, unless he be a resident in such place, or the proprietor or holder of land therein or his local agent, provided that such proprietor or local agent shall not be eligible for membership unless he be resident within one mile from some part of such place.

**205.** Whenever the majority in number of the adult male residents in any place or in two or more places so situate as in section 202 is set forth shall by a writing signed by them apply to the Magistrate of the district for the appointment of a punchayet in such place or places, it shall be lawful for him to appoint a punchayet under this Part in such place or places without regard to the number of houses therein contained, and all the provisions of this Part shall apply to such punchayet and to such place or places.

**206.** It shall be lawful for the Magistrate of the district to declare by a writing under his hand and seal what shall be the limits of any Municipality constituted under this Part. But in any case where no such declaration is made, the limits of a Municipality under this Part shall be taken to be the boundaries of the area of the village or villages which constitute such Municipality.

**207.** It shall be lawful for the punchayet of any Municipality constituted under this Part to impose within the limits of such Municipality the tax described at section 31 clause (a) of this Act, provided that the average annual tax on each holding shall not exceed one rupee.

**208.** The assessment to the tax imposed under the next foregoing section shall be made by the punchayet, subject as far as may be to the provisions

of sections 32, 33, 34, 35, 36, 37, 38, 39 and 40 of Part III, Chapter 2 of this Act in respect to Commissioners, provided that it shall not be necessary to send any list or notice of assessment under this part anywhere outside the place for which the assessments may be framed; and provided that any person dissatisfied with his assessment may appeal orally or in writing to the punchayet, who shall consider and decide finally on such appeal; and also that the Magistrate may call for the list of assessment of any village, and that he shall call for such list on the application of ten tax-payers of such villages, and may pass such orders on any such list as he may think fit.

**209.** Every punchayet shall appoint one of their number to receive and collect the tax, and to grant receipts for the same and to keep the accounts thereof, and it shall be lawful for the punchayet to permit the person so appointed to retain any sum not exceeding six per cent. of the amount collected by him to re-pay the costs of such collection.

**210.** The collecting member of the punchayet shall collect the tax due every quarter, following, as near as may be, the procedure laid down in sections 99, 100, 102, 104, 105, and 107 of Part IV of this Act, provided that the collecting member shall himself do all which must be done by the tax collector or by the Magistrate under the above-mentioned sections; and provided that the collecting member be not bound to make use of the forms prescribed in these sections, so long as any warrant of distress issued for tax due under this Part shall be in writing, and shall be under the hand of the collecting member.

**211.** Any person against whom distress may issue under the next foregoing section may, if he dispute his liability to the arrear demanded of him, apply to the Magistrate either orally or in writing, and the Magistrate, after hearing the applicant's statement and making such enquiry as he may see fit, shall pass such order as he may deem proper on the application.

**212.** The proceeds of the tax levied under this part, together with any fines realized under this Act, and any other sum which may become applicable for the purposes of this Act, shall constitute a fund which shall be called "The Village Fund;" and such fund shall be applicable to the payment of chowkedars, and the balance after payment of chowkedars shall be applicable to the supply of drinking water to the residents or to their cattle, to simple conservancy operations, and to the support of *patshalas* or village schools.

**213.** The punchayet of any place shall be bound to appoint such persons to be chowkedars as they may deem fit, and to assign them salaries out of the Village Fund; provided that not more than one chowkeedar be appointed to every sixty houses, and that the salary of a chowkeedar be not less than three rupees a month, subject to reduction on account of the revenue due on any *chakran* lands enjoyed by such chowkeedar.

**214.** On the appointment of any chowkeedar the punchayet shall give to him a certificate signed by them of such his appointment, specifying therein the rate of salary at which he has been appointed, and he shall within seven days produce such certificate at the police station within the limits of which his village may be situate, and the officer in charge of such station shall cause the particulars of such certificate to be registered in a book to be kept in such station for the purpose of such registration, and shall report the same to the Magistrate.

**215.** It shall be lawful for the Magistrate if he see fit to dismiss any chowkeedar for misconduct or neglect of duty, and the punchayet shall thereupon appoint a successor. It shall be lawful for the punchayet to dismiss or fine to the extent of one month's salary any chowkeedar for neglect of duty or misconduct, provided that such chowkeedar may within sixty days appeal to the Magistrate against such dismissal or fine, and the Magistrate shall thereon make such enquiry and pass such order as he may see fit.

**216.** Every chowkeedar appointed under the provisions of this Part shall perform the following duties:

(1) He shall give immediate information to the officer in charge of the police station within the limits of which the village is situate of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in the final section of this Part which may be committed within the village of which he is chowkeedar, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

(2) He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in the final section of this Part.

(3) He shall observe, and from time to time report to the officer in charge of the police station within the limits of which the village may be situate, the movements of all bad characters in such village.

(4) He shall report to the officer in charge of such police station the arrival of suspicious characters in the neighbourhood.

(5) He shall present himself at such station twice in each week, if such station be within two miles of the village, and if it be more remote once in each week, or once in each fortnight as the Magistrate may direct.

(6) He shall supply any local information which the Magistrate or any officer of police may require.

(7) He shall obey the orders of the punchayet in regard to keeping watch in the village and other matters connected with his duties as chowkeedar.

**217.** Whenever the chowkeedar may arrest any person, such chowkeedar shall forthwith take the person so arrested to the police station within the limits of which such village is situate, provided that if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

**218.** The punchayet shall exercise a general control over the chowkeedars, and every member of such punchayet who may know or be informed of the commission within the village of any offence specified in the final section of this Part shall forthwith cause the same to be reported by the chowkeedar to the officer in charge of the police station within the limits of which the village may be situate, and on failure of the chowkeedar, such member shall himself report the same to such officer.

**219.** Every chowkeedar shall receive, month by month, the full amount of his salary from the member of the punchayet appointed to collect the tax.

**220.** Whenever the salary of any month shall not be paid in full to any chowkeedar on or before the 15th of the month following, such chowkeedar may apply to the Magistrate, who shall call upon the punchayet within ten days to show cause why they should not pay the amount due to such chowkeedar, and the Magistrate after hearing the punchayet shall pass such order as he may deem fit directing the punchayet or any member thereof to pay the chowkeedar's salary, or directing distraint of the property of the punchayet or any member thereof to the amount of the arrear due to the chowkeedar.

**221.** All powers vested in the punchayet for the appointment and dismissal of chowkeedars and for fixing the number of chowkeedars to be appointed and the rate of their pay, and for making and levying the assessments hereinbefore directed to be made, may be exercised by the Magistrate or any person whom the Magistrate may by any writing under his hand authorise, on that behalf, in case the punchayet shall, for fifteen days after a notice from the Magistrate to exercise such powers or any of them, refuse or neglect to exercise the same, and the Magistrate shall be bound to enquire into any matter concerning the due observance of the provisions of this part in any village whenever ten adult tax-payers may make a representation to the effect that the punchayet's proceedings require supervision or amendment.

**222.** The punchayet shall be bound to affix once in every quarter on a conspicuous place in the village, or in each village of their circuit, an account of the receipts and expenditure of the quarter next preceding. Any ten adult tax-payers of the village may, if the accounts are not published, or if they are dissatisfied with such accounts, make a representation to the Magistrate who

**228.** It shall be lawful for the Lieutenant-Governor to invest all or any of the members of a punchayet with powers described in Section 200 of this Act so far as the same are applicable. Two or more of the members so invested may thereafter sit together under such bye-laws as to rotation, days of sitting, and place of sitting, as the Magistrate may from time to time prescribe, and so sitting shall have jurisdiction within the limits of their municipality. All the provisions of the said section with respect to Commissioners shall apply to members of a punchayet invested with powers as aforesaid so far as the said provisions are or may be applicable.

*Jurisdiction of a punchayet.*

**PART XIII.**

**MISCELLANEOUS.**

**224.** Every bill, notice, schedule, summons, or notice of demand, regarding any assessment, rate, or tax or any money due in respect of the same, may be served personally upon the person to whom the same is assessed, or be left at his usual place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served.

*Service of notice.*

Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the place, every such bill, notice, summons, or notice of demand, shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

*Proviso.*

**225.** No assessment, and no charge or demand of a rate or tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any court of justice.

*Assessment not to be impeached if the directions of the Act are in substance complied with.*

**226.** No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

*Distress not unlawful for want of form.*

**227.** Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or charges, recoverable under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

*Commissioners may bring suits instead of distress, or on failure of distress.*

**228.** The Commissioners 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 Commissioners, their officers or servants, under this Act.

*Power to make compensation out of the Municipal Fund.*

**229.** It shall be lawful for the Commissioners to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter-mentioned, for regulating the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such bye-laws. Provided that no bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a bye-law shall exceed twenty Rupees, and that in case of a continuing infringement no fine shall exceed five Rupees for every day after notice from the Commissioners of such infringement.

*Commissioners empowered to make bye-laws.*

**230.** No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

*Confirmation and publication of bye-law.*

**231.** All bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

*Bye-laws until repealed or altered, to be of like effect as if inserted in this Act.*

**232.** No action shall be brought against the Commissioners, or against a punchayet, or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Commissioners or affixed at some conspicuous place in the village of such punchayet, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given, shall before such action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

*No action to be brought against the Commissioners or their officers, until after one month's notice of cause of action.*

**233.** The Commissioners may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of the

*No charge to be instituted under this Act without consent of Commissioners.*

Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence. Any prosecution under this section shall be instituted before any Magistrate having jurisdiction under the provisions of Chapter XV of the Criminal Procedure Code. The procedure of the above-mentioned code shall apply to all trials of offences under this Act.

**234.** All the proceedings of the Magistrate of the district, or of a Magistrate under this Act, or of the Municipal Commissioners, except as otherwise specially provided, shall be subject to

Proceedings of Magistrate of district and Commissioner of division respectively, subject to control of Lieutenant-Governor.

the control and revision of the Commissioner of the division; and all the proceedings of the Commissioner of the division shall be subject to the control of the Lieutenant-Governor of Bengal.

**SCHEDULE A.**  
(Referred to in Section 5.)  
**ACTS REPEALED.**

Number of Act.	Title.
Act XXVI of 1850 ...	To enable improvements to be made in towns.
Act XX of 1856 ...	To make better provision for the appointment and maintenance of police chowkee-houses in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Bengal.
Act XXI of 1857 ...	To make better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah.
Act XII of 1858 ...	For raising funds for making and repairing roads in the suburbs of Calcutta and the station of Howrah.
Act III (B.C.) of 1864, or District Municipal Improvement Act.	For the appointment of Municipal Commissioners in towns and other places in the provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for the conservancy, improvement, and watching thereof, and for the levying of rates and taxes thereon.
Act IV (B.C.) of 1865 ...	For the prohibition of the practice of inoculation in the town and suburbs of Calcutta and in towns to which Act III of 1864 has been or shall hereafter be extended.
Act VI (B.C.) of 1867 ..	For the better regulation of the police in towns and municipalities in the territories under the control of the Lieutenant-Governor of Bengal.
Act VII (B.C.) of 1867...	For amending Act III of 1864.
Act II (B.C.) of 1868 ...	For amending the District Municipal Improvement Act.
Act VI (B.C.) of 1868, or District Towns Act, 1868.	For providing for the better regulation of the police in towns under the control of the Lieutenant-Governor of Bengal, and for the conservancy and improvement thereof.

**SCHEDULE B (referred to in section 36).**

**NOTICE OF ASSESSMENT.**

An assessment made for [here describe the Municipality for which the assessment is made] upon the several occupiers of houses and other

property in the said Municipality pursuant to the Bengal Municipalities Act, 1872, for the purpose of maintaining the conservancy for such Municipality and carrying out the other provisions.

Property occupied.	Names of occupiers.	Profession or business.	Amount of quarterly assessment.

Whereas the above assessment has been duly made pursuant to the Bengal Municipalities Act, 1872, and has been revised and settled by me, the undersigned Magistrate of \_\_\_\_\_, the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the first day of ( ) and every subsequent payment on or before the first day of ( ) the first day of ( ), and the first day ( ), or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as allowed by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
Magistrate of \_\_\_\_\_

**SCHEDULE C.—(REFERRED TO IN SECTION 58.)**  
**Tax on Carriages, Horses, and Elephants.**

	Rs.	p.	quarter.
For every 4-wheeled carriage on springs drawn by two horses ...	4	8	
For every 4-wheeled carriage on springs drawn by one horse or pony, or a pair of ponies under thirteen hands ...	1	8	
For every 4-wheeled carriage without springs ...	1	8	
For every 2-wheeled carriage on springs ...	2	4	
For every 2-wheeled carriage without springs, drawn by a horse, pony, or mule ...	0	12	
For every horse ...	2	4	
For every pony under thirteen hands or mule ...	0	12	
For every elephant ...	6	0	

Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.

**SCHEDULE D.**

(Referred to in Section 70.)

**License on Professions, Trades, and Callings.**

**CLASS I.**

Every Joint-Stock Company ...	Rs. 100
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CLASS II.

Every Merchant, Banker, Shroff, Banian, wholesale Trader, and Commission Agent, and every practising Surgeon, Physician, Dentist, Architect, Civil Engineer, Barrister, Attorney, Proctor, Notary Public, and Pleader of the High Court ... .. 50  
 Every owner or farmer of a hât or bazaar.  
 Every owner of Cotton, Jute, Hide, or other Screws and every Auctioneer ...

CLASS III.

Every Broker or Daloll employed in the wholesale transfer or purchase of Imports or Exports, or in the sale of Government Securities, Shares, and Bills of Exchange, or in procuring Freight. 25  
 Every Practising Licentiate of Medicine, Apothecary, and Veterinary Surgeon...  
 Every keeper of a Spirit-shop, Punch-house or Billiard room, wholesale Tobacco or Jute Depôt ... ..  
 Every Hotel-keeper, Boarding House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is assessed under Section at more than 250 or less than 100 Rupees a month ... .. 25  
 Every Pawn-broker, and every person having a shop or place of business registered under Section ...  
 Every Pleader, Mooktear, or Law Agent, not included in Class II. ... ..

CLASS IV.

Every Hotel-keeper, Boarding and Lodging House-keeper, Shop-keeper, Manufacturer or Trader, whose shop or place of business is kept in a brick-house, but not included in Class II. or Class III. 12  
 Every keeper of a permanent stall at a daily public market or in a chouk ...  
 Every Poddar or Money-changer ...  
 Every Hakeem, Koberaj, and Native Doctor, not included in any other Class

CLASS V.

Every keeper of a shop not included in any other Class, and every Daloll not included in Class III... .. 4  
 Every Pedlar, Hawker, Box-wallah, and keeper of a shop at a periodical market or hât ... ..

CLASS VI.

All other itinerant dealers and keepers of stalls at periodical markets or hâts ... 1

**NOTE.**—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations at the discretion of the Chairman or of the sub-committee as the case may be, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the firm.

SCHEDULE E.

(REFERRED TO IN SECTION 91.)

Maximum rates of tolls payable on entering the municipal limits.

	Rs.	As.	P.
On every four-wheeled carriage on springs ... ..	0	8	0
Ditto two-wheeled ditto ... ..	0	4	0
On every cart, hackery on springs, or cart drawn by men, buffaloes, bullocks, horses, ponies, asses, or mules laden ... ..	0	4	0
Ditto ditto not laden ... ..	0	2	0
On every buffalo or bullock laden ... ..	0	1	0
Ditto horse laden or ridden ... ..	0	2	0
Ditto ditto not laden or ridden ... ..	0	1	0
Ditto pony or ass laden or ridden ... ..	0	1	0
Ditto elephant ditto ... ..	1	0	0
Ditto camel ... ..	0	4	0

SCHEDULE F.

FORM A.—(REFERRED TO IN SECTION 104.)

Notice of Demand.

Municipality of ( )  
 To \_\_\_\_\_ of \_\_\_\_\_  
 Take notice that the sum of Rs. \_\_\_\_\_ being the amount of assessment due from you to the Fund of the said Municipality is hereby demanded from you, and that if you do not, within ten days, pay the same with two annas as the cost of this notice into the office of \_\_\_\_\_, the same with costs will be levied by distress and sale of your goods and chattels.

(Sd.)

Magistrate of \_\_\_\_\_

FORM B.—(REFERRED TO IN SECTIONS 101 and 105.)

Table of Fees payable upon distrains under this Act.

Sums distrained for	Fee.
	Rs. As.
Under 1 Rupee ... ..	0 4
1 and under 5 Rupees ... ..	0 8
5 " 10 " ... ..	1 0
10 " 15 " ... ..	1 8
15 " 20 " ... ..	2 0
20 " 25 " ... ..	2 8
25 " 30 " ... ..	3 0
30 " 35 " ... ..	3 8
35 " 40 " ... ..	4 0
40 " 45 " ... ..	4 8
45 " 50 " ... ..	5 0
50 " 60 " ... ..	6 0
60 " 80 " ... ..	7 8
80 " 100 " ... ..	9 0
Above 100 " ... ..	10 0

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

FORM C.—(REFERRED TO IN SECTION 105.)

Warrant of Distrain.

To (here insert the name of the officer charged with the execution of the warrant.)





SCHEDULE H.—(referred to in Sections 115 and 116.)  
18 .  
*Deaths in the Municipality of*

No.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of Death.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

STATEMENT OF OBJECTS AND REASONS.

THERE are at present four different laws, besides several amending Acts, under which municipalities in Bengal are administered. The present Bill has been framed with the view of consolidating these different enactments into a single law. Opportunity has been taken to enlarge the powers of Municipal Commissioners; to lay less municipal work and responsibility on the shoulders of Magistrates; to make Municipal Commissioners elective; and in other ways to afford more scope for municipal self-government. The Bill provides for three classes of municipalities; in two classes the governing body will be Municipal Commissioners, while the rural townships in the third class will be administered by punchayets. Municipal Commissioners will have power to adopt one or more of the ordinary forms of Indian municipal taxation, but for punchayets only one form of local taxation will be available. Municipal funds will be devoted to police and to ordinary municipal purposes; and it is proposed to permit of their expenditure

on the maintenance of education and on the relief of exceptional distress. Village funds in third class Municipalities shall, it is proposed, be applicable to the payment of chowkeydars, to the maintenance of *patshalas* or rural schools, and to the supply of drinking water. Power is taken for Government or its officers to intervene in cases where Municipal Commissioners or a punchayet may fail to maintain sufficient police, or where elementary education may not be available at reasonable cost. Provision is made for members of municipal bodies sitting for the trial of petty offences committed within the limits of their townships.

In respect of nuisances, of conservancy, of vaccination, of town markets, and such like matters, the Bill adopts the provisions of existing Municipal Acts.

C. BERNARD.

The 9th December 1871.

HERBERT COWELL,  
Asst. Secy. to the Govt. of Bengal,  
Legislative Dept.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 27th January 1872, and was referred to a Select Committee, who are to report thereon within a fortnight:—

*A Bill to amend the Calcutta Port Improvement Act, being Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council.*

WHEREAS it is expedient to give to the Commissioners for making improvements in the port of Calcutta a like indemnity to that which is given to the East India Company by Section LXXI of Act XXII of 1855; It is hereby enacted as follows:—

1. The said Commissioners shall not be answerable for any act or default of any Master Attendant, Harbour Master, or other Conservator of the said port, or of any Deputy or Assistant of the said officers, or of any person acting under the authority or directions of any such officer or assistant, done within the limits of the said port; nor for any damage or injury sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other thing belonging to the said Commissioners within the said port which may be used by such vessel. Provided that nothing in this section shall protect the said Commissioners from an action in respect of any act done by or under the express order or sanction of the said Commissioners.

Indemnity to Port Commissioners against default of officers, &c.

2. This Act shall be read with and taken as part of Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council.

Construction of Act.

#### STATEMENT OF OBJECTS AND REASONS.

BEFORE the new Port Trust was created in 1870, Government managed the Port of Calcutta and enjoyed an indemnity in respect of the acts of its harbour officers and of damage resulting from defects in its moorings, hawsers, or other appliances. It is deemed by the Chamber of Commerce and by the Government better for the trade of Calcutta that the Port Commissioners should enjoy a similar indemnity. If they do not obtain this indemnity, they will have to maintain high port dues to cover their possible liabilities. The present Bill proposes to grant the Port Commissioners the required indemnity.

C. BERNARD.

The 27th January 1872.

HERBERT COWELL,  
Asst. Secy. to the Govt. of Bengal,  
Legislative Department.

#### Orders by the Lieutenant-Governor of Bengal.

Revenue and General Departments.

No. 359R.

#### APPOINTMENTS.

The 8th February 1872.—The following appointments of Assistant Sub Deputy Opium Agents, who have not yet passed the prescribed examinations, are notified:—

To be Assistant Sub-Deputy Agents of the Second Grade, on Rs. 200.

Name.	Has to pass in
Mr. George DeCourcy Hobson	Urdu.
„ Robert John Harrison	... Urdu.
Clement Cartwright	... Urdu & Opium Laws.

To be an Officiating Assistant Sub-Deputy Agent.

Mr. James Frederick Davy  
Palmer ... Urdu.

The 14th February 1872.—The Reverend W. Hill, Missionary at Pooce, is licensed, under Section 47, Part V, Act V of 1865, to grant certificates of marriage between Native Christians.

Mr William Ostliffe Adams Beckett, Assistant Commissioner of Kamroop, lately Officiating as Deputy Commissioner of Cooch Behar, is transferred to Cooch Behar.

Mr. Alexander John Fraser, Deputy Magistrate and Deputy Collector, to have charge of the Sub-division of Goalundo, during the absence, on leave, of Mr. William Humphrey Page, or until further orders.

Syed Mahomed Abdur Rub to be Sub-Registrar of Assurances of the Sub-district of Nalchiti, in the district of Backergunge.

Moonshee Nawab Ali to be Sub-Registrar of Backergunge.

Moulvie Helaluddin Mahomed to be Sub-Registrar of Jhalokati, in the district of Backergunge.

The 16th February 1872.—Moulvie Warris Ali, Deputy Magistrate and Deputy Collector, to have charge of the Sub-division of Arracah, in Purneah.

The Reverend Laurentus O. Skrefsrud, Baptist Missionary in the Sonthal Pergunnahs, is licensed, under clause 4, Section 6, Part I, Act V of 1865, to solemnize marriages between persons professing the Christian religion, and also, under Section 47, Part V of the said Act, to grant certificates of marriage between Native Christians.

The 19th February 1872.—Mr. John Revans Hallett, M.A., is re-appointed to officiate as a Joint-Magistrate and Deputy Collector of the First Grade from the date of his return to duty from his recent leave of absence.

The 20th February 1872.—Mr. Edward Dowdeswell Lockwood to officiate, until further orders, as Deputy Collector of Customs, Calcutta.

Mr. T. A. Vlasto to be a Commissioner for making improvements in the Port of Calcutta, under Act V. (B.C.) of 1870.

Mr. Valentine Irwin (returned from furlough) to be an Assistant to the Magistrate and Collector of Cuttack, and to officiate as a Joint-Magistrate and Deputy Collector of the First Grade.

#### LEAVE OF ABSENCE.

The 13th February 1872.—Mr. Reginald Porch, Officiating Joint-Magistrate and Deputy Collector of Burdwan, is allowed furlough for one year three months and twenty-seven days, under Sections II and III of the Covenanted Service Absentee Rules.

The 14th February 1872.—Mr. William Humphrey Page, Assistant Magistrate of Goalundo, for three months, under Section XIX of the Covenanted Service Absentee Rules.

The 15th February 1872.—Baboo Dinonath Addy, Deputy Magistrate and Deputy Collector of Patooakhally, in Backergunge, for three months, from the beginning of March next, under Financial Notification No. 3622, dated the 22nd December 1865.

Mr. John Nathaniel Cosserat, Assistant Sub-Deputy Opium Agent, Patna, is allowed two months' leave, under paragraph 11 of the Uncovenanted Service Absentee Rules, together with ten days' preparatory leave from the date on which he has availed himself of it.

Mr. Thomas Smith, c.s., having reported his arrival at Bombay on the 1st instant on his return from furlough, is allowed subsidiary leave for a period not exceeding thirty days from the 2nd idem, to enable him to join his appointment in Cooch Behar.

*The 16th February 1872.*—Mr. Edward Stewart, Deputy Magistrate and Deputy Collector of Arrareah, in Purneah, is allowed six months' leave, under paragraph 12, clause 1 of the Uncovenanted Service Absentee Rules, together with fifteen days' preparatory leave.

*The 19th February 1872.*—Mr. William Driberg Ridsdale, Assistant Sub-Deputy Opium Agent at Kheree, Lucknow, for one month, under paragraph 16 of the Uncovenanted Service Absentee Rules.

*The 20th February 1872.*—Mr. Augustus Rivers Thompson, Officiating Secretary to the Government of Bengal, Judicial and Political Departments, is allowed furlough for one year, from the 29th instant, under Section VIII, Clause a of the Covenanted Service Absentee Rules.

Mr. Richard Palmer Jenkins, Commissioner of Patna, is allowed subsidiary leave for a period not exceeding thirty days, from the 8th March next, or any subsequent date on which he may be relieved to enable him to proceed to Europe on furlough.

The following Officers of the Bengal Civil Service having reported their arrival at Bombay on the 8th instant, on their return from furlough, are allowed subsidiary leave for a period not exceeding thirty days, from the 9th idem, to enable them to rejoin their appointments, viz. :—

Lord Henry Ulick Browne.

Mr. Henry Abbott Robert Alexander.

„ Valentine Irwin.

#### NOTIFICATION.

*The 19th February 1872.*—Mr. Edward Dowdeswell Lockwood, c.s., reported his return to Calcutta from furlough on the evening of the 11th instant.

H. L. DAMPIER,

*Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*The 20th February 1872.*—Under the provisions of Section 83, Act V (B.C.) of 1870, (An Act to appoint Commissioners for making improvements in the Port of Calcutta), the following Bye-laws for landing and delivery of goods at the jetties, as proposed by the Commissioners, are published for general information :—

#### SECTION 2.

#### LANDING AND DELIVERY OF GOODS AT THE JETTIES

#### BYE-LAWS.

1. The allotment of jetties shall be entirely at the discretion of the Commissioners, but as a general rule, vessels shall be accommodated in the order of their arrival off the jetties. Vessels discharging or loading at the jetties shall move from one jetty to another when ordered.

2. Masters of vessels about to discharge at the jetties, shall not break bulk until a copy of the manifest, or the Master's copies of the bills of lading have been deposited in the jetty office. The copies of the bills of lading, if deposited, shall be returned after discharge of the inward cargo.

3. Ships lying at the jetties shall not discharge cargo into boats if such cargo is to be subsequently landed on the Calcutta bank of the river, between Chitnore Canal and Tolly's Nullah.

4. Packages of cargo shall be slung in the hatchway, and under no circumstances whatever shall the cranes be employed in breaking out cargo or removing it from under the combings.

5. Single packages over three tons shall not be hoisted until the correct weight shall have been ascertained; and when packages weighing more than three tons are being hoisted, the Superintendent of the cranes shall invariably be present.

6. Masters of vessels shall furnish special notice to the shed officers before landing packages containing articles liable to ignition or explosion, or which are otherwise dangerous.

7. Packages shall not be opened for appraisement except in the presence of the consignee or his representative, and under an application to the shed officer from the appraiser endorsed on the bill of entry.

8. No person shall remove from the wharf any goods other than those covered by the customs bill of entry and the jetty challan. In the event of any person removing goods not covered by such documents, the Commissioners may detain any goods of such person until all questions connected with the erroneous removal shall have been adjusted, and all monies due to the Commissioners paid.

9. Smoking, and the use of any unprotected fire or light, in any office, shed, or warehouse within the jetty enclosure, is strictly prohibited.

10. Excepting persons passing to and from ships lying at the jetties, no person shall be allowed inside the jetty enclosure after twilight.

11. No person, unless duly permitted by the Commissioners, shall take inside the jetty premises carpenters' tools, or other instruments used for opening cases, and no cooper shall be allowed to work in the sheds without a license from the Commissioners.

12. Any person committing an infringement of any of the foregoing bye-laws, shall be liable for the first offence to a fine not exceeding Rs. 100, and for a continuance of that offence after notice shall have been given him by the Commissioners of his having committed the offence, to a further fine of Rs. 50 per day.

Copy of manifest or the Master's bills of lading to be sent in before breaking bulk.

Conditions under which vessels lying at the jetties may discharge into boats.

Packages to be slung in the hatchway.

Hoisting heavy weights.

Notice of dangerous articles to be given by Masters to shed officers.

Packages not to be opened for appraisement without written order of appraisers.

Erroneous removal of goods by a consignee.

Smoking prohibited under penalty.

Persons not to remain in the jetties after twilight.

Carpenters' tools not to be taken into the compound without permission.

Penalty for non-observance of bye-laws.

13. Goods landed at the jetties shall only be delivered on production of the bills of lading, accompanied by a delivery order from the Master or Agents of the vessel, and no delivery orders, unsupported by the bills of lading, will be accepted.

14. When discharging iron, drainage pipes, other goods, which from their want of description or want of proper distinguishing marks, there will be difficulty in delivering correctly to consignees, the Master of the vessel shall separate before landing, or in course of landing, the various marks and consignments, failing which the Commissioners will refuse to receive the goods.

15. Packages containing jewellery, precious stones, or specie shall be taken delivery of by consignees direct from the jetties as soon as they are landed, as the Commissioners undertake no risk in respect of such packages.

16. All goods trans-shipped from one vessel to another without being landed, and without the assistance of the jetty cranes, are exempted from all charges, provided notice of trans-shipment is given by consignees or vessel's agents to the jetty superintendent immediately after the vessel hauls alongside a jetty to discharge. If goods for trans-shipment are landed on the jetties, they will be allowed to remain in the sheds free of wharf-rent for five clear running days.

17. The Commissioners shall not be responsible for damage by chafage, salt-water or oil, nor for any damage done in course of landing, except such damage as may be caused by carelessness on the part of the Commissioners' servants or failure in the jetty appliances, nor for any loss resulting from fire in the jetty sheds or enclosure.

18. Masters of vessels shall be responsible for the proper slinging of cargo, and directing the crane drivers when discharging or loading.

19. The special sanction of the Commissioners shall be necessary to work the jetties before and after regular hours, and on Sundays and authorized holidays, and no overtime work shall be performed by any of the servants of the Commissioners, without permission. In order to facilitate the discharge of vessels, they will be allowed to work on holidays, so long as accommodation can be conveniently provided for cargo in the jetty sheds, on payment of double jetty hire, and the usual overtime fees to the establishments employed.

20. The sanctioned holidays recognised by the Commissioners shall be—

New year's day	...	1	day
Sree Panchoomy	...	1	"
Good Friday	...	1	"
Queen's Birth-day	...	1	"
Doorga and Luckhee Poojah	...	12	"
Kally Poojah	...	1	"
Juggodhatree Poojah	...	1	"
Christmas	...	2	"

20 days.

21. Working hours shall be from 7 A.M. to 4 P.M. All fees for overtime work, and for working on holidays, shall be regulated by the sanctioned pay of each employe. The rule shall be one-and-a-half hour's pay for one hour's work—working days being calculated at 26 days in the month—and for holidays or part of a holiday, one day's pay. All fees for overtime work shall be paid to the Commissioners.

22. Two clear days, exclusive of Sundays and the holidays recognized by the Commissioners, shall be allowed to consignees for the removal of goods from the jetty-sheds.

23. Consignees applying for delivery of goods shall fill up the jetty challan showing the quantities weights or measurements, and the landing charge payable thereon. This form, accompanied by the Custom House bill of entry, shall be presented at the office of the Commissioners, where the amount of the landing charges will be received and a receipt granted in original and duplicate is required. The jetty challan, accompanied by the bill of lading and a delivery order from the Master or Agents of the vessel, shall then be handed to the shed officer, who will examine the document, and on being satisfied that they are in order will grant delivery and authorise the gate office to pass the goods.

24. The opening of any package for appraisalment, without the condition of the package being previously questioned, shall be considered as delivery of the goods by the Commissioners to the consignee, and no claim for damage subsequently discovered shall be admitted.

25. Permission to consignees from the Collector of Customs to open packages shall be countersigned by the superintendent of the jetties, and the opening of such packages without their condition being questioned shall be considered as delivery by the Commissioners, and no claim for damage subsequently discovered shall be admitted.

26. Packages which have been opened for appraisement, or by permission of the Collector of Customs, shall lie at the risk and expense of the owner, consignee, or agent.

27. Damaged goods for which a claim is brought against the ship shall not be charged wharf-rent until the fourth day after landing, provided notice of survey is given to the jetty superintendent within forty-eight hours after the goods have been received from the ship.

28. Goods taken delivery of but not removed from the jetty compound, shall lie at the risk of the owner, consignee, or agent.

H. L. DAMPIER,

Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Home Department, republished for general information:—

No. 708.—*Fort William, the 10th February 1872.—Notification.—Public.—*Mr. G. L. T. Jarris, of the Bengal Civil Service, having produced the necessary medical certificate, has been granted by Her Majesty's Secretary of State for India an extension of leave for six months.

The following Orders issued by the Government of India, in the Financial Department, are republished for general information:—

#### LEAVE AND ALLOWANCES.

*The 16th February 1872.*

No. 1061.—The Acting Governor General in Council is pleased to direct the publication of the following papers. Orders in conformity therewith will shortly issue:—

*Despatch from the Government of India in the Financial Department, to the Secretary of State for India,—No. 4, dated the 7th January 1868.*

In continuation of our despatch No. 276 of 1867, dated the 21st ultimo, we have the honor to forward herewith the second report of the Committee appointed by us to examine the Leave Rules as they apply to all branches of the service, and to propose such alterations as might seem to them just and proper. This report refers to the Leave Rules of the Chaplains and the Members of the Uncovenanted Service, and with it the labors of the Committee conclude.

2. You will observe that the changes proposed for the Uncovenanted Service have been based upon the principle of assimilating their rules, as nearly as possible, to those proposed for the Covenanted Civil Service.

5. In our despatch No. 276 of 1867, we so fully entered into the general reasons which, in our opinion, render the alteration of the Leave Rules in all branches of the service eminently desirable, that we consider it unnecessary now to do more than solicit attention to the arguments by which our recommendations were then supported. Those arguments apply as much to the members of the Uncovenanted Service \*\* as to the Civil and Military Services. It would, we consider, be in the highest degree impolitic to confer the boon on one class and to withhold it from the other. It is on this account that we have prepared, and that we recommend to your favorable consideration, rules for all branches, based upon principles which are uniform, and which in their application will benefit all alike. We confidently believe that the State itself will not be the least gainer from a measure which will so greatly add to the contentment of its servants.

*Financial despatch from the Secretary of State for India, to the Government of India,—No. 221, dated the 15th May 1868.*

I have considered very carefully in Council the Furlough Rules for members of the Uncovenanted Service, transmitted with your financial letter dated the 7th January 1868, No. 4.

2. You are already aware of the views of Her Majesty's Government as to the policy to be adopted in admitting the natives of India to higher posts under Government, and the Uncovenanted Service evidently offers the most ready access to them. I am of opinion therefore that any rules which may be adopted for leave of absence and furlough to Uncovenanted Servants, should be framed with general reference to this consideration.

3. The principle which I consider should guide you is, that there should not be different rules of leave of absence for persons of different nationalities holding similar offices, but that the rules of each class of appointments should be uniform.

4. Different rules may, however, be properly adopted for different branches of the Uncovenanted Service. There are some classes of appointments the holders of which are in a position very nearly analogous to that of the Covenanted Civilian, and for which special arrangements should be made. Such, for instance, may be some of the appointments in the Engineering and in the Educational Service.

5. Generally speaking, I am of opinion that the rules for those branches of the service to which it is possible to appoint a considerable proportion of natives, should be framed with a view to the circumstances of natives rather than of Europeans. The observance of this principle will render it necessary carefully to restrict the cases in which long absences can be permitted with retention of appointment.

6. The limitations with reference to duration and repetition of absence, and to proportions of salary to be drawn by absentees, prescribed for the Covenanted Civil Service, must not be exceeded, and no period of absence, to an Uncovenanted Servant, with the exception of preparatory and privilege leave, should count as service for pension.

7. Subject to these observations, I desire to leave the framing of such rules as you may consider expedient to your Excellency's Government.

*Order of the Government of India in the Financial Department,—No. 647, dated the 29th June 1868.*

ORDERED, that with reference to their letter No. 2, dated 4th January 1868, a copy of the above be sent to the Furlough Committee, with the request that the proposed Furlough Rules for Uncovenanted Servants may be reconsidered, and a report thereon submitted with reference to the views expressed by the Right Hon'ble the Secretary of State.

*Despatch from the Government of India in the Financial Department, to the Secretary of State for India,—No. 220, dated the 28th August 1868.*

We have the honor to acknowledge the receipt of your despatch No. 221, dated the 15th May last, on the subject of the Furlough Rules for the members of the Uncovenanted Service. We referred the despatch to the Furlough Committee, among whom there arose considerable difference of opinion as to the method in which your instructions could best be carried out.

2. The principle laid down in the 3rd paragraph of your despatch—"that there should not be different rules of leave of absence for persons of different nationalities holding similar offices"—seems to us unexceptionable. But it was argued that, in carrying out your suggestion in paragraph 4, for making different rules for different branches of the service, anomalies will arise in practice, which would be extremely inconvenient.

3. Supposing, for instance, it were determined to make rules for the Educational Department adapted to the requirements of Europeans, who at present fill the majority of posts in that Department, it would be necessary to provide for comparatively long periods of leave to enable such officers to proceed to England. But in this Department there are many natives, and, as education progresses, their number will increase, as indeed is indicated in the 2nd paragraph of your despatch. It is unnecessary to provide that long periods of leave shall ordinarily be granted to natives, for such periods could only be required with the object of enabling them to proceed to Europe. It would be inexpedient to allow a native to proceed to his own home, perhaps in the vicinity of his office, and remain there for, say two years. At the same time we think it highly desirable that facilities should be given to natives for visiting Europe when they wish to do so.

4. On the other hand, in Departments chiefly filled by natives, there are at present a large number of European and Eurasian officers. Were the rules drawn out to meet only the leave requirements of natives, these officers would not be allowed the opportunity of going to England. If it be the policy of Government to limit the number of Europeans and Eurasians from service in these Departments, that policy can best be carried out by the direct action of Government in making appointments, and it does not seem right to have recourse to the indirect pressure of unfavorable leave rules.

5. Agreeing with a majority of the Committee we would propose to extend the principle inculcated in paragraph 3 of your despatch, and in drawing out the rules, make no difference for Natives, Eurasians, and Europeans in whatever Department they may be employed.

6. By a simple plan, we can arrange the rules, so that persons who do not require to leave India shall obtain shorter periods of leave than those who wish to visit England, while all, whether Europeans, Eurasians or Natives, who wish to proceed to Europe, will have the opportunity of doing so.

7. This is effected by prescribing that only half the whole period of furlough claimable under the rules shall be spent in India, and that the periods in which furlough is taken in India shall be half those in which furlough is taken out of India.

8. On this plan, we have caused to be drawn out the accompanying draft rules for your approval. They are mainly based on the rules for the Covenanted Civil Service.

9. If, however, an Uncovenanted officer by taking leave were to lose his appointment as is provided in certain cases for the Covenanted Civil Service, he would, under the standing rules, forfeit all his past service for pension, and might find some difficulty in getting a new post. We have therefore provided that no leave under the rules shall involve forfeiture of

appointment. In view of this advantage to the Uncovenanted Service, we have made a few modifications in the Rules for Furlough. We have abolished the distinction between long and short furlough, which obtains in the rules for the Covenanted Civil Service, and have provided that furlough can in no case be repeated, except under medical certificate, or on urgent private affairs, until after intervals of three years.

10. We have made the special leave on urgent private affairs a part of the furlough, instead of being in excess of it.

11. There is no scale of subsistence allowance for Uncovenanted Servants out of employ. We have therefore provided that when the furlough of such servants is under medical certificate, extended beyond two years, or taken before the lapse of three years from previous furlough, or before furlough is at credit, the furlough allowances shall be reduced one-half with a maximum of Rs. 400 per mensem, which is the maximum subsistence allowance for Covenanted Civil Servants. We believe this will be found to provide a scale as nearly as possible analogous to the subsistence allowance under similar circumstances of the Covenanted Service.

12. If these rules meet with your approval, we request that you will inform us by telegraph.

13. We shall address you separately regarding a limited class of offices held by barristers in connection with the subject of leave of absence for High Court Judges.

*Financial despatch from the Secretary of State for India, to the Government of India,—No. 504, dated the 8th December 1868.*

I have given full consideration in Council to your despatch No. 220 (financial) of the 28th August, on the subject of the Furlough Rules for the Uncovenanted Service.

2. In my despatch of the 15th May on this subject, I conveyed to you my desire that, in order to give full effect to the policy of reserving the Uncovenanted Service as far as possible to the natives of India, the Furlough Rules for that service should be framed with a view to the circumstances of natives rather than of Europeans. I desired that the rules for each class of appointments should be uniform, and should not vary according to the nationality of the persons to whom they might be applied. Considering, however, that there are some classes of appointments for which it would be desirable to establish Furlough Rules analogous to those adopted for the Covenanted Service (which are framed with a view to the circumstances of Europeans rather than of natives), I suggested that different rules might be adopted for different branches of the service.

3. In the despatch under reply, you state that to adopt this suggestion would lead to very inconvenient anomalies which, however, are not described. It is, in my opinion, of the utmost importance to good government to prevent the springing up of an Uncovenanted Service in which all the higher appointments shall be appropriated to Englishmen, such as the rules now submitted to me, which principally keep English interests in view, have clearly a tendency to encourage.

4. I must therefore adhere to my opinion that the Furlough Rules should be framed with a view to the circumstances of natives rather than of Europeans; and I must decline to confirm the rules which you have submitted, because in my judgment they do not fulfil this condition. The rules are so drawn as to give to Europeans the most liberal terms of furlough,—terms which are in some respects proportionately more liberal even than those given to the members of the Covenanted Service,—subject to a restriction which will be, and is meant to be, inoperative as against Europeans, and operative only as against natives. I consider that the imposition of this restriction is, in spirit if not in the letter, inconsistent with the principle laid down in my former despatch, “that there should not be different rules of leave of absence for persons of different nationalities holding similar offices;” and I must withhold my assent from the distinction.

5. With reference to my observation that the terms you propose are proportionately more liberal than those granted to the Covenanted Service, I must draw your attention to the fact that you have fixed the same maximum £1,200 a year for the furlough allowance for both services. In the case of the Covenanted Service, this limitation will affect a considerable number of officers; in the case of the Uncovenanted, it will, on account of the inferiority of the salaries, be practically inoperative, while the difference which exists between the amount of retiring allowance or annuity in the one and in the other service tends to aggravate the



objection to the arrangement, since it obviously makes it more desirable for the worn-out Uncovenanted Servant than for the Covenanted Civilian to come home on furlough instead of retiring from the service.

6. I regret, therefore, that I feel myself under the necessity of returning these rules to you and of requesting you to revise them in conformity with my despatch of the 15th May and the present despatch.

*Order of the Government of India in the Financial Department,—No. 703, dated the 30th January 1869.*

ORDERED, that a copy of the above despatch be forwarded to the Furlough Committee, with the request that they will either submit revised rules framed in precise accordance with the orders of the Secretary of State, or state in detail the reasons for their inability to do so, or for preferring the rules they have already proposed.

*Letter from the Uncovenanted Service Furlough Committee, to the Secretary to the Government of India, in the Financial Department,—dated the 15th March 1869.*

In accordance with the instructions conveyed in your communication No. 703, dated the 30th January 1869, forwarding a copy of the Secretary of State's financial despatch No. 504, dated the 8th December 1868, we have carefully reconsidered the question of the Uncovenanted Service Leave Rules.

2. The Right Hon'ble the Secretary of State having on various grounds rejected the rules which our Committee had prepared in August last, requests that they may be revised in conformity with the despatch of the 15th May last and with the present despatch.

3. In the despatch of the 15th May, it was desired that any rules which may be adopted should be framed with reference to the consideration of the policy of Her Majesty's Government as to the admission of the natives of India to higher posts under Government, and the circumstance that the Uncovenanted Service evidently offers the most ready access to them. The rules for those branches of the service to which it is possible to appoint a considerable proportion of natives, were to be framed with a view to the circumstances of natives rather than Europeans. While desiring that there should not be different rules for persons of different nationalities holding similar offices, but that the rules for each class of appointments should be uniform, the Secretary of State observed that different rules might be properly adopted for different branches of the Uncovenanted Service. Some of the appointments in the Engineering and in the Educational Service were instanced as those for which special arrangements might be made, on the ground that the holders are in a position very nearly analogous to that of Covenanted Civilians. Lastly, it was desired that the limitations as to duration and repetition of leave, and proportion of salary to be drawn during leave, should not exceed those prescribed for the Covenanted Civil Service.

4. With these instructions before them, our Committee, last August, could not come to an agreement as to what were the classes of appointments for which special arrangements should be made. On examination; these classes appeared very numerous, and it was found difficult to draw a definite line between appointments the holders of which are in a position very nearly analogous to that of Covenanted Civilians and other appointments.

5. It seemed to us that the necessity for different rules for different classes of appointments arose from the fact that in some classes the great majority of holders required comparatively long periods of leave in order to visit their homes, owing to the length and expense of the voyage to Europe; and that in others the majority of the holders did not require long periods of leave, as they would not leave India. Different rules might easily be framed to suit the majority in each of these categories, but these rules would be quite unsuitable to the minority. In the first category would be some officers who would never wish to leave India, yet they would find themselves entitled to long periods of leave, merely on the ground that the majority of their fellows wished to spend their leave out of India; in the second category would be found some who could practically never visit their homes in Europe, merely because the homes of the majority of their fellow officers were in India. Influenced by these considerations, we drafted rules which allowed longer leave out of India than in India, as we saw no other practical way out of the difficulty.

6. The same difficulties again present themselves to us, but we think it right to do the best we can to follow the instructions now conveyed to us.

7. In the margin of the annexed rules is a list of those classes of appointments for which we are of opinion that special arrangements are necessary. The great majority—in fact nearly all—of the holders of these appointments are, and must for a very long time to come be, English gentlemen of an education and social status which necessitates their recruitment

from the same classes as furnish the members of the Civil Service, and who require as liberal leave as is granted to the members of that service. A great number of these appointments have been created within the last few years, and it is most probable that others will come into existence from time to time. It will be necessary when new offices are made for the Government to state to what leave rules they will be subject.

8. For the classes in the list we recommend the annexed rules which are founded on those of the Covenanted Civil Service.

9. For all other classes of the Uncovenanted Service, we think the Leave Rules of 1863, as at present in force, will suffice, with an alteration in regard to the absentee allowances.

10. The Right Hon'ble the Secretary of State, in the 4th paragraph of his despatch of the 8th December, has observed that the terms for furlough proposed by us "are in some respects proportionately more liberal even than those given to the members of the Covenanted Service;" and in the next paragraph he has explained that his observation is founded partly on the fact that the limitation of the maximum furlough allowance to £1,200 per annum will be practically inoperative. We have given our best consideration to this objection, and we beg respectfully to represent that we do not see how we can alter the proposal without injustice to the Uncovenanted Service. The rule for the Covenanted Service is, that all officers whose average salary for three years prior to furlough did not exceed Rs. 2,000 per mensem, receive while on furlough half that salary, while those officers whose average salary for the said three years did exceed Rs. 2,000 per mensem, receive a furlough allowance of £1,200 per annum.

11. We proposed precisely the same rule for the Uncovenanted Service. The fact that, as compared to the Covenanted Civil Service, there are in the Uncovenanted Service proportionately more officers whose salaries are less than Rs. 2,000 per mensem, does not seem to us to affect the justice of the rule. On the other hand, any alteration of the rule would affect the very class of Uncovenanted officers who are most deserving of indulgent consideration. It was one of the instructions originally communicated to the Committee, that officers serving together, to whatever service they may belong, should be placed upon an equality as regards leave and allowances while on leave. It was considered as evidently unfair, as well as in some respects inconvenient to the public service, that officers who when actually present at their duty performed precisely similar duties and received exactly the same salaries, should while on leave be very differently treated. Thus, for example, it seems to us that if an Uncovenanted officer should attain (as is very probable at the present moment) a Commissionership in the Non-Regulation Provinces, he ought to receive the same emoluments while on leave which are allowed to Commissioners who may belong to the Military or to the Covenanted Civil Service. If his allowances were limited to the amount prescribed under present rules, he would draw less than any other officer in the Commission above the rank of an Assistant Commissioner of the lowest grade, and would lose one main advantage of the promotion conferred upon him. The same thing may happen in the Public Works Department, in which Uncovenanted Engineers already hold appointments in the grade of Superintending Engineers, and may not improbably be still further advanced. We cannot but think that Uncovenanted officers who have won their way to positions of such importance are, so long as they are in the service, entitled to expect the same advantages as are allowed to other officers performing the same duties.

12. The Secretary of State further observes that the great difference between the retiring allowances of Uncovenanted officers and the allowances proposed for them while on leave, make it obviously more desirable for the worn-out Uncovenanted servant than for the Covenanted Civilian to take furlough instead of at once retiring from the service. But we would respectfully remark that even the Covenanted Civil Service furlough allowances are frequently better than their retiring allowances, and the case of Military officers is still stronger. Instances may easily arise of Military officers entitled to retire on no higher pension than that of a Captain or of a Major, who may yet claim to proceed on leave on the maximum absentee allowances. Moreover, the Secretary of State's objection applies only to Uncovenanted officers holding exceptionally high appointments; as a matter of fact, very few such officers would be in a position to take leave on allowances much in excess of any pension to which they may be entitled, and the probability of abuse may therefore be considered as reduced to a minimum.

13. On these grounds, we beg, with all respect, to adhere to our recommendation that the same rule for furlough allowances shall apply to all branches of the Uncovenanted Service that now applies to the Covenanted Civil Service.

\* A copy is enclosed. A few modifications have been made in the rules originally proposed.

14. We would also urge that the rules\* prepared by us in August last are still, in our opinion, the best that can be devised to meet the peculiar difficulties of the case.

*Proposed Rules for Leave of Absence to Officers in the Uncovenanted Civil Service holding certain classes of appointments.*

- I.—All officers holding appointments of the classes usually held by Covenanted Civil Servants, or by Commissioned Military Officers.
- II.—**FINANCIAL DEPARTMENT.**—Officers of the 5th grade, and upwards.  
Sub-Deputy Opium Agents.  
Commissioner, Deputy Commissioner, and Collectors of Land Customs (North-Western Provinces).  
Deputy and Assistant Commissioners of Sea Customs.  
Presidency Postmasters and Chief Inspectors, and upwards.
- III.—**PUBLIC WORKS DEPARTMENT.**—Assistant Engineers of the 3rd grade, and upwards.  
Assistant Controllers of Accounts, and upwards.  
Assistant Conservators of Forests, and upwards.
- IV.—**HOME DEPARTMENT.**—Director of Public Instruction and all officers of the graded lists of the Educational Department.  
Officers of the Settlement Department above the rank of Deputy Collectors or Extra Assistant Commissioners.  
Officers of Police of the rank of District Superintendents, and upwards.  
Officers of the Trigonometrical, Topographical, or Revenue Surveys of the grade of Assistant Surveyor, and upwards.  
Uncovenanted Medical Officers as graded in the Notification of the Financial Department, No. 2295, dated 25th April 1867.  
Officers in the graded list of the Geological Survey.  
Such of the following officers as may not be, and until they are declared, entitled to leave under the High Court Leave Rules, viz.—  
Judges of the Chief Court, Punjab.  
Secretary to the Council of the Governor General for making Laws and Regulations.  
Recorders of Bangalore and Moulmein.  
Judges and Registrars of the Presidency Town Small Cause Courts.  
Magistrates of Police in Presidency Towns.  
Civil Judge, Oude.  
Registrars of High Courts.  
Registrars General of Assurances.  
Clerks of the Crown.
- V.—**FOREIGN DEPARTMENT.**—Officers of the Telegraph Department of the rank of Assistant Superintendent, and upwards.  
Assistant Political Agents.
- VI.—**SPECIAL APPOINTMENTS.**—Assistant Secretaries to Government.  
Master Attendants.  
Deputy and Assistant Master Attendants.  
Superintendent of Government Printing.

Under the sanction of the Right Hon'ble the Secretary of State, the Governor General in Council is pleased to promulgate the following rules regarding leave of absence to officers of the Uncovenanted Civil Service holding appointments in the classes noted in the margin, in supersession of all previous rules and orders on the subject.

The rules will take effect from the

*Definitions.*

I.—In the following rules, "Actual Service" includes the period during which an officer is on duty in any appointment belonging to the classes above specified, also periods spent on privilege and subsidiary leave.

"Extraordinary Leave" means any leave granted otherwise than under these rules.

"Salary" includes acting allowances.

An officer's "Station" means that station to which he stands appointed, or such other place as the Government may determine.

CHAPTER I.

*Furlough.*

II.—Furlough shall be placed at the credit of each officer at the rate of one-fourth of his actual service.

III.—Except under rules VIII and IX, no furlough shall be granted unless at credit under rule II, or before the completion of eight years' actual service.

IV.—Except under rules VIII (b) and IX, furlough shall not be repeated until the completion of three years' actual service from the date of the last return from furlough or extraordinary leave.

V.—The maximum term of furlough to be taken at any one time shall be two years.

VI.—Except under rule VIII (b) and (c), an officer when on furlough shall be granted allowances at the rate of 50 per cent. of his average salary for the previous three years.

In calculating such average, the time spent, and the allowances drawn under any leave or absence from duty, excepting privilege leave under chapter II, shall be omitted.

Provided that no officer on furlough shall draw more than £1,200 per annum.

VII.—Subject to the above conditions, and to the conditions in rules X and XIII, furlough may be granted when at credit under rule II.

VIII.—Under medical certificate—

(a).—Furlough may be granted on the above-mentioned conditions, without reference to the amount at credit under rule II.

(b).—When less than three years have elapsed since the last return from furlough or extraordinary leave, or since the commencement of service, furlough may be granted for a period not exceeding one year. When on furlough under this clause, an officer shall be entitled to only one-half the allowances mentioned in rule VI, subject to a maximum of Rs. 400 per mensem, or £480 per annum. Provided that, if he has completed six months' actual service since his last return from furlough or extraordinary leave, or since the commencement of his service, as the case may be, the officer shall draw the full allowances mentioned under rule VI, until the leave at his credit, if any, be exhausted, but in no case for a period exceeding one year. Leave under this clause shall not be repeated within three years.

(c).—Furlough taken under rule VII, or under clause (a) of this rule, may be extended beyond two years for a period not exceeding one year. During the extension of leave under this clause, the rate of allowances shall be reduced by one-half, and be subject to a maximum of Rs. 400 per mensem, or £480 per annum.

IX.—For urgent private affairs, if furlough is not available under the above rules, it may nevertheless be granted for a period not exceeding six months on the allowances mentioned in rule VI. Furlough under this rule may be repeated, but without allowances, at intervals of not less than six years of actual service.

X.—The aggregate amount of all furlough which can be granted to an officer during the whole period of his service shall not exceed six years, exclusive of furlough without allowances under rule IX.

XI.—Furlough taken in India shall be reckoned from the date of the officer quitting his station to the date of his return thereto. Furlough taken out of India shall be reckoned from the date of embarkation to the date of return.

In the event of the furlough being taken partly in India and partly out of India, the commencement and termination of the furlough shall be respectively determined by the above rules, according as the furlough begins or ends in or out of India.

XII.—For the interval elapsing between departure from his station and the commencement of furlough out of India, and between the termination of furlough out of India and the re-arrival at his station, an officer may be allowed subsidiary leave not ordinarily exceeding in each case thirty days, which in special cases may be extended. During such subsidiary leave his allowances shall be the same as during the period of furlough which the said leave immediately precedes or follows.

If an officer granted furlough out of India shall not have embarked by the date on which his subsidiary leave with extensions expires, his furlough shall be reckoned from that date, unless before his embarkation more than thirty days have elapsed from that date, in which case the furlough shall be reckoned to have commenced from the beginning of his subsidiary leave.

XIII.—Except under medical certificate, the number of furloughs to be granted at any one time, and the grant of furloughs to individual officers, shall be subject to, and be limited by, the exigencies of the service, of which exigencies the authority granting the furlough shall be exclusively the judge.

## CHAPTER II.

### *Privilege Leave.*

XIV.—Subject to the exigencies of the service, an officer who has completed eleven months' continuous duty may be granted privilege leave for one month without deduction from his salary, retaining a lien on his appointment, whether substantive or officiating. Provided that, in the case of an officiating appointment, such lien and the acting allowance shall cease on the assumption of charge by the officer holding the substantive appointment.

XV.—In the same manner and under the same conditions, an additional month of privilege leave shall be held to accrue to an officer after each further period of eleven months' continuous duty.

XVI.—Privilege leave, whether of one month or accumulated, may, at the discretion of the Government, be taken in separate instalments. No second instalment shall be taken until after the completion of six months' continuous duty from the expiry of the first instalment. In this case the eleven months qualifying for fresh privilege leave shall be reckoned from the expiry of the first instalment, the period of the second instalment being omitted from the calculation.

Privilege leave of one month or accumulated shall not be taken in more than two instalments; but if any balance remains untaken when additional privilege leave accrues, such balance shall be added to the new leave, and the whole shall be reckoned accumulated privilege leave.

Provided that the whole privilege leave taken at any one time shall not exceed three months, and that any accumulation of privilege leave beyond that period shall be forfeited.

## CHAPTER III.

### *General.*

XVII.—Furlough and privilege leave shall not be taken as such in continuation of each other; but if an officer absent on one of these classes of leave be allowed to change it for another, the whole period of his absence shall be held to be under the class of leave for which it was changed.

XVIII.—Applications for leave, or for extension of leave, shall in all cases be submitted in such manner as the Government may from time to time prescribe.

XIX.—Leave allowance shall be payable monthly, if payment is taken in India, and quarterly, if payment is taken in England. To secure the return of officers to duty after the expiry of their leave, the Government may prescribe the conditions under which the leave allowances shall be payable.

XX.—No substantive appointment shall be vacated merely by reason of leave being granted under these rules.

XXI.—If an officer shall overstay any leave, he shall forfeit all salary during the time of his remaining so absent; and if he shall so continue absent for more than one week, his office shall, at the discretion of the Government, be liable to become vacant.

XXII.—Furlough, and all leave on private affairs or under medical certificate, taken under previous rules, shall be reckoned as furlough taken under these rules.

XXIII.—If any officer appointed to a class subjected to these rules has immediately previous to his appointment served in any other branch of the Uncovenanted Service, he shall, on being so appointed, be credited with furlough at the rate of one-eighth of his previous actual service, and be debited with the amount of furlough and leave on private affairs or medical certificate which he may have already taken.

*Proposed amendment of paragraph 20 of the Rules for Absentee Pay, published in accordance with a despatch from the Secretary of State, No. 205, dated the 8th December 1862.*

20. Absentee pay shall be calculated on the average salary for the three years previous to the leave being granted, and shall not exceed Rs. 12,000 or £1,200 per annum if at half salary, or Rs. 4,800 or £480 if at one-fourth salary. Within these limitations, absentee pay will be given as follows:—

I and II (as at present).

III.—To an officer proceeding on furlough, one-half of his salary.

IV and V (as at present).

*Despatch from the Government of India in the Financial Department, to the Secretary of State for India,—No. 74, dated the 23rd March 1869.*

On receipt of Sir Stafford Northcote's financial despatch No. 504, dated the 8th December 1868, on the subject of the proposed Leave Rules for the Uncovenanted Service, we desired the Furlough Committee to take that despatch into their consideration, and to prepare revised rules framed in precise accordance with the instructions therein contained, or to state in detail their reasons for their inability to do so.

2. We have now the honor to forward copy of the report of the Committee, with its enclosures. It will be seen that the Committee have endeavoured to carry out their instructions to the best of their power. They have prepared a set of rules which they propose shall be applicable to the holders of certain specified offices, who, they say, "are, and must for a very long time to come be, English gentlemen of education and social status which necessitates their recruitment from the same classes as furnish the members of that service, and who require as liberal leave as is granted to the members of that service." For all other classes of the Uncovenanted Service, they think the rules as at present in force, with a modification as to the leave allowances, will suffice.

3. At the same time the Committee point out the objections to having two different sets of rules for different classes of the service. These objections go to show that though the rules may suit the majority, yet there will be persons who, under one set of rules, will get more leave than is necessary for them, and under the other less leave than they might fairly claim.

We have carefully considered the arguments adduced, and we are of opinion that the views of the Committee are correct. The existence of two sets of rules for the Uncovenanted Service will of itself lead to difficulties. Officers frequently rise from one class of appointment to another. The result would be that the leave rules applicable to them would be changed in the course of their service. As pointed out by the Committee, it will be necessary for the Government, in creating new offices, to declare under what Leave Rules these offices should be regulated. If such officers are excluded from the more favorable rules, discontent and discussion will arise. On these grounds, we would respectfully urge that the Leave Rules previously prepared by the Committee, as now modified by them, may be sanctioned, in preference to those annexed to their report. Your Grace may be assured that we shall take care not to lose sight of the policy of employing the natives of India in all such posts as they are, or shall be capable of filling, but we think, nevertheless, that it would be inconvenient to embody in the Leave Rules restrictions intended to discourage the appointment of Europeans.

*Financial despatch from the Secretary of State for India, to the Government of India,—No. 84, dated the 10th March 1870.*

I have considered in Council your financial letters dated the 23rd March and 7th June last, Nos. 74 and 138, and the papers forwarded therewith, relative to the proposed alterations in the Uncovenanted Service Absentee Rules.

2. I am not insensible to the objections that may be offered to the introduction of two sets of rules for Uncovenanted Servants whose services were obtained in India; but, after full consideration of the subject, I am not aware of any better mode of meeting at present the difficulties of the case.

3. As the offices filled by the general body of European Uncovenanted Servants, who are not appointed from this country, are open to, and will be filled in a greater proportion every year by, natives of India, the rules regulating furloughs should be framed to meet the

circumstances of native officers. I see no reason to doubt that the existing Uncovenanted Absentee Rules, with the alterations you have suggested, are fully sufficient for that purpose.

4. In the revised rules, as prepared by the Committee, a long list of highly paid appointments is placed in the margin, as to which it is stated that the great "majority,—in fact, nearly all,—of the holders of these appointments are, and must for a long time to come be, English gentlemen of an education and social status which necessitates their recruitment from the same classes as furnish the members of the Civil Service." But I am desirous that appointments such as these should hereafter, as far as practicable, be filled by Covenanted Civil Servants, and that your future indents for Civilians should be raised accordingly.

5. Exceptional cases will, however, still exist, such as Educational officers, who must be selected in and appointed from this country on account of special qualifications, and it appears to be right that the Furlough Rules for them should be similar generally to those framed for the Covenanted Civil Service.

6. I therefore assent to the rules now framed by the Committee in India, with the following modifications:—

In the first set of rules,—those proposed for holders of offices now held by English gentlemen, I desire that the maximum allowance on furlough be reduced to £800 per annum, and that they be declared applicable from this date only to officers of the Education Department appointed from England, and to such others of those now actually in the service as you may think fit to include in a nominal list for that purpose to be submitted for my approval.

In the second set of rules proposed "for all other classes of the Uncovenanted Service," I desire that the maximum allowance be reduced to £600 per annum. These rules will, for the present, apply to all Uncovenanted Servants not entitled to the benefit of the first set of rules, and hereafter to all Uncovenanted Servants who may not have been appointed from England.

7. The principle which Her Majesty's Government have steadily kept in view throughout the discussion on these Furlough Rules is, that the Uncovenanted Service should be principally reserved for the natives of the country, and that superior appointments, which require English training and experience, should be made, as heretofore, from England, and they look with great disfavor on the system which appears to be growing up in India of appointing Englishmen in India to situations that ought only, as a rule, to be filled by Civilians who have gained their position by open competition. I trust that the views I have now expressed will put a stop to the above practice.

*Despatch from the Government of India in the Financial Department, to the Secretary of State for India,—No. 227, dated the 4th October 1870.*

We have the honor to acknowledge your Grace's despatch No. 84, dated 18th March 1870, upon the subject of the proposed alterations in the Uncovenanted Service Absentee Rules.

2. Your Grace is pleased to assent to the rules which we have proposed for holders of offices now, for the most part, filled by English gentlemen, with the modification that the maximum allowance on furlough be reduced to £800 per annum, and that the rules be applied only to officers of the Education Department appointed from England, and to such others of those now actually in the service as we may think fit to include in a nominal list to be submitted for your approval.

3. We infer from the concluding sentence of the 6th paragraph of the despatch that your Grace is willing that the same rules should apply, *hereafter*, to all Uncovenanted Servants who may be appointed from England, although it is difficult to reconcile with this concession the limitation of the *present* operation of the rules prescribed in the earlier clause of the paragraph to "officers of the Education Department" so appointed.

4. In respect to all other Uncovenanted Servants, your Grace assents to the second set of rules proposed by our Government, which are, in fact, the existing rules slightly modified.

5. We fully accept the principles upon which the orders of Her Majesty's Government are based, *viz.*, that, on the one hand, all offices to which it is desirable to appoint persons not natives of India, should be, as far as practicable, filled from the ranks of the Covenanted Civil Service, or from the Staff Corps; and that, on the other hand, so far as may be possible, and consistent with the requirements of the public service, all offices other than those reserved for the Covenanted Civil Service, and those for which, as explained below, technical or professional qualifications are desirable, should be held by natives of India.

6. Further, we agree with your Grace in thinking that, as a rule, it is desirable, as far as practicable, to engage in Great Britain the services of such natives of that country or of the Continent of Europe, or of America, as it may be deemed proper to enlist in the junior branches of the Uncovenanted Service of India. And we cordially share the disfavor with which Her Majesty's Government look on the appointment in India of Englishmen to situations that ought only, as a rule, to be filled by members of the Covenanted Civil and Military Services. We are not aware, indeed, that any such *system* is growing up in India as is supposed by Her Majesty's Government. We append to this despatch two statements (A and B), showing the manner in which, at a recent date, offices in India were in this respect filled, from which, we think, your Grace will see that there has not hitherto been any important departure from law and rule in the manner in which appointments have been made. There

are at this moment very few Uncovenanted officers holding offices usually filled from the Covenanted Service; and we believe that completely satisfactory reasons can be given in the case of almost all of these few exceptions.

7. At the same time, we are not prepared to deny that if vigilance be not exercised, there might arise some danger of unconstitutional irregularities. It is obvious that, under the existing system of recruitment for the Covenanted Civil Service of India by open competition, no Englishman who has not succeeded in that competition can (as a rule, and except under the provisions of 24 and 25 Vic., cap. 54, Sec. 3) be appointed to any of the reserved offices without injustice to those successful competitors who are eligible thereto. And, apart from this, it is most desirable, in the interests of economy, that suitable employment should be found for the numerous Junior Covenanted Civilians and officers of the Staff Corps at present in our service, and that appointments for which they are fitted should generally be filled from their ranks.

8. We are quite prepared, with your Grace's approval, to take as a general rule for our own guidance, that whenever any office can, with due regard to the public interests, and to the claims of Uncovenanted officers already in the service, be filled by a Covenanted Civil Servant or by an officer of the Staff Corps, no other person, not a native of India, shall be appointed to it. We should be glad, indeed, to see some such rule prescribed by Her Majesty's Government for general observance by every Government in India. It would not of course be understood to prohibit the appointment of persons possessing special professional qualifications, to offices in which such qualifications are necessary, or of any person whatever to any office which he can legally fill, and which it is clearly for the interests of the public service that he should hold.

9. We have entered fully into these important matters lest any misapprehension of our policy regarding them should prevent Her Majesty's Government from assenting to the rules for regulating the leave of absence of our Uncovenanted Servants which we have now so often recommended. For we venture to represent to your Grace that the instructions which we have now received impose upon us a duty which we cannot satisfactorily perform, and which might, if obeyed, lead, in the future, to grave injustice to deserving members of the Uncovenanted Service, and cause some inconvenience to our administration.

10. However carefully we may endeavour to act upon the principles we have above described, there must, for many years to come, and probably always, be many offices to which it will be expedient to appoint persons who are neither natives of India, nor members of the Covenanted Civil and Military Services. It is no disparagement of the natives of India to say that, as a rule, they do not, at present, possess, and perhaps never will possess in as great a degree as natives of some other countries, the professional skill, strength, and endurance necessary for the due performance of the duties of many of the offices detailed in the margin of the preamble to the rules submitted for your approval with our dispatch No. 74, dated 22nd March 1869. Nor do we think that the interests of India require that there should be any hesitation about the employment of persons not born in India, even in the Uncovenanted Civil Service of the State, in offices for which they are decidedly more qualified than natives of the country. The appointment of such persons to such offices is not, in our opinion, at all inconsistent with the principle that natives of India have a preferential right to employment in the service of their own country so far as they are qualified for it.

11. For many of the offices specified in the list above referred to, natives of India are not, at present, qualified.

12. And in regard to the employment of members of the Covenanted Civil Service or of the Staff Corps in those offices, if the list be examined it will be found that sometimes for the offices contained in it special professional acquirements are necessary, which are not possessed by members of the Covenanted Civil and Military Services,—as, for instance, for the Marine Department, for the Telegraph Department, for the Public Works Department, for the Forest Department, for the various offices filled by barristers-at-law, for the Geological Department, and in a less degree, perhaps, for the Educational Department. Sometimes again it will be found, as in the case of the Financial Department and the Police Department, that the scale of remuneration fixed is far too low to attract members of the Covenanted Civil Service, except in the higher posts, from which, if the Uncovenanted departmental officers were excluded, either the pay of the lower posts must be greatly raised, or the efficiency of the administration must be greatly impaired.

13. We venture to think that on re-examining the list, your Grace will find that to most of the offices specified therein neither gentlemen of the Covenanted Civil Service or the Staff Corps, nor natives of India could, as a rule, be appointed; either because they are not at all likely to be possessed of the needful professional acquirements, or because the emoluments are insufficient to attract them.

14. It being then established that the many important offices cannot ordinarily be filled either by natives of India, or by officers of the Covenanted Civil Service or the Staff Corps, it is obviously most important that suitable rules for leave of absence to the officers who *must* fill them, should be passed. Not only have the officers themselves a strong claim to liberal treatment in this respect, but it is most important in the interests of the public service to facilitate by every legitimate concession, periodical visits to Europe or America by every native



of those continents in our service, Uncovenanted as well as Covenanted. And this is, perhaps, especially true in respect to the officers of what may be called the professional departments.

15. We cannot suppose that it was your Grace's intention, *prima facie*, to exclude from the benefit of the more liberal rules to which you have assented, the many meritorious Uncovenanted officers who are now in our service, with the exception of the comparatively small number of "officers of the Education Department who have been appointed from England." We are fully sensible of the merits of these officers. But some of the most deserving and highest officers in the Educational Department itself would not come within the narrow category stated in your Grace's dispatch; and we could name many officers of distinction in other branches of the service who would not be, under your Grace's present orders, admitted to the benefit of the proposed rules as of right, but only by the comparatively invidious process of having their names included in a special list. Your Grace will probably be pleased, at any rate, to extend the benefits of the more favorable rules to every Uncovenanted officer, holding any of the offices in the list attached to our last dispatch, *already* appointed from England; as, indeed, we understand you to intend to do to all officers who may *hereafter* be so appointed.

16. But we desire to deprecate being compelled to submit at all the nominal roll for which your Grace calls. Such a roll must, in all probability, simply contain the names of the incumbents of all the offices in the list attached to our proposed rules; at least, we can conceive of no ground upon which we could make any distinction between two gentlemen, not natives of India, of equal rank, or holding the same office, in our service. We are so sure that if we invite the Local Governments to compile the nominal lists desired by your Grace, we shall be met with urgent remonstrances, that we have resolved to take no further steps in the matter until we shall be favored with fresh instructions from your Grace. We desire strongly to recommend that whatever may be decided for the future, every officer now in our service in any of the appointments mentioned in the list attached to our draft rules may be admitted to the benefits of the more liberal rules which have now been approved by Her Majesty's Government.

17. And, for the future, we would submit, for the consideration of Her Majesty's Government, that we shall be placed in an unfair position if the fact of an officer being appointed in India shall, *ipso facto*, place him in an unfavorable position as compared with officers not more than his equals, and perhaps his inferiors, only because they have been appointed in England. We have already stated our opinion that, *as a rule*, it is advisable to engage in England persons not natives of India required for our service in India; but to this rule there must be many exceptions. There can be no good reason why barristers, engineers, and other professional or scientific men should be held disqualified, or partially disqualified for service in India, merely because they are possessed of the special advantage of Indian experience. Some of our most distinguished officers have been thus engaged in India after acquiring valuable practical experience before entering the Government service. We have appointed some engineers to high posts in the Department Public Works for the construction of State Railways, for the very reason that they were on the spot, and that they had had extended experience of the people and the mode of conducting work in India. We have also taken over several engineers of experience from the East India Irrigation Company with reference to whom and to those specified above we have already said (Public Works Department despatch No. 157, dated 24th November 1869) that the improved rules will properly be applicable. It can hardly be your Grace's intention to fetter the discretion of the Government of India in respect to the employment of such men by restrictions in respect to leave of absence. It would, doubtless, be possible for the Government of India to obtain, in the case of each individual among such officers, the special sanction of the Secretary of State to his admission to the benefit of the Leave Rules of his class; but the necessity for such a reference would not, perhaps, be in keeping with the status of the Government of India.

18. Again, it is doubtful how far anything would be gained by recruiting in England for some of the Departments of which the service is limited, and the pay in the subordinate grades very low. Thus it is our intention to select officers for the service of the Financial Department by a system of nominated competitive examination in India: there would probably not, on an average, be more than two such admissions in a year. Thus, again, students trained in the Roorkee College are admitted to the service of the Public Works Department, and may rise, in fact have risen, to distinction in that service. We do not suppose that it can seem desirable to your Grace to insist upon the application of unfavorable Leave Rules to officers who have entered our service by such avenues.

19. Upon the whole, we must express our decided opinion that, however expedient it may be to engage in England such young men not natives of India as we require for our service, it is not desirable that we should be deprived of a free discretion to admit to our service persons already in India; but that, if Her Majesty's Government think fit to limit our discretion in any way, it should be effected by some direct regulation, and not by distinctions in regard to leave privileges.

20. We desire also to press again upon your Grace's consideration our strong sense of the injustice that will be done if the furlough allowances of our Uncovenanted officers be subjected to a lower maximum limit than that (£1,000 a year) fixed for the Civil and Military Services. The number of Uncovenanted Servants that will be affected by a maximum limit of



even £600 a year very small, and those who would be entitled to a maximum limit of more than £800 a year, will probably never much exceed fifty, of whom it is very unlikely that more than six or eight would ever be absent on furlough simultaneously. The financial gain, therefore, of treating the Uncovenanted Service less liberally in this respect than the rest of our officers, would not in any way compensate for the sense of wrong caused by making an invidious distinction between officers doing, perhaps, the same duty, and at any rate receiving the same salaries, merely because they belong to different classes. A main object of the changes made in 1868 in the Furlough Rules, was to get rid of such invidious and inequitable distinctions. It may reasonably be presumed that, as a rule, no Uncovenanted officer can attain to such emoluments as would entitle him, under the rules which we have proposed, to absentee allowances in excess of even £600 unless he be distinguished by special merits or special professional acquirements. It cannot be desirable to stigmatise such officers by treating them, upon the ground of a class distinction, less liberally than their fellows of the rank to which they have honorably attained.

21. In conclusion, we desire again to press upon your Grace's consideration our decided opinion that the best, and, indeed, the only satisfactory method of dealing with this somewhat difficult subject is that suggested in our despatch No. 220, dated 28th August 1868. Our Uncovenanted Service is composed of natives of India and natives of other countries. It is very undesirable to give any advantages to one class which are not given to the other. Yet, inevitably, rules that may be very liberal for natives of India are totally unsuited for natives of other countries, and *vice versa*. The solution proposed by the Committee of 1868, *viz.*, to give the same leave indiscriminately to all our officers, but longer leave out of India than in India, appears to us, still, to be the true, and the only thoroughly satisfactory, method of disposing of the question.

*Abstract of Appendix A referred to in the 6th paragraph of the above despatch, being a statement of the number of offices in India which were filled in 1869 by Uncovenanted Servants, but which might have been filled by Covenanted Civil Servants or Military Officers.*

SECTIONS.	SUB-DIVISIONS OR DEPARTMENTS.	NUMBER OF OFFICES.		
		Filled by Uncovenanted Servants who are not Natives of India.	Filled by Native Uncovenanted Servants.	TOTAL.
I.—Appointments usually filled from the Covenanted Civil or Military Services; also Judgeships in the High Courts and the Presidency Small Cause Courts for which Covenanted Officers are eligible.	Sub-division A—Judgeships in the High Courts and the Presidency Small Cause Courts ...	21	4	25
	Sub-division B—Offices in the Ordinary Civil Administration of the Non-Regulation Provinces and in the Settlement Department in Bengal and the N. W. P.	81	30	111
II.—Appointments usually filled by Uncovenanted Officers, including those in Departments, such as the Police and Forests, in which Covenanted Officers are employed in a few instances or to improve the status of the Department; also miscellaneous appointments which are held differently by Uncovenanted and Military Officers.	Account Department ...	36	5	41
	Customs and Salt " ...	37	3	40
	Opium " ...	20	...	20
	Education " ...	107	22	129
	Forest " ...	46	...	46
	Police " ...	196	7	203
	Postal " ...	6	...	6
	Telegraph " ...	3	...	3
	Miscellaneous ...	13	1	14
			464	38
III.—Appointments in the Public Works Department, the Great Trigonometrical, Topographical, and Revenue Surveys, and the Medical Department; also some miscellaneous appointments filled by scientific or practical men.	Public Works Department ...	447	34	481
	Great Trigonometrical Survey ...	6	...	6
	Topographical " ...	4	...	4
	Revenue " ...	68	...	68
	Medical Department ...	59	5	64
		6	...	6
IV.—Appointments held exclusively by Uncovenanted Officers, of which from their small value or from other cause do not attract officers from the Covenanted Service.	Geological Survey ...	18	...	18
	Emigration Department ...	1	...	1
	Judicial " ...	31	...	31
	Law Department (appointments usually filled by Barristers and Attorneys) ...	25	...	25
	Marine Department ...	43	...	43
	Mint ...	1	...	1
	Political Department ...	5	6	11
	Printing " ...	3	...	3
	Revenue " ...	3	...	3
	Secretariats ...	10	1	11
	Translators ...	4	2	6
	Miscellaneous ...	2	1	3
			146	110
	GRAND TOTAL ...	1,302	221	1,523

*Appendix B referred to in the 6th paragraph of the above despatch, being a statement showing the number of Natives of India in the service of the Government in 1868 receiving Rs. 100 a month or more.*

MONTHLY SALARIES.	NUMBERS.										
	Government of India (General & Political).	Bengal.	North-Western Provinces.	Bombay.	Madras.	Punjab.	Central Provinces.	Oudh.	British Burmah.	TOTAL.	
Rs. 100 to 200 ...	173	647	416	448	356	257	125	120	100	2,642	
.. 200 to 300 ..	39	259	151	147	215	51	23	23	15	923	
.. 300 to 400 ...	17	60	22	45	22	5	12	23	2	208	
.. 400 to 500 ...	5	51	34	8	2	13	3	8	1	125	
.. 500 to 600 ...	6	15	9	14	14	...	2	...	...	60	
.. 600 to 700 ...	3	17	9	3	4	8	...	3	...	47	
.. 700 to 800 ...	...	11	1	1	...	1	...	...	...	14	
.. 800 to 900 ...	...	...	4	1	...	...	...	...	...	5	
.. 900 to 1,000 ...	...	...	...	...	...	...	...	...	...	...	
.. 1,000 to 1,100 ...	...	3	...	7	1	1	...	...	...	11	
.. 1,100 to 1,200 ...	...	1	...	...	...	...	...	...	...	1	
.. 1,200 to 1,300 ...	...	1	...	...	...	...	...	...	...	1	
.. 1,300 to 1,400 ...	...	...	...	...	...	...	...	...	...	...	
.. 1,400 to 1,500 ...	...	...	...	...	...	...	...	...	...	...	
.. 1,500 to 1,600 ...	...	...	...	1	...	...	...	...	...	1	
<b>TOTAL ...</b>	<b>243</b>	<b>1,065</b>	<b>646</b>	<b>675</b>	<b>614</b>	<b>335</b>	<b>165</b>	<b>177</b>	<b>118</b>	<b>4,038</b>	
				One Native Judge of the Bengal High Court, at Rs. 4,166-10-8 per mensem ...							1
										4,039	

*Financial despatch from the Secretary of State for India, to the Government of India,—No. 451, dated the 6th December 1871.*

I have considered in Council your financial letter dated the 4th October 1870, No. 227, on the subject of the proposed alterations in the rules for the grant of leave of absence to the Uncovenanted Service.

2. I am glad to find that you concur in the principle that natives of India should be more generally appointed to offices, the duties of which they are competent to discharge, and that offices to which it is desirable to appoint persons not natives of India, and for which special technical and professional qualifications are not required, should be, as far as practicable, held by Covenanted Civil Servants or Officers of the Staff Corps.

3. It is obviously desirable that an increasing proportion of Uncovenanted Officers should be natives of India, and also that the principle which has been hitherto so eminently successful in operation should be, as far as possible, maintained, of vesting the first appointment of such Europeans as may be destined for the higher branches of the service, whether Covenanted or Uncovenanted, in the authorities in England, leaving all promotions to be made by the authorities in India. It would be a violation of these principles to encourage the creation of a highly paid English service in India, the first appointments to which would be vested in the Local Governments.

4. As regards the list requested in my financial despatch of the 10th March 1870, No. 84, you deprecate being required to submit a nominal roll of officers now actually in the service, to whom the proposed more favorable provisions should apply, assigning, as your reason, that "such a roll must in all probability simply contain the names of the incumbents of all the offices in list," forwarded with your financial letter dated the 23rd March 1869, No. 74, and that you "can conceive of no ground on which" you "could make any distinction between two gentlemen, not natives of India, of equal rank or holding the same office" in the service. You add that "the solution proposed by the Committee of 1868, viz., to give the same leave indiscriminately to all" officers, but "longer leave out of India than in India, appears to" you "still to be the true and the only thoroughly satisfactory method of disposing of the question."

5. It is with regret that I find you have not been able to frame Leave Rules for the Uncovenanted Service in conformity with the instructions conveyed to your Government in the financial despatch dated the 15th May 1868, No. 221.

6. It is no doubt difficult to devise rules to meet all the cases of European and Eurasian Uncovenanted Servants who have obtained their first appointments in India. Saving such reasonable concessions as I am willing to grant to actual incumbents, I desire that it may be regarded as a general principle, not hereafter to be departed from, that all Europeans appointed in India to offices which could be fitly held by natives, should receive no greater advantages of any kind, furlough of course included, than would be enjoyed by natives holding such posts or offices.

7. With regard to those Uncovenanted Servants who are appointed in England to offices for which they have special qualifications, the case is different, and I have already expressed my willingness to allow them the benefit of more favorable rules. This benefit is also due to those Europeans who, for special reasons, may have been, or, with my sanction, may be hereafter appointed in India to certain exceptional posts.

8. But, in order to confine these privileges within reasonable limits, I must again request that you will furnish me with a nominal list of the officers who appear to you to come within the description referred to in paragraph 6 of my financial despatch dated the 10th March 1870, No. 84, and with a statement showing the first appointment of each officer to the service, by what authority, and at what date the appointment was made, and of the offices subsequently held by him. I shall then be able to determine what officers should be admitted to the benefits of the more favorable Furlough Rules.

#### PENSIONS AND GRATUITIES.

*The 16th February 1872.*

No. 1197.—The Acting Governor General in Council is pleased to direct the publication of the following rule as Rule 1 under Section 57 of the Civil Pension Code:—

- 1.—For educational officers entitled to the benefit of Section 61 (a), "27" should be substituted for "30" in this Section.

#### SEPARATE REVENUE.

(POST OFFICE).

*The 16th February 1872.*

No. 1222.—The Acting Governor General in Council directs that the following rule be substituted for Rule XI of the postal rules published with Notification of the Home Department, No. 189, dated 21st April 1866:—

XI.—No service parcel exceeding 600 tolahs in weight, and no private parcel exceeding 2,000 tolahs in weight, shall be received at any Post Office for despatch by Banghy or Letter Mail.

The following Orders issued by the Government of India, in the Military Department, are republished for general information:—

No. 146.—*Fort William, the 12th February 1872.*—The following Military letter from the Right Hon'ble the Secretary of State for India is published for general information:

MILITARY.

No. 14.

INDIA OFFICE;

*London, 18th January 1872.*

*To His Excellency the Right Hon'ble the Governor-General of India in Council.*

MY LORD,—The under-mentioned Officers have been permitted to return to their duty, viz:—

\* \* \* \* \*

2. The under-mentioned Officers have been granted extensions of leave for the period specified, viz:—

\* \* \* \* \*

Lieutenant W. J. Williamson ... .. 3 months.

3. Colonel W. Agnew has been allowed to embark at Brindisie on the 12th February 1872.

No. 157.—*The 16th February 1872.*—The under-mentioned Officers have reported their departure for Europe on the dates specified:—

\* \* \* \* \*

Captain E. G. Lillingston, of the Bengal Staff Corps, G. G. O. No. 62 of 1872,—*Deccan, 2nd February 1872.*

H. L. DAMPIER,  
*Secy. to the Govt. of Bengal.*

*The 15th February 1872.*—The following Rules for the guidance of Running Pilots, which have been approved by the Lieutenant-Governor, are published for general information :—

## PILOTAGE.

1. No pilot is on any account to take charge of an outward-bound vessel without an order signed by the Master Attendant or one of his assistants.
2. A pilot is not allowed to take charge of an inward-bound vessel at the Sandheads without the order of the senior officer, or the officer in command of the nearest pilot brig.
3. No pilot is to take charge of an outward-bound vessel within the limits of the port until the same is made over to him by an Assistant Harbour Master, without permission from the Master Attendant, or one of his assistants.
4. A pilot having taken charge of an outward-bound vessel is to use his best exertions to prevent delay in getting her to sea, and, on quitting charge, he is not to come to Calcutta without orders from the Master Attendant, or from the senior officer at the Sandheads, but he is to repair to the cruzzing station, and to place himself under the orders of the senior officer on board any pilot vessel which may be conveniently situated for the purpose, or on board the floating light vessel.
5. No pilot is to take charge of an outward-bound vessel from the 1st May to the 10th June, and from the 30th September until after the 15th day of November, which has not her top-gallant masts on deck, without special permission from the Master Attendant. Ships about to leave the port may, after they have left their moorings and dropped down to Garden Reach, be allowed to send their top-gallant masts and yards aloft 24 hours before they leave port.
6. When pilots are going down to join the station on board of any vessel, and the pilot who is appointed to take her down does not join in time to enable the vessel to leave the same day, the senior pilot of those going down is to take charge.
7. An officer receiving an order to take pilotage charge of a vessel outward-bound will proceed on board with all convenient despatch, and ascertain that her decks are sufficiently clear, and that she is in a proper state for working as regards her masts, yards, and rigging. He will also ascertain, without causing unnecessary detention by hauling up cables and sails for inspection, that the ship is sufficiently found in these respects; and that her boats are serviceable and fit on occasion to carry out a bower anchor, and that she has the commercial code of signals. He is to ascertain that she has two serviceable bower anchors, and if she has not a sheet or spare anchor fit for a bower over her side, that she has one in such a position on deck that it can easily be brought into use in case of its being required. Should a vessel lose one of her three bower anchors after leaving Garden Reach, she is not to be stopped on that account if the commander wishes to proceed. The pilot will ascertain that the vessel has the means of showing two good lights during the night for the whole of the time likely to be occupied in getting clear of pilot's water, and also that she has those required by admiralty regulations, and that her compasses are in good order. The pilot should also satisfy himself that the officers and crew are numerically sufficient to work the vessel. Should it be necessary to communicate with the commanding officer on these or any other points, the pilot is to do so in the most respectful manner; and if his representations and inquiries do not meet with prompt and due attention, and he should still have reason to suppose the ship deficient in any of the above requisites, he will not take charge, but immediately report the same to the Master Attendant.
8. An officer, before taking pilotage charge of an outward-bound ship, is to be very particular in ascertaining her draught, and forwarding a certificate of the same to the Master Attendant's office, signed by himself and the commander or commanding officer of the vessel. Should circumstances render waiting for the certificate inconvenient, the vessel may proceed, on an understanding with the commanding officer that if the certificate of draught of water (on which only the pilotage bill can be made out) is not received at the Bankshall before the vessel passes Moyapore, telegraphic orders will be sent to detain her until it is received; and in case a vessel takes in cargo at any place on her way down the river, so as perceptibly to alter her draught, the officer in pilotage charge is to forward a certificate of such altered draught, noting the place where the cargo was taken on board.
9. An officer appointed to the pilotage charge of a ship within the boundary of the port, who, on going on board, shall find her at single anchor (unless in charge of a duly authorized officer) is not to move such vessel, but he is forthwith to report the same to the Master Attendant, unless the commanding officer can show a written permission from competent authority.
10. No officer is to proceed in pilotage charge of a ship whose commander refuses to receive a leadsman, but is to refer the case to the Master Attendant if in town, or to the senior officer if at the Sandheads.
11. An officer having taken pilotage charge of a vessel is on no account to relinquish it before completing the service for which he was placed on board her, unless in case of

sickness or other unavoidable necessity, and he will use his utmost diligence to complete the service on which he had been ordered. Should any one be improperly impeded in his duty he will report the same to the Master Attendant.

12. No officer, of whatever rank, is to interfere with the pilotage charge of any other officer without his consent, except in the case of a vessel in charge of a second mate, or leadsman, when, at the request of the commander, a pilot of a superior grade may supersede the inferior.

13. No unemployed or unengaged officer above the rank of an acting mate pilot is to pass a vessel in the river ten miles below Calcutta, which may have a signal for a pilot flying without going on board; and if the vessel is inward-bound, he is to offer to take charge. Should the vessel be outward-bound, he is to endeavour to ascertain the cause of her being without a pilot, and if he shall have reason to think that she has been regularly cleared, and that she had a pilot when she left Calcutta, which pilot has been obliged to quit through some legitimate cause, such as sickness (but not otherwise), he is to offer to take charge and conduct her to sea. It

Men-of-war.  
Government vessels.  
Troop ships.  
Vessels in distress.

will be his duty to report the particulars of the occurrence to the Master Attendant by the first opportunity. Pilots proceeding to the Cruizing Station are prohibited from taking charge of any vessel on their way down except those noted in the margin.

14. An officer, before giving over charge of an outward-bound ship at the Sandheads, is to cause the usual certificate to be filled up and signed by the commander and is to sign it himself, and forward it to the Master Attendant. A like course is to be pursued in regard to the inward certificate on arrival at Calcutta.

15. An officer in pilotage charge of a vessel is not to quit her in the river, unless she is properly moored, without being duly relieved by an officer of the harbour master's department, or some other person properly authorized to take charge.

16. If an officer is appointed to a ship that does not leave Calcutta within two days subsequent to the date of his appointment, he is to report the circumstance to the Master Attendant, and forward the commander's opinion as to the probable date of departure. If the ship's departure is delayed beyond the time specified, the delay is again to be reported. Officers in charge of ships detained for three days at Saugor, or any other part of the river below Calcutta, are to report and explain the cause; and to report afresh for every subsequent three days' detention in like manner.

17. No pilot is to leave the Sandheads without permission of the senior officer on the station, or of the branch pilot in charge of the vessel he may be in at the time.

18. Officers in pilotage charge of ships are not to permit their leadsmen to take servants to sea with them. A leadsman, either of the service, or some other, shall always be in the chains when the vessel is under weigh in pilot's water.

19. When no leadsman is available, the pilot, on entering the river and obtaining a tow boatman, should address the commander in some such terms as the following:—

"I require the lead to be hove with great accuracy to a small quarter fathom, and great attention paid to such directions as I shall give regarding it. Have you a man on board that can do this? If not, I have a man here who can heave the lead with great accuracy, and with your permission I will send him in the chains." If the commander, after this explanation, chooses to prefer one of his own crew to heave the lead, the responsibility for correct soundings will then rest with him.

20. When proceeding up or down channel in thick weather, and when the buoys are not visible, pilots are required to have two leads going, one in each chain, as under such circumstances the lead is the only guide, and one leadsman will be a check on the other.

21. The attention of pilots is drawn to the necessity of having a deep-sea lead over the side when at anchor at night, and they should leave instructions with the officer of the watch to attend it as often as necessary.

22. Within three days of the full or change of the moon, no vessel drawing more than 12 feet is to attempt to pass the James and Mary, inward-bound on the flood, before half tide, unless in tow of a steamer.

23. No pilot is to steam, sail, or tow down on an ebb tide, or up on a flood tide amongst the shipping within the limits of the port without the permission of the Master Attendant; and no pilot proceeding up or down within the limits of the port, in a steamer, or in a ship towed by a steamer, shall, under any circumstances, proceed over the ground at greater speed than one mile per hour.

24. In consequence of the disastrous accidents to vessels that have occurred at Nynan, officers in pilotage charge of ships are warned to adhere strictly to the instructions that may be issued from time to time by the River Surveyor regarding that anchorage, and, when it is reported to be unsafe, are on no account to anchor vessels there unless it be absolutely necessary to do so to avoid imminent danger. The circumstance of such a necessity will, in case of accident occurring, have to be most clearly shown.

25. All pilots are prohibited from turning any vessel within the limits of the port above the sluice gate Garden Reach without the permission of the Master Attendant.

26. Vessels are not to be under weigh at night in the following positions :—

*First.*—Within the boundaries of the port.

*Second.*—Between Tumlook Trees and Fultah Point, or over the James and Mary, under any circumstances.

*Third.*—Between the upper part of Saugor Roads and Mud Point, under any circumstances.

*Fourth.*—No vessel is to be moved at night in other parts of the river above Saugor Roads without the commander's consent, signified in writing in the following form :—

To Mr.

Pilot of the ship

SIR,—I request you will keep the ship under weigh as long as in your opinion you can do so in safety; and I hereby hold this ship responsible for any damage that she may do to any other vessel lying at anchor, showing lights according to the rules of the port.

*Fifth.*—No vessel is to be allowed to cross the Gasper at night in the absence of the 2nd light vessel, unless the moon is so bright that the buoys can be seen, or it should be necessary to cross to avoid greater danger.

27. Until further orders, officers are to move vessels at the following draughts :—

*1st.*—Inward or outward, without steam, at any draught not exceeding 20 feet.

*2nd.*—Inward or outward, with steam, at any draught not exceeding 22 feet.

*3rd.*—The officers of the pilot service will, as usual, take charge of inward-bound ships of any draught at the pilot station, but they are strictly prohibited from bringing any vessel of more than 22 feet draught higher than Saugor, or taking her from town, if above that draught, without special permission of the Master Attendant.

*4th.*—A pilot must not move a ship between Calcutta and Saugor, either outward or inward-bound, without the aid of steam, if she is drawing more than 20 feet, unless, in the absence of a steamer, it becomes necessary to change her anchorage for safety.

*5th.*—Beyond Saugor a pilot is left to his discretion whether he will move an outward-bound ship drawing more than 22 feet.

28. Pilots are prohibited using the Western Channel, when it may happen to be open, between Kedegree and the Sandheads during the S. W. monsoon without steam, except in cases of great emergency.

29. Steamers meeting are to pass each other on the port side. Steamers, with or without ships in tow, likely to meet in a narrow passage, or when, from another vessel being in the way, it may be difficult to pass, the one going against the tide is to cease her steam until the other has cleared the difficulty. Every steam vessel navigating any river or narrow channel, shall keep, as far as practicable, to that side of the fairway or mid-channel of such river or channel which lies on the starboard side of such vessel, due regard being had to the tide and to the position of each vessel in such tide. Steam vessels under weigh are to be considered in the light of sailing vessels navigating with a fair wind, and are to give way to sailing vessels on a wind on either tack.

30. In order to prevent accidents from vessels crossing each other on opposite tacks, it is to be distinctly understood that the vessel on the starboard tack is to keep her wind, and that on the port tack to bear up, without regard to seniority. When vessels are likely to fall on board of each other from sudden shifts of wind, it is to be presumed that the pilot of each will endeavour, as much as possible, to avoid such an accident; but, in order to ensure unity of effort, the junior officer will, in all such cases, obey the orders of the senior. In case of collision between ships, whether at anchor or under weigh, a full and particular report is to be made by the officers in pilotage charge, signed as in the case of grounding reports.

31. Every vessel under charge of a pilot anchoring within the limits of the port is to moor, unless she intends to weigh on the next tide; but this rule is not intended to apply to vessels at anchor below Bishop's College waiting for daylight to move with.

32. Much inconvenience, and often damage, occurring to ships from the proper channel for vessels moving up or down not being kept clear within the boundaries of the port, a channel of one cable's length in width must be kept clear between the outer moorings and the ships in the stream, and officers of the pilot establishment are positively forbidden to leave ships in the channel as above described, whether moored or at single anchor; but in case of their being actually obliged to bring up therein, the officer is not to quit her until she is removed out of the channel, or he is relieved by a harbour master.

33. Pilots are strictly prohibited from anchoring any vessel under their charge in the fairway of the East Indian Railway ferry between Armenian Ghaut and Howrah.

34. No pilot is to anchor or moor any vessel under his charge abreast of the P. and O. Co.'s premises without the permission of the Conservator.

35. A pilot in charge of a vessel, arriving off Kidderpore under circumstances of wind, tide or steam permitting her to proceed above Fort Point, and seeing that no assistant harbour master is available, is to proceed up and anchor in any clear berth that the commander may select, taking care that the ship is properly moored, with not less than 30 fathoms of cable each way. A certificate of her being so moored is to be obtained from the commander or commanding officer, and forwarded to the Master Attendant's office.

36. All vessels at anchor between the lower limit of the port and the Sandheads are to show a bright white light at the starboard fore-yard-arm from sunset to sunrise. The lantern to be 8 inches in diameter, and constructed so as to show an unbroken light all round the horizon at a distance of one mile at least.

37. All vessels, whether steamers or sailing vessels, shall, when under weigh, carry lights as per admiralty instructions.

38. No pilot in charge of a vessel should burn a blue light (except in cases of distress) between the Upper Gasper floating light vessel and the Eastern Channel floating light vessel.

39. The firing of guns, unless as signals of distress, is forbidden in any part of the river above Fultah.

40. All pilots are directed to telegraph from the first telegraph office any accident that may happen to vessels under their charge.

41. Pilots are directed to use every precaution in their power in order that the signal numbers of the vessels of which they may be in pilotage charge are accurately and distinctly displayed by the commercial code on arrival within signal distance of the several stations on the river, and kept flying until answered. Pilots will be punished for any disregard on their part of this order.

42. Pilots in pilotage charge of vessels are to afford every facility to dāk-boats coming alongside.

43. Any pilot who, after receiving a station order or an order to take away a ship, does not comply with such order will, unless he produces a medical certificate from the Marine Surgeon, or other certificate to the satisfaction of the Master Attendant, be considered absent without leave until he has reported himself to the senior officer at the Sandheads, and will then be required to furnish an explanation of his neglect to obey the order in proper time; and should this explanation be unsatisfactory, he will be liable to be tried for disobedience of orders, the punishment for such under the Penal Code of the service being dismissal.

44. Certificates from vessels of H. M.'s Royal Navy shall be forwarded in quadruplicate.

45. Officers while in Calcutta are to attend daily at the Master Attendant's office, and they are to reside within the limits of town, and not leave town without permission of the Master Attendant.

46. All pilots are directed, on their arrival in town, and previous to their departure therefrom, to inspect the public order book kept at the Bankhall, and make themselves acquainted with and attend to all orders and instructions entered therein.

47. Every officer of the pilot establishment, in cases of sickness, is to obtain a certificate from the Marine Surgeon of his inability to attend to his duty, which he is to forward to the Master Attendant, and failing that, he will be considered absent without leave, and mulct accordingly. In like manner, on recovering from sickness, he must furnish a certificate of his ability to resume his duties.

48. If a pilot considers himself aggrieved by any conduct on the part of the commanding officer of a ship, he is to transmit his complaint in writing to the Master Attendant, for his consideration and orders.

#### REPORTS.

49. Officers taking charge of vessels at sea are to be provided with copies of the letter from the Master Attendant to the commander, including the order relative to the Moyapore Magazine, and also with copies of letters required to be filled up and addressed severally to the Collector of Customs, the Master Attendant, and two to the post-master at Mud Point. Immediately on going on board, the pilot is to write the name of the commander and of the vessel on the letter to the commander's address, giving it and the order in council to him with the letters above referred to. He is to be most particular in seeing that these four letters, or such of them as he may be supplied with, are correctly filled up according to the forms of each before he takes charge, unless the vessel is in a situation of danger, and he is to be careful that they are delivered to the first dāk-boat, to be forwarded to their respective addresses. Should there be more passengers on board than the column in the report intended for the names will contain, a separate sheet must be attached with the names of the passengers, and a note made in the column "see attached list."

50. In order to secure the correct insertion of the ship's tonnage in the printed form to the Master Attendant, and the inward certificate, the officer is to request a sight of the register, and should this be denied, he will make a note of it in the letter and on the face of the certificate. He must also state in the certificate (if a foreign vessel) if she has been measured in a British port, and the tonnage according to the certificate of measurement; and if the vessel arrives in ballast, he is to insert in the inward certificate the words "in ballast."

51. Officers of the pilot service are directed to receive all official documents that may be sent to them by the Master Attendant's office for conveyance to the Sandheads, and to deliver them immediately on arrival. They will also receive and note all official letters given to them by the pilot brigs or light ships to be posted.

Any disregard of this order will be severely dealt with.

52. Officers are on all occasions to report the number of pilots outside, and the ships they have passed outward and inward-bound.

53. If a ship or vessel loses an anchor or anchors, the officer in pilotage charge will report the circumstance officially to the Master Attendant as soon as practicable, giving an accurate description of the place where the accident happened, and stating the description and weight of the anchor, and size and description of the cable, to enable the Master Attendant's Department to identify the same when recovered. The report is also to be attested by the commander or commanding officer of the ship or vessel.

54. In like manner, should the ship or vessel unfortunately get aground, or meet with collision with any vessel or buoy, or with any other accident or serious injury to any of the crew or other person in connection with, or caused by the vessel, the officer in charge will, on the first opportunity, forward to the Master Attendant a report of the accident, containing, besides the bearings of any known fixed objects in view and information usually furnished, the ship's draught of water, the time of tide, and hour of the day when, and the place where, the ship grounded or collided, the manœuvre that the pilot was executing or attempting to execute at the time, the cause of the accident, the damage (if any sustained), the time the vessel was on shore, and the quantity of water the vessel makes in consequence the accident. This report if approved shall be attested by the commander or commanding officer. Officers in pilotage charge of steamers should report the circumstances, as far as these may come within their knowledge, of the grounding of any ship or vessel they may have in tow. This report, if approved of, shall be signed by the commander of the steamer.

55. A pilot, on arrival in town, after having reported himself, is to inquire if the report of the vessel he brought up has been received in the Master Attendant's office.

56. All pilots sending public letters through the post are directed to put the words "service bearing" on the right hand upper corner, leaving both ends of the envelope open, and franking it in the left hand lower corner, as shown in the specimen form given in the margin.

To the Master Attendant,  
Service bearing.  
Calcutta.  
Signature of sender.

#### CUSTOM HOUSE.

57. Should an attempt be made to put goods on board an outward-bound vessel after the port clearance has been obtained and the preventive officer has left, the officer in pilotage charge will remonstrate against it, and, if it should be still persisted in, report the same and remain for orders, unless such goods are accompanied by a Custom House permit, in which case they are to be received, and the permit forwarded to the Master Attendant's office.

58. A manifest shall be forwarded from all merchant ships, even though they have only ballast on board: in the latter case, the circumstance shall be specially noted in the inward certificate.

59. Officers in pilotage charge of inward-bound ships are directed to receive any document tendered by the commander as his manifest, duly signed by him, and to append the same to the printed form.

60. Every pilot in charge of an inward-bound vessel, whether steamer or sailing ship, is directed to put the manifest, after countersignature, into a properly secured cover, addressed to the Collector of Customs, Calcutta. He should endorse the cover with his full signature, and deliver it to the commander, for the purpose of being presented by him to the Collector of Customs at the time of his making entry. The pilot must, before returning the manifest to the commander, certify thereon the time at which the manifest was returned to him, and the name of the place where the vessel was at the time of his countersigning it. Should an inward-bound ship remain at anchor below Mud Point, the manifest ought to be returned to the officer in pilotage charge, filled up and attested by the commander.

61. Should he refuse to do so immediately upon anchoring, the officer will respectfully warn the commander of the consequence (namely,\* a penalty of a thousand rupees) of his neglecting to do so within twenty-four hours from his first taking charge, and report to the Master Attendant should that time be exceeded.

62. Every vessel, whether British or foreign, having salt on board on entering the river will hoist her ensign at the main, which will be answered from Mud Point telegraph station, and the information be forwarded by telegraph for the purpose of having a Custom House officer sent to meet her from Diamond Harbour.

63. The following signals must be carefully attended to:—

#### SIGNALS.

Ensign at main to be hoisted on reaching Rangafullah.

Vessel without a preventive officer (inwards).

Ensign at the fore.

Vessel with a preventive officer (outwards only).

Vessels in ballast are to hoist a white flag at the main when approaching Diamond Harbour.



64. Should an attempt be made to remove goods from a vessel in the river, the officer in pilotage charge will remonstrate against the proceeding, and report it to the Master Attendant, with such description of the goods as he can obtain.

65. Officers in charge of inward-bound vessels are to point out to commanders the necessity of keeping a good look-out for the Diamond Harbour Custom House boat, and of affording every facility to her in getting alongside, and that nothing short of risk to the safety of the vessel is to prevent her receiving a preventive officer on board at the proper station.

66. Pilots bringing up vessels that arrive from the eastern ports of the Bay of Bengal, as per margin, are, on approaching Diamond Harbour, to hoist any flag at the jib-boom end, so as to let the person in charge of the preventive station know that an officer is not required.

67. Pilots are directed to sign receipts for native crew lists when made over to them by preventive officers, and are further directed to give receipts for any papers on matters of service that may be made over to them by the preventive officers.

#### POST OFFICE.

68. Should any difficulty be made in regard to the reception on board of any outward-bound vessel of the Post Office and Government despatches, for which receipts are to be duly signed by the commander or commanding officer, the officer in pilotage charge is (by special orders of Government) not to conduct her to sea, but wait for further instructions.

69. Officers of the pilot service taking charge of inward-bound steamers are directed to warn their commanders that they must land any mails addressed to Mud Point or Diamond Harbour at those stations, and bring all other mails to Calcutta, unless specially required by the post-masters of the above stations to land them at those places.

#### TELEGRAPH OFFICE.

70. The following signals must be carefully attended to:—

##### *Government Horses.*

Rendezvous flag at the mizen. To be kept flying from Saugor to the time the horses are disembarked;

##### *And for Troop Ships.*

Jack at the mizen.

To be kept flying from Saugor till the troops are landed. Number of troops, camp-followers, and guns of every description to be signalled.

To be telegraphed to the Deputy Quarter-Master-General of the Army.

Number of troops of every description, and Government horses or other animals.

Vessel's number to be hoisted on passing all telegraph stations.

71. Ships arriving in the river having troops or Government horses on board are on no account to be brought higher up than Hastings until the troops are disembarked.

72. Pilots are prohibited from anchoring in the vicinity of the telegraph cable, but should necessity compel them to do so, they are to remove the vessel as soon as possible.

73. All pilots when in charge of steamers are to stop and communicate with any telegraph station that has the red or imperative flag hoisted, but if the white or negative flag be hoisted, it is optional with the commander of the steamer to stop and communicate or proceed.

#### EMIGRANTS AND NATIVE PASSENGERS PILGRIMS.

74. A pilot, immediately after he has assumed pilotage charge of a ship bound to the Red Sea or Persian Gulf, is to muster the pilgrims or passengers that are on board, and if there are more than thirty in number, he is to call on the master to produce his license, and to see that the number on board does not exceed the number specified in the license. Should the number be in excess, he is to stop the vessel and report the circumstance to the Master Attendant.

75. Pilots in charge of ships with return emigrants on board are to moor them as near as possible to the emigration landing stage, Garden Reach, between the P. and O. Company's premises and I. G. S. N. Company's yard.

76. Pilots in charge of inward-bound pilgrim ships from the Persian Gulf or Red Sea, are to warn the commander not to allow the pilgrims to land until an officer of the Master Attendant's department has visited and inspected the vessel. Should there be an epidemic on board, he will anchor the vessel at Mud Point and telegraph to the Master Attendant for orders. The latter part of this order applies to vessels bringing returned emigrants.

77. Any pilot put on board a ship from the Red Sea, Persian Gulf, or Coast of Arabia, is to telegraph from Saugor to the Commissioner of Police if he observes on board any persons whom he may suspect to be slaves, either among the crew or passengers, and he is not to allow them to land until he receives orders from the Master Attendant or the Commissioner of Police.

78. In the event of serious sickness existing on board any vessel with returned emigrants, the pilot will represent to the commander the necessity of taking steam. Should the commander refuse to do so, the pilot is empowered to engage a steam tug, the cost of which will be adjusted by the Emigration Agent on the arrival of the vessel in town.

79. Pilots in charge of steamers carrying passengers are, on taking charge, to ask the master of the vessel to produce his certificate, authorizing him to carry passengers; in case of non-compliance the pilot will report the circumstance to the Master Attendant at once.

80. The attention of all pilots is drawn to Section 80 of the Emigration Act No. VII of 1871 with a copy of which a pilot is furnished on taking charge of an emigrant vessel.

#### STEAM TUGS.

81. Steam tugs having no ships in tow are permitted to come up to Chandpaul Ghaut amongst the shipping at night, but this will be done at the risk of the steamer, she being considered liable for any damage she may do in thus moving at night. In like manner, steam tugs without ship or vessel in tow may move at night in any part of the river outside the limits of the port at their own responsibility.

82. A ship is not to be taken in tow by a steamer which has not an authorized officer in pilotage charge, unless the officer shall have left her from ill-health after leaving Calcutta, when it may be permitted at the discretion of the officer in pilotage charge of the ship, provided the commander of the latter agrees to the arrangement.

83. When a steam tug takes two ships in tow, it must be with the consent of the captain and of the pilot of the ship that first engaged the tug.

#### GUNPOWDER.

84. No pilot is to bring any vessel within the limits of the port that has more than 50 lbs. of powder or other combustible ammunition on board. He is to telegraph from Saugor the quantity in excess, and to land it before passing Budge-Budge for deposit in the Moyapore Magazine. This does not refer to men-of-war. Pilots are directed to be on the look-out for, and to avoid the Government powder boat plying between Moyapore and Calcutta, which will be known by showing a red mast-head light at night, and a red flag by day. The word powder will also be shown on the gunwales of the boat.

#### INFLAMMABLE OIL.

vide Revised Port Rule No. 5.

85. No pilot is to bring a vessel above Muttea Boorj Ghaut which has more than 40 gallons of inflammable oil on board without sanction.

The attention of pilots is called to rule 5 of the Bye laws and rules of the Port of Calcutta, framed by the Port Improvement Commissioners, and approved by the Lieutenant-Governor of Bengal.

#### SPECIAL RULE—Gratuities.

86. Pilots are forbidden, on pain of dismissal from the service, from seeking or receiving, directly or indirectly, a gratuity from the commanders, owners, or agents of vessels they may be required to take charge of. Any discussion about a gratuity for piloting a vessel, between a party concerned in her and a pilot, whether before he takes charge or whilst he is in charge, or after he has made over charge, is strictly prohibited, and will render him liable to dismissal.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal

### Calcutta University.

#### NOTICE.

THE Tagore Professor of Law will commence the delivery of a course of lectures at the Presidency College on Saturday, the 2nd March, at 9 A.M., on *The history and constitution of the Courts and Legislatures in India.*

The lectures are open to the public, and tickets of admission (free of charge) will be granted on application to the undersigned.

The lectures will be continued on each succeeding Saturday till the end of the course.

J. SUTCLIFFE,  
Registrar.

UNIVERSITY OFFICE,  
The 9th February 1872.

### Opium Notification.

No. 69C.

NOTICE is hereby given that the Third Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-Room, No. 2, Bankshall Street, on Monday, the 4th March 1872, at 11 A.M., and will comprise 3,575 Chests, viz. :—

	Chests.
Behar Opium ... ..	2,000
Benares „ ... ..	1,575

Total Chests ... .. 3,575

2. The general conditions of the sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 10th November 1871, and published in the *Government and Exchange Gazettes*, or on personal application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 9th and 19th March respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Saturday, the 9th March 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Tuesday, the 19th March 1872.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates, should circumstances render it expedient to do so :—

Dates.	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 3rd April 1872	2,000	1,575	3,575
On or about Monday, 6th May „	2,000	1,575	3,575
On or about Thursday, 6th June „	2,000	1,575	3,575
On or about Thursday, 4th July „	2,000	1,575	3,575
On or about Monday, 5th August „	2,000	1,575	3,575
On or about Thursday, 5th Sept. „	2,000	1,575	3,575
On or about Tuesday, 1st October „	2,000	1,575	3,575
On or about Wednesday, 6th Nov. „	2,000	1,575	3,575
On or about Thursday, 5th Dec. „	2,000	1,575	3,575
Total Chests ...	18,000	14,175	32,175

By order of the Member in charge,

T. B. LIANE,  
Secretary.

BOARD OF REV., FORT WILLIAM,  
The 30th January 1872.

### Sheriff's Office, the 30th January 1872.

NOTICE is hereby given that the Second Criminal Session of the year 1872 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Thursday, the Twenty-ninth day of February next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

JOHN COWIE,  
Sheriff.

শরিফ অফিস ১৮৭২ সাল ৩০ জানুয়ারি।

সমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গালার কোর্ট উইলিয়ম দুর্গের অধীন শহর কলিকাতার ও অন্যান্য স্থানের কোজদারী বিচার নিষ্পত্ত্য জন্য আগামি ২৯ ফেব্রুয়ারি বৃহস্পতিবার বেলা ১১ ঘটিকার সময় এবং যে পর্যন্ত শেখিয়ানের কার্য শেষ না হয় প্রতিদিন উক্ত সময়ে কলিকাতার চৌনহালে হাই কোর্টের আদালত ঘরে সন্ ১৮৭২ সালের দ্বিতীয় ক্রিমিনেল শেখিয়ান বসিবেক এবং এতদ্বারা প্রচার করা যাইতেছে যে, যে সকল ব্যক্তি কোন কয়েদীর বিবন্ধে কোজদারী মিছিল করিবেক তাহারা উক্ত স্থানে ঐ সময়ে হাজির থাকিয়া মোকদ্দমা করে।

JOHN COWIE,  
Sheriff.

Statement shewing the importation of Salt (private property) in bond and afloat on River Hooghly; subject to Customs' duty on the 16th February 1872.

	Government Golahs.	Private Golahs.	Afloat.	Total.
	In Mds.	In Mds.	In Mds.	In Mds.
Liverpool Pungah ...	17,97,071½	98,858½	1,87,892½	19,83,822½
French Kurkutch ...	2,402		5,145	7,547
Bombay „ ...	12,160		35,850	48,010
Madras „ ...	25,714½			25,714½
Arabian and Persian Gulf's Kurkutch and Muscat Beck...	3,91,435		20,950	4,12,385
Total	22,29,073	98,858½	2,49,892½	25,77,822½

By order of the Board of Revenue, L.P.,

J. D. MACLEAN,  
Deputy Collector of Customs.

CALCUTTA CUSTOM HOUSE,  
The 20th February 1872.

**NOTICE.**

THE following Packages landed from the undermentioned Ships are lying unclaimed at the Custom House. If the Goods are not cleared on or before the dates stated against each item, they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

Date of Sale.	Mark or Address of Packages.	Ships.
1872, Feb. 24th ...	1 Parcel, Khan Mahomed Dhurmsee, Esq., Calcutta	Meinam.
Mar. 2nd ...	2 Cases (empty) J M	... Syria.
" 2nd ...	1 Case, J S W	... Khedive.
" 9th ...	1 Parcel, A P	... Chinsurah.
" 9th ...	500 Boxes, [R M]	... Krishna.
" 9th ...	1,880 Boxes, [ ] I C	... Ditto.
" 9th ...	7 Boxes, no mark	... Ditto.
" 9th ...	1 Grindstone, C	... Ditto.
" 16th ...	4 Cases, [20] P. and Co.	... Sumatra.

CALCUTTA CUSTOMS, J. A. CRAWFORD, Collector of Customs.  
The 20th February 1872.

**NOTICE.**

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be sold for the realization of duty, wharf rent, and other charges, under Section 56 of Act VI. of 1863:—

Date of Sale.	Mark or Address of Packages.	Ships.
1872, Mar. 8th ...	20 Casks, [J S]	... City of Madrid.
April 15th ...	2,289 broken pieces of Spelter, G B B	... Gryfo.
" 15th ...	4,362 ditto ditto, T J L	... Ditto.
" 15th ...	709 Cakes of Spelter, A I	... Ditto.
" 15th ...	712 ditto ditto, M	... Ditto.
" 15th ...	84 Broken pieces Spelter, no mark	... Ditto.
" 27th ...	300 Cases, [J B B]	... Antoinette.
" 27th ...	6 Cases, [S7] A. J. and Co.	... Ditto.
" 21st ...	1 Case, [S] J N	... Ghazeepore.
" 21st ...	7,197½ Cakes of Spelter, J H	... Ditto.
" 21st ...	1,574 Plates of Spelter, R J & N	... Ditto.
" 21st ...	880 Plates of Spelter, [RB, W]	... Ditto.
" 21st ...	15 Pieces of Spelter, mixed marks	... Ditto.

CALCUTTA CUSTOMS, J. A. CRAWFORD, Collector of Customs.  
The 20th February 1872.

**Commissioners for making Improvements in the Port of Calcutta.**

**NOTICE.**

UNDER SECTION 69 OF ACT V. (B.C.) OF 1870.

THE following Packages landed at the Jetties from the undermentioned Ships have been removed to the Commissioners' Import Warehouse, where they remain at the risk and expense of the owners. If not cleared within two months from the date stated against each item, they will be sold under Section 72 of the said Act:—

Date of removal to Import Warehouse.	No., mark, and description.	Consignees.	Ships.
1872. Feb. 6th ...	1 Case, [27] A. B. & Co.	... Order	... City of Corinth.
" 6th ...	9 Packages, [A N D] A. B. & Co.	... "	... Ditto.
" 6th ...	4 Packages, B C P	... "	... Ditto.
" 6th ...	1 Case, B L D	... Barry Lall Dey	... Ditto.
" 6th ...	2 Cases, B D C	... Ditto.	... Ditto.
" 6th ...	1 Case, B G B C	... Order	... Ditto.
" 6th ...	7 Cases, [B D S] A B	... "	... Ditto.
" 6th ...	9 Cases, F M E M	... "	... Ditto.
" 6th ...	3 Cases, [F E] A B	... "	... Ditto.
" 6th ...	100 Cases, F. G. & Co.	... E. Osterly	... Ditto.
" 6th ...	1 Cask, G. C. D. & Co.	... Order	... Ditto.
" 6th ...	9 Cases, G C D	... "	... Ditto.
" 6th ...	5 Cases, [L M S L] A. B. & Co	... "	... Ditto.
" 6th ...	6 Packages, [M S M I] A B	... "	... Ditto.
" 6th ...	4 Cases, [M A] A B	... "	... Ditto.
" 6th ...	1 Case, M B C M C	... "	... Ditto.
" 6th ...	2 Cases, M	... "	... Ditto.
" 6th ...	7 Packages, N. K. M. & Co., C	... "	... Ditto.
" 6th ...	1 Case, N C D C	... "	... Ditto.
" 6th ...	2 Cases, addressed	... Lord Ulick Brown	... Ditto.
" 7th ...	2 Packages, addressed	... Dr. J. J. Wood	... City of Lahore.
" 6th ...	3 Cases, [Bonnerjee & Co.] H. M. H. & Co.	... Order	... City of Corinth.

CALCUTTA.



**CURRENCY NOTES.**

The following Currency Notes of the Government of India, Calcutta Circle, 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:—

*Notes wholly lost or destroyed.*

Register No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
4492	A 59231	100	Punchcowree Shah.
4493	A 32353	20	} W. V. G. Taylor.
	A 90556	10	
	A 09326	20	
	A 43954	10	
4495	A 74540	1,000	} Shamloll Shaha.
	A 09233	100	
	A 16232	100	
	A 16233	100	
	A 21762	100	
4498	A 57154	50	B. O. B. Smith.
4499	A 71370	500	} Janokoy Ram Baney
	A 15888	100	
4505	A 81282	50	Hadjee Mahamed Kurrim.
4506	A 11132	100	Gopeccaunt Roy.
4508	A 58342	50	J. Perrin.
4510	A 58368	500	Denobundhoo Bhuttacharjee.
4511	A 71819	1,000	} Bonomally Shaha.
	A 88806	1,000	
4512	A 69275	1,000	Ditto ditto.
4525	A 81448	1,000	} Ramtaruck Paul.
	A 81449	1,000	
	A 81450	1,000	
	A 74183	1,000	
4427	A 14319	100	Messrs. Cohen Brothers and Co.

*Notes partially lost or destroyed.*

4494	A 79084	100	Rakhal Chunder Halder.
4496	A 86017	10	Ruttanashur Mullick.
4497	A 85246	100	Radhamadub Mookerjee.
4500	A 44257	100	} Greedharee Lal.
	A 21465	100	
	A 45384	100	
	A 47751	100	
	A 98092	100	
	A 43019	50	} Hosain Bux.
4504	A 03181	100	
	A 53531	50	} H. D'Forth.
4507	A 73431	100	
	A 51843	100	} Kissory Mohun Bose.
4509	A 49665	10	
4514	A 49879	10	} Ramgopal Gangooly.
	A 18905	10	
4515	A 41797	50	Somanath Mokhopadhyaye.
4516	A 32866	10	Bouradapersad Banerjee.
4517	A 47274	10	} Ramloll Ghose.
	A 22933	20	
4520	A 83381	100	Brindaban Reveetee Pershad.

*Notes partially lost or destroyed.*

Register No.	No. of Notes.	Value.	Name of Claimant.
		Rs.	
4521	A 66946	500	Goness Doss Joyram.
4522	A 59799	10	} Brindaban Chunder Sircar Chowdry.
	A 98247	10	
	A 60247	10	
4523	A 87177	20	} Rajkishna Sen.
	A 90667	10	
	A 57515	10	
4524	A 82791	20	} Hurrie Mohun Singhee.
	A 96176	20	
	A 03708	10	
4526	A 20963	100	The Secretary, Great Eastern Hotel Company.
4501	A 82047	10	G. H. Cataina.
3416	A 93728	10	} Teetooram Naug.
	A 47539	10	
4485	A 76254	} 10	The Dy. Collr., Sub-Treasury, Serajunge.
	A 77564		
4480	A 73251	20	Woomanundo Chuckerbutty.
4482	A 02417	100	} Kasub Chunder Daw.
	A 41380	100	
	A 13684	100	
	A 07872	100	
4483	A 47443	20	} Pitambur Chuckerbutty.
	A 72554	20	
	A 31920	20	
	A 12610	10	
	A 72707	10	
	A 85740	10	
	A 22918	10	
	A 81875	10	
	A 95611	10	
	A 80022	10	
	A 95717	10	
	A 55955	10	
	A 33129	10	
	A 96230	10	
	A 21803	10	
	A 97571	10	
3562	A 15673	10	} H. Andrews.
	A 75222	10	
	A 90056	10	
2553	A 15326	10	J. S. R. Clak

*Wrongly joined.*

4502	A 90563	} 10	Messrs. Baker and Catliff.
	A 91672		
4518	A 13601	} 10	} Cally Doss Chatterjee.
	A 13603		
4519	A 85193	} 10	} Nobin Chunder Chatterjee.
	A 77663		

L. BERKELEY,

*Asst. Commr. of Paper Currency.*

PAPER CURRENCY DEPARTMENT,  
The 5th February 1872.

### Notice

Is hereby given that the undermentioned lot of waste land, estimated to consist of about 2,000 acres, more or less, situate in Mouzah Ekora-tolli, Mehal Deenjoz, in the district of Luckimpore, and bounded as shewn at the foot of this notice, has been applied for under the "Rules for the sale of unassessed land in the Lower Provinces of Bengal," (Chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 5 an acre, on the 2nd May of 1872, at the office of the Deputy Commissioner of Luckimpore. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. S. CLARKE,  
*Deputy Commissioner.*

DY. COMM'R'S OFFICE, LUCKIMPORE,  
The 1st February 1872.

#### 1. Lot.

##### Boundaries.

North—Maijan River.  
South—Sessa Nuddee and Ryotts' Basti lands.  
East—Nadooda Grant.  
West—Barra Bheel, Farlong Nuddee, and Ryotts' cultivated lands.

### Notice

Is hereby given that a lot of waste land, consisting of about 718 acres, situated in Mouzah Tingrai, Mehal Tingrai, District of Luckimpore, Assam, and bounded as shown at the foot of this notice, has been applied for under the rules for the sale of unassessed lands in the Lower Provinces of Bengal (chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 2-8 an acre on the 2nd day of May 1872, at the Office of the Deputy Commissioner of Luckimpore, Assam. The sale will be made in the manner and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. C. S. CLARKE,  
*Dy. Commr., Luckimpore.*

DEBROOGURH DY. COMM'R'S OFFICE,  
The 3rd February 1872.

#### Lot 1.

##### Boundaries.

North—Tingrai Nuddee.  
South—Balijan Garden and a Path.  
East—Chapori.  
West—Tingrai Nuddee.

### Nuddea Rivers.

*Weekly Water Report shewing the least depth of water in the Bhaugiruttee River for the week ending Friday, 16th February 1872.*

NAMES OF PLACES, &c.	least depth of Water.		REMARKS.
	Ft.	In.	
On the Entrance Bar	4	6	
From thence to Jungipore, 9 miles	...	...	
From Jungipore to Berhampore, 47 miles	3	6	
From Berhampore to Cutwa, 50 miles	3*	0	* In one place only boats drawing 4 feet can pass up and down daily.
From Cutwa to Nuddea, 46 miles	...	...	

Height of water on gauge at Berhampore on the 19th February 1872, above zero 5 feet 7 inches.

T. H. WICKER, C.E.,  
*Exc. Engr., Nuddea (Local) Rivers Division.*  
BERHAMPORE,  
The 19th February 1872.

### Insolvent Notices.

#### Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of Walter Charles Child, an Insolvent. } On Saturday, the 3rd day of February instant, it was ordered that the creditors of the said Insolvent in Calcutta do within four months, and all other creditors of the said Insolvent do within six months, from the date of the order, file in the office of the Chief Clerk of this Court a statement of their respective claims against the Estate of the said Insolvent duly verified by affidavit, and that the Chief Clerk do form a schedule from the claims so to be filed.

Carruthers and Dignam, *Attorneys.*

In the matter of John Allan Grover Gilmour, an Insolvent. } On Monday, the 5th day of February instant, it was ordered that Saturday, the 6th day of April next, be appointed for the further hearing of this matter, and that unless cause be shewn to the contrary on that day, the said Insolvent be discharged personally, as well as to his after-acquired property, from all liabilities for debts, claims, and demands, of and against the said Insolvent at the time of the filing of his petition for relief.

Rogers and Remfry, *Attorneys.*

In the matter of Frederick Andrew Cohen, an Insolvent. } On Thursday, the 1st day of February instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 6th day of April next, and that the said Insolvent do then attend to be examined before the said Court.

C. W. Hatch, *Attorney.*

In the matter of Mud- } On Saturday, the 3rd  
doosoodun Addy, an In- } day of February instant,  
solvent. } an account of the re-  
ceipts and disbursements of the Official Assignee,  
from the 1st day of April 1869 to the 31st day  
of January last, was filed in the office of the  
Chief Clerk, and it was ordered that Saturday, the  
2nd day of March next, be appointed for the fur-  
ther hearing of this matter for the purpose of  
making a dividend.

“Any creditor or other person interested,  
who may intend to establish or oppose any claim  
upon the Estate of the said Insolvent, may attend  
and be heard having given notice to the Chief Clerk  
three clear days before the day of hearing.”

A. B. Miller, *Official Assignee.*  
Chief Clerk's Office, the 12th February 1872.

In the matter of } On Thursday, the  
Richard Chuffon Le- } 15th day of February  
page, Junior, lately } instant, it was on the  
carrying on business as } petition of Messrs. Moo-  
contractor and agent, } kerjee, Clark and Com-  
under the name and } pany, and Balmer,  
style of R. C. Lepage, } Lawrie and Company,  
Junior, and Company, } creditors of the said  
at No. 4, Dalhousie } Insolvent, adjudged that  
Square, an Insolvent. } the said Richard Chuffon  
Lepage, Junior, hath committed an act of  
insolvency under the provisions of the Act XI.  
Vic., cap. 21, and by another order of the same  
date the estate and effects of the said Insolvent  
were vested in the Official Assignee.

Sims and Mitter, *Attorneys.*

In the matter of Parke } On Saturday, the 3rd  
Pittar, an Insolvent. } day of February instant,  
by an order of this Court the said Insolvent was  
adjudged entitled to his personal discharge under  
the Act XI. Vic., cap. 21, as to all persons named  
in his schedule as creditors or claiming to be  
creditors respectively.

Berners and Co., *Attorneys.*

In the matter of Parke } On Monday, the 12th  
Pittar, an Insolvent. } day of February instant,  
it was ordered that the first court day in March  
1873 be appointed for the further hearing of this  
matter, and that unless cause be shewn to the con-  
trary on that day, the said Insolvent be discharged  
personally, as well as to his after-acquired property,  
from all liabilities for debts, claims, and demands,  
of and against the said Insolvent at the time of  
the said Insolvent being adjudicated.

Berners and Co., *Attorneys.*

In the matter of Parke } On Saturday, the 3rd  
Pittar and Thomas } day of February instant,  
Alcock, Insolvents. } by an order of this court  
the Insolvent Parke Pittar was adjudged entitled  
to his personal discharge under the Act XI. Vic.,  
cap. 21, as to all persons named in his joint  
schedule as creditors or claiming to be creditors  
respectively.

Berners and Co., *Attorneys.*

In the matter of Parke } On Monday, the 12th  
Pittar and Thomas } day of February instant,  
Alcock, Insolvents. } it was ordered that the  
first court day in March 1873 be appointed for the

further hearing of this matter, and that unless  
cause be shewn to the contrary on that day, the  
said Insolvent Parke Pittar be discharge dpersonally,  
as well as to his after-acquired property, from all  
liabilities for debts, claims, and demands, of and  
against the said Insolvent Parke Pittar at the time  
the said Insolvent being jointly adjudicated.

Berners and Co., *Attorneys.*

In the matter of Jolin } On Saturday, the 3rd  
Allan Grover Gilmour, } day of February instant,  
an Insolvent. } by an order of this  
court the said Insolvent was adjudged entitled  
to his personal discharge under the Act XI. Vic.,  
cap. 21, as to all persons named in his sche-  
dule as creditors or claiming to be creditors respec-  
tively.

Rogers and Remfry, *Attorneys.*  
Chief Clerk's Office, the 20th February 1872.

### Post Office Notification.

List of remaining and unclaimed letters accumu-  
lated in the Calcutta Post Office during the week  
ending 17th February 1872.

Austin, Major R.	Kendale, C. P. L.
Arakel, Mrs.	LaFolio, Mrs.
Atkinson, E. B.	Lindan, E.
Anderson, Mrs. M.	Lindley, F.
Braham, F. E.	Llaty, D. B.
Barber, Mrs. S.	Lockwood, R.
Barker, J. C.	Mallet, E.
Brauhan, Mrs.	Montgomerie, Major T. G.
Bailey, Mrs.	McGill, G. A.
Bramber, R.	Mackie, J.
Badford, Capt. I. H.	Moles, E. B.
Chary, J. R.	Madge, E.
Cantopher, W. E.	Manuel, E.
Craig, J.	McNeil, Mrs. J.
Christian, Mrs. H. E.	Mussamut Rookroom
Christian, F.	Omeda.
Cuddy, A. E.	Nuttall, C.
Dudley, Mrs. M.	N. Y.
Drummond, Col. H.	Nicholson, Mrs. G.
DeFountain, Mrs. A.	Paul, Miss. A. C.
Dollman, C.	Panioty, J. C.
Donlevy, H.	Right, Mrs.
Drury, H.	Rodrigues, Mrs. M. A.
Doon, Esq.	Rebbeck, J. K.
Emner, C. W.	Robertson, R. D.
Edwards, Mrs.	Shearman and Co.
Evans, A. M.	Simpson, Major G. B. C.
Fanneval, Mrs. M.	Simpson, A. B. and Co.
Gutherty, J.	Swiney, W. S.
Green, J.	Saunders, Mrs.
Gray, H.	Savage, E.
Gardener, H.	Tardivaland Co.
Green, J.	Tannar, Major
Grant, L. W.	The Proprietor "Prince of Wales Hotel."
Greig, J.	The Agents of Rowland's Articles, Chemist Bakar Dealer.
Grant, F.	Viewing, Mrs. E.
Hutchinson, F.	Valeking, W.
Hatch, Col. H.	Williams and Co.
Hart, J.	Wilson, Mrs.
Holmes, C.	Weekes, A.
Islandford, Lady.	Westhorp, Mrs.
Johans, A. T.	Wyllie, H.
Jacobs, Mrs. M.	Walker, I. E.
Joseph, Mrs. J.	Walsh, H.
Jones, D.	
Keay, J. S.	
Kemp, Miss.	

W. H. McGOWAN,  
Post-Master.

CALCUTTA,  
The 19th February 1872.



## Postal Notice.

## SEA AND OVERLAND MAILS.

For	Box closes at	Date.	Per Steamer.
Ceylon, Penang, Singapore, Hong-Kong, China and Japan.	7 P.M.	24th Feb.	
Chittagong, Akyab, and Kyouk Phyou.	7 "	26th "	Penang.
Rangoon, Moulmein, Penang, Malacca, and Singapore.	7 "	26th "	Madras.
Madras and Ceylon	... 7 "	28th "	Indus.

The next Overland Mail *via* Bombay will close on Friday, the 23rd February 1872.

2. Book Post and Pattern Packets must be posted on the 22nd.

*N.B.*—The letter box will close at 7 P.M. precisely, after which hour Overland letters fully prepaid and bearing extra postage stamp of two annas on each cover will be received up to 7-30 P.M., or bearing an extra postage stamp of four annas on each cover up to 8 P.M., and after 8 up to 9 P.M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghât.

W. H. MCGOWAN,  
*Post-Master.*

CALCUTTA,  
The 20th February 1872.

## Miscellaneous Advertisements.

## Notice.

THE quit-rent of the undermentioned lease, in the district of Darjeeling, being in arrear, notice is hereby given that if the amount due from the location be not paid within two months from this date, the lease remaining unpaid will be resumed by Government under supplementary Rule I for grant of location at Darjeeling:—

No. of lease.	Name of lessee.	Amount.
176	G. B. Ward	Rs. As. P. 50 0 0

B. W. D. MORTON,  
*Dy. Commissioner.*

DY. COMM.'S OFFICE, DARJEELING,  
The 12th January 1872.

## Notice.

WANTED a Head Clerk for the Police Department of this Office. The salary of the post is Rs. 80 per month, and the qualifications required are previous employment in the Police Department, Bengal; a thorough knowledge of the Rules, Circular Orders, and Returns of that Department, and the ability to docket and draft letters and prepare short summaries of correspondence.

Apply, post paid, to the undersigned, sending copies of testimonials.

By order,

J. J. S. DRIBERG,

Offg. Persl. Asst. to the Agent Govr. Genl.,  
N. E. P. & Commr. & Inspector-Genl.

## Notice.

WANTED a Peshkar for the Collector's Office of Maldah. Salary Rs. 40 per month, to rise to Rs. 60 by biennial increase of Rs. 2 per month. Candidates should submit their applications with copies of certificates on or before the 26th instant, so that the appointment may be disposed of on the 1st March following.

SITAKANT MOOKERJEE,

*Depy. Collector in charge, for Collector.*

MALDAH COLLECTORATE,  
The 16th February 1872.

## Wanted

A TRANSLATOR, who must be able to translate documents from Urdu in to English and *vice versa*, and also to draft letters and draw up periodical returns in English from Urdu papers. Salary Rs. 80.

No application need be submitted without certified copies of testimonials.

J. BURN, *Lt.-Col.*,  
*Manager, Raj Durbhungah.*

## Wanted

A Head Clerk and Translator for the Judicial Department, Deputy Commissioner's Office, Luckimpore, Assam. Salary Rs. 90 per mensem. A competent knowledge of English necessary. None but persons who have had experience in a District Magistrate's Office need apply. Copies of certificates to be sent, with applications, to the address of the Deputy Commissioner, Luckimpore, Assam.

W. A. LAWRENCE,  
*Assistant Commissioner, in charge.*

ZH. LUCKIMPORE, DY. COMM.'S OFFICE,  
The 24th January 1872.

## Notice.

THE FORTIETH Ordinary Half-Yearly General Meeting of the Shareholders of the Calcutta Docking Company, "Limited," will be held at the City Office, No. 9, Strand, at 11 o'clock in the forenoon on Tuesday, the 27th instant.

By order of the Directors,

WM. DURHAM,  
*Superintendent.*

DOCKING PREMISES, HOWRH,  
CITY OFFICE, No. 9, STRAND,  
The 12th February 1872.

(1104—2)

## Eastern Bengal Indigo Co., "Limited."

## NOTICE.

THE Ninth Annual Ordinary General Meeting of Shareholders of the above Company will be held at its registered Office, No. 3, Church Lane, at 3 P.M., of Wednesday, the 28th instant, to receive the Directors' report, pass the accounts for the past year, and transact any other business that may be brought before the Meeting.

By order of the Directors,

WILLIAM MORAN AND Co.,  
*Agents.*

**STATEMENT of Government Promissory Notes enforced for payment of interest in London, under deduction of amount re-transferred to India, and outstanding in the books of the Bank of Bengal on the 15th February 1872.**

PARTICULARS.	Rs per cent. Loan of 1868-69	4 PER CENT. LOAN				5 PER CENT.		DEBITURES FOR			Total amount.				
		of 1854-55	of 1855-56	of 1856-57	of 1857-58	P. W. of 1864-65	Loan of 1858-57	5 years at 5 per cent.	10 years at 5 per cent.	15 years at 5 per cent.					
		of 1858-59	of 1859-60	of 1860-61	of 1861-62	of 1862-63	of 1863-64	of 1864-65	of 1865-66	of 1866-67					
of 31st January 1872	53,100	2,880	19,83,680	39,97,300	1,48,79,400	1,21,73,500	1,30,34,000	14,500	33,78,300	8,77,000	2,48,78,900	22,81,000	33,11,000	36,50,000	13,59,85,084
<b>ADD</b>															
enforced at Madras between 1st and 15th February 1872	...	...	...	...	...	...	9,000	...	80,000	...	...	...	...	...	1,07,100
enforced at Bombay between 1st and 15th February 1872	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1,24,600
enforced at Calcutta between 1st and 15th February 1872	...	...	...	...	20,000	19,000	41,600	...	21,900	1,19,600	...	...	...	...	7,46,100
<b>TOTAL</b>	53,100	2,880	19,83,680	39,97,300	1,48,99,400	1,31,92,500	1,30,84,600	14,500	34,30,200	8,77,000	2,49,98,500	22,81,000	33,11,000	36,50,000	18,69,62,884
<b>DEDUCT</b>															
written off in the London ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
on 16th February 1872	53,100	2,880	19,83,680	39,97,300	1,48,95,900	1,20,96,200	1,30,13,100	14,500	34,25,200	8,77,000	2,49,98,500	22,81,000	33,11,000	36,50,000	13,57,11,234

NOTE.—From 9th June 1867 to 15th Dec. 1871.—Enforced from India 1,243 lakhs, re-transferred from London ... 1,188 lakhs.

From 16th Dec. 1871 to 30th "	ditto	45 "	ditto	...	70 "
From 1st Jan. 1872 to 15th Jan. 1872	ditto	84 "	ditto	...	25 "
From 16th "	ditto	27 "	ditto	...	81 "
From 1st Feb. "	ditto	10 "	ditto	...	12 "
		1,859			1,886 lakhs.
		1,886			

Balance against India ... 33 lakhs.

**GEO. DICKSON,**  
Secretary and Treasurer.  
(1111-1)

**C DEPT OFFICE, BANK OF BENGAL, CALCUTTA,**  
The 15th February 1872.

**Statement of the Affairs of the Bank of Bengal for the Week ending  
10th February 1872.**

LIABILITIES.			ASSETS.		
	Rs.	As. P.		Rs.	As. P.
Proprietors' Capital, paid-up	2,90,00,000	0 0	Government Securities	93,77,000	12 0
Reserve Fund	15,40,869	7 0	Loans on Government Securities at Head Office and Branches	83,39,688	12 10
General Treasury Balance at Head Office	Rs. 3,70,75,808	10 11	Accounts of Credit on Government Securities at Head Office and Branches	1,77,67,319	0 6
General Treasury Balance at Branches	Rs. 2,09,11,080	9 5	Mercantile Bills discounted at Head Office and Branches	1,99,57,409	9 4
Other Deposits at Head Office and Branches	2,27,52,430	1 5	Dead Stock	11,86,041	2 9
Bank Post Bills, &c.	14,66,622	2 7	Stamps	14,736	11 0
Sundries	7,73,683	2 10	Balances with other Banks	4,16,477	6 11
			Sundries	1,40,195	10 4
				5,64,98,924	1 8
			Cash and Currency Notes at Head Office	Rs. 1,65,99,120	8 4
			Cash and Currency Notes at Branches	Rs. 3,34,22,424	8 2
				5,00,21,545	0 6
				10,65,20,469	2 2

BANK OF BENGAL,  
Calcutta, 15th February 1872.

J. GORDON,  
Chief Accountant & Deputy Secretary.

By order of the Directors.

GEO. DICKSON,  
Secretary and Treasurer.  
(1106—1)

**Public Zemindari Sale.**

THE right, title, and interest of Ramsewak Missir and Raghonandan Missir, deceased, and Jadoonandan Missir, Insolvents, in the following valuable zemindaries, situate in the District of Ghazipore, in the North-Western Provinces, now vested in the Official Assignee, will be put up to auction sale at Ghazipore, adjoining the Collectorate compound, at noon on Friday, the 15th day of March 1872, by the undersigned:—

Lot.	Names of Talookas.	Names of Mouzaha appertaining to each Talooka.	Area of Insolvents' share.	Jamma of Ditto.	Government Revenue payable for Ditto.
			B. K. D.	Rs. As. P.	Rs. As. P.
1	Talooka Buxoopoer, Pergunnah Ghuzi- poor.	Buxoopoer	337 10 5	930 9 0	570 5 0
2	Talooka Chillar, Pergunnah Sydpoor	Chillar and Kirpalchuk Luchmanpoor and Sirkiltha	1,090 17 11 480 18 0	2,093 9 0 1,095 6 6	1,068 9 3 658 12 3
		Total	1,580 15 11	3,188 15 6	1,025 5 6
3	Talooka Flingootar, Pergunnah Mahnitch	Flingootar Kunpoor	1,585 11 5 598 13 10	4,467 6 3 1,716 13 3	2,803 13 3 1,025 15 0
		Total	2,184 4 15	6,184 3 6	3,029 12 3
4	Talooka Nooroodipoor, Pergunnah Khan- poor.	Nooroodipoor	1,481 9 1	4,115 0 3	1,933 2 6
5	Talooka Mundra, Pergunnah Shudhiabad	Puttee Munsa Rao Puttee Oomrao Rao Puttee Duswant Rao Puttee Komar Rao Mouza Dhamraon Mouza Hamsapoer	264 11 10 390 16 10 213 10 5 149 19 5 86 12 0 177 13 0	996 6 3 1,189 5 3 883 4 0 460 6 0 106 6 8 331 1 3	390 9 10 554 12 5 290 14 8 190 12 1 69 4 2 154 11 0
		Total	1,292 2 10	3,849 13 0	1,681 0 2

For conditions of sale and further particulars, apply at the Office of

BUXAR,  
The 16th February 1872.

PHILIP W. CARTER,  
Official Assignee's Agent, Buxar.  
(1108—fn.)

**The Dehing Company, "Limited."**

THE Seventh Ordinary Annual General Meeting of Shareholders in this Company will be held at the registered Office, No. 4, Clive Street, on Wednesday, the 28th February 1872, at noon, for the purpose of receiving the Directors' report, and for the consideration of such other business as may be brought forward.

JOHN ELLIOTT & Co.,  
Managing Agents.

CALCUTTA,  
The 19th February 1872.

(1109—2)

**Central Provinces Gazetteer.**

EDITION OF 1870 in one Vol.

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MESSRS. THACKER, SPINK & Co., Calcutta,

or to Supdt., Chief Commr.'s Office, Nagpur.

*In the High Court of Judicature at Fort William  
in Bengal.*

ORDINARY ORIGINAL CIVIL JURISDICTION.

Maharajah Sibkristo Bahadoor  
*versus*

Kristo Chunder Ghose and others

NOTICE is hereby given that on the afternoon of Wednesday, the 28th February current, Charles John Wilkinson, Esq., Receiver of the High Court, will put up at his Office for lease the several undermentioned zemindaries, talooks, lands, premises, &c., belonging to the estate of Rajah Rajkissen Bahadoor, deceased, upon such terms and conditions as can be ascertained upon application to him, that is to say:—

1ST LEASE.

*In Zillah Tipperah.*—Pergunnah Gungamondle, &c., recorded in the register of the Collector as No. 31, including the churs appertaining thereto.

2ND LEASE.

*In Zillah 24-Pergunnahs.*—Pergunnah Moorigatcha, &c., Pergunnah Hattiaghur, &c., registered in the Collectorate as No. 155, including the lackraj grounds in Pannah and Rogoonanthpore, and lands with julkur on each side of the Mohotian road from Behallah to Coolpey, Kismuts Panihattee, Aughurparrah, and Bhoubanipore, Mouzah Natagur, with gardens, julkur, &c.

3RD LEASE.

Tanks and fruit trees of the Aughurparrah garden.

4TH LEASE.

*In Zillah Hooghly.*—Kismut Barbackpore *alias* Barruckpore, &c., registered in the Collectorate as Lots Nos. 176 and 3969, with Goody Mohel, and Kismut Baji Sreerampore, &c., Kismuts Bunshye, Surnoparrah, Mohendropore, and Banecpore, &c., registered as Lot No. 3968.

5TH LEASE.

*In Calcutta.*—Talook Sootanooty, Bazar Sootanooty, with the tenanted ground thereto belonging. Charles' Bazar, Sham Bazar grounds, Baug Bazar grounds, and Coolcy Mohul, Dhurruntollah ground, called Fuchelwallah ground, Chandnee ground, Jorasanko ground, Sona Bazar ground, called Bytuckhannah Mehal, Sona Bazar house, called Monohur Mookerjee's Mehal, Sona Bazar ground, called Mohul Mattah Gossamy, Sona Bazar ground, called Mohul Cally Sunker Neogy, Radha Bazar godowns, and ground called Raneewallah Bally in Toola Bazar, Jora Bagan ground and house at Hogulkooreeah, ground called Gopeebagan, &c., with julkur, Intally, Jaun Bazar, and Seedooreahputty grounds, &c.

*In Zillah 24-Pergunnahs.*—Gardens at Baranagore and Duckinshur with tenanted grounds; also Mousahs Sitty and Joypore, and grounds at Suntgachee and Duckhin Rauree.

*In Zillah Kishnaghur.*—Ground and tank at Mullick Baug near Kanchraparrah.

For further particulars, apply at the Receiver's Office, No. 4, Strand.

The 8th February 1872.

(1105—2)

Notice.

A special meeting of the Justices of the Peace for the Town of Calcutta will be held at the Town Hall on Thursday, the 29th instant, at 11 o'clock A.M., for the following purposes:—

1. The Chairman to lay on the table report of the administration of the Municipality for the year 1871.

2. The Chairman to submit for consideration, in accordance with the resolution passed by the Justices at their quarterly meeting held on the 15th January 1872, plans for a new Municipal Office, and estimate prepared by Messrs. Mackintosh, Burn & Co., approved by the Engineer to the Justices, for construction of the building.

3. The Chairman to submit for consideration report of Finance and Water-supply Committees on the arrangements proposed for increasing the supply of water.

4. The Chairman to propose "that a special committee of seven Justices be appointed for the purpose of inspecting every jute warehouse existing within the town of Calcutta, and reporting such warehouses as can be licensed without risk to life and property in the neighbourhood thereof."

5. The Chairman to draw attention to the provisions of section 5 of the "Jute Warehouse and Fire Brigade Act" regarding the payment of fees to members of the aforementioned special committee, with a view to the amount of said fees being settled by the Justices.

6. The Chairman to move "that it be an instruction to the aforesaid special committee to report on the establishment which should be entertained for working the Act, and also the arrangements necessary for providing Calcutta and the Suburbs with a thoroughly efficient Fire Brigade."

7. At close of the proceedings, the Chairman will vacate the chair in favor of Lord Ulick Browne, who has been appointed to officiate as Chairman of the Justices during Mr. Hogg's absence on leave.

ROBERT TURNBULL,  
*Secretary to the Justices.*

CALCUTTA,  
The 20th February 1872

(1110—1)

Notice.

COPIES of Act VII of 1871, the Indian Emigration Act, in Urdu and Hindee, can be obtained on application at the Bengal Secretariat at 8 annas per copy.

WASTE LAND RULES,

Being Chap. XXVI. of the Rules of the Board of Revenue

Price, 4 annas. Packing and postage charges, 2 annas extra.

Calcutta: Office of Supdt. of Government Printing,  
No. 8, Hastings Street.

The Indian Financial Almanack for 1872,  
Price 4 annas; postage 1 anna.

Selections from Unpublished Records of  
Government for the years 1748 to 1787 inclusive.  
Relating mainly to the social condition of Bengal  
With a Map of Calcutta in 1784. By the Rev. J  
Long, Member of the Government Record Commis-  
sion. Price Rs. 5; packing and postage 1 Rupee  
extra.

Selections from Calcutta Gazettes of the  
years 1816 to 1823 inclusive, showing the political  
and social condition of the English in India upwards  
of fifty years ago. By Hugh David Sandeman, C.S.,  
Accountant-General, Bengal, and Member of the  
Record Commission. Volume I, 3 Rs., and Volumes  
II, III, IV, and V, at 5 Rs. each; packing and  
postage 1 Rupee extra.

*The above to be had at the Office of Superintendent of  
Government Printing, 8, Hastings Street, Calcutta.*

*Just Published.*

**Bengal Official Army List.**  
*Corrected up to 1st January 1872.*

THE Official Quarterly Army List of H. M.'s  
Forces in Bengal, to which is added a non-official  
Supplement, containing the latest corrected Civil  
List, &c. &c. Price Rs. 5, and 8 annas extra for  
packing and postage.

Calcutta: Office of Supdt. of Government Printing,  
No. 8, Hastings Street.

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APPENDIX TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 21, 1872.

**ADVERTISEMENT OF SALE.**

NOTICE is hereby given that the undermentioned plots of lands no longer required by the Government, situated in the District of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 4th of March 1872, corresponding with 9th Fagoon 1279 P.S.

2. The purchasers of these plots will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plots will be sold revenue free to the highest bidders above the upset price.

Number in Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.	Upset Price.
.....	.....	Pukri, Pergunnah Arrah .. ..	A. R. P. 3 0 3	Rs. As. P. 45 0 0
.....	.....	Ditto .. ..	1 1 37	25 0 0

D. BARBOUR, *Deputy Collector, for Offg. Collector.*

SHAHABAD COLLECTORATE,  
The 6th December 1871.





APPENDIX (No. II.) TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 21, 1872.

LAND SALE NOTICES.

NOTICE is hereby given, under Section VI, Act XI. of 1859, that the undermentioned Estate in the district of Furrseedpore will be put up to public and unreserved sale, at the Collector's Office of that district, on the 4th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

No. 2793.—Taluk Amanullah, in Pergunnah Jalalpur; recorded proprietors, Amanullah and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs 1,515-4-3½. This mehal will be sold for recovery of Rs. 32-13-0½ on account of arrears of Government revenue.

A. J. FRASER, *Deputy Collector in charge.*

FURREEDPORE COLLECTORATE,  
*The 27th January 1872.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tirhoot will be put up to public and unreserved sale, at the Collector's Office of that District, on Wednesday, the 28th February 1872, corresponding with the 4th Phalgun 1279 Fusal, for arrears of revenue due on the 12th January 1872:—

No. 1886.—Mudunpore Bisnath, Pergunnah Mahilla; recorded proprietors, Audit Sahai and others; sudder jumma, Rs. 670-1-7.

The share of Audit Sahai only, with sudder jumma of Rs. 23-12, will be sold for recovery of Rs. 5-7 on account of Government revenue.

TIRHOOT COLLECTOR'S OFFICE,  
*The 22nd January 1872.*

F. M. HALLIDAY, *Collector.*

اس تحریر کے رو سے خاص و عام کو دفعہ ۶ اکت ۱۱ سنہ ۱۸۵۹ ع کے مطابق اطلاع دی جائے گی کہ علاقہ مومسہ دیال موقوفہ ضلع ترہٹ بعلت زر باقی وغیرہ مطالبہ جنکو قوانین اور انکوں مستثنیہ کے رو سے وصول کرنا جائز ہے اور اس زر باقی اور مطالبہ کو تا تاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ ع تاریخ غایت ادائیگی مالگذاری سرکار ادا کرنا واجب تھا بالضرور تاریخ ۲۸ ماہ جنوری سنہ ۱۸۷۲ ع مطابق چہارم ماہ پہاگن سنہ ۱۸۷۹ فصلی روز چہار شنبہ کچہری کلکٹری ضلع ترہٹ میں نیلام ہوگا •

نمبر ۱۸۸۶ توزیع—محال مدلیپور بھناتہ پرگنہ مہلا کہ جسکے خانہ مالگذاری میں نام ادت مہالی وغیرہ کا مندرجہ ہے اور مبلغ ۶۷۰-۱-۷ بعلت باقی مالگذاری سرکار اوسکے جمع صدر ہے اور اس محال میں بعد مہالی حصہ مایلان تقسیم جنکا حصہ مطابق دفعہ ۳۳ قانون نوزدم سنہ ۱۸۱۳ ع کے بقعداد ۶۴۹-۵-۷ زر بگوارہ ہو چکا ہے باقی موازی ۱۴ گندہ حصہ ادت مہالی مالک بقعداد ۲۳-۱۲ صدر جمع بعلت باقی مبلغ ۵-۷ باقی مالگذاری سرکار کے نیلام ہوگا •

ان: ام: علیہ

کلکٹر

الموقوفہ ۲۲ جنوری سنہ ۱۸۷۲ ع



NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tipperah, will be put up to public and unreserved sale, at the Collector's Office of the district, on the 27th day of February 1872, for arrears of revenue and other demands, which, by Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872:—

**PERMANENTLY- SETTLED ESTATE.**

*To be sold for arrears of revenue.*

No. 773.—Mouzah Kamalla in the 10as. 13gds. 1k. 1kt. share of zemindari Pergunnah Bardakhat recorded proprietor, Khwaja Ahsanullah; Government revenue, Rs. 1,649-2; road fund, Rs. 16-8 to be sold for arrears of revenue amounting to Rs. 567-2.

No. 310.—3 gds. 3k. out of a 1a. 5gds. share in Mouzah Chapitala, in the 10as 13g 1k. 1kt. share of zemindari Pergunnah Bardakhat; recorded proprietors, Jagat Chandra Chaudhuri Sib Chandra Pal; Government revenue, Rs. 1,693-12; road fund, Rs. 17; is to be sold for arrears amounting to Rs. 6-12-9. The recorded proprietor of this 3gds. 3k. share is Sib Chandra Pal, and the Sudder Jumma of it is Rs. 20-0-10.

N.B.—A separate account has been opened by the Collector under Section 10, Act XI. of 1859 for the 1a. 5gds. share within which the 3gds. 3k. fall. The entire estate is under partition, and the above 3gds. 3k. share is now advertised for sale in accordance with the terms of Section 33, Regulation XIX. of 1814.

TIPPERAH COLLECTORATE,  
The 19th January 1872.

F. COWLEY, *Officiating Collector*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Hooghly will be put up to public and unreserved sale, at the Collector's office of the district, on Thursday, the 14th March 1872, corresponding with 2nd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class.—Permanently-settled Estate.*

No. 67.—Goorbaree, Pergunnah Chowmaha; recorded proprietors, Radhakanto Chowdhury, Is Muddun Mohun Jew Thakoor's Sabaet Gopeekristo Bose, Ornoporna Dabee, Mangobindo Biswas Kasseenath Koar, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose; sudder jumma Rs. 2,695-15.

	Rs.	As.	P.	Rs.	As.
Deduct Mangobindo Biswas' 8 annas share of Mouzah Katgora and Kasseepore, comprised in lot Goorbaree	590	6	5		
Deduct Kasseenath Koar's share of Neej Goorbaree and Hurriram-pore's land 1,475 beegahs, the revenue of which is	692	2	9		
					1,282 9

and for which a separate account has been opened under Act XI. of 1859.

Balance share of sudder jumma of the undermentioned parties to be sold, Radhakanto Chowdhury of Goorbaree, Pergunnah Chowmaha, Issur Muddun Mohun Jew Thakoor's Sabaet Gopeekristo Bose of Chandernagore, Pergunnah Boro, Ornoporna Dabee of Etila, Pergunnah Chowmaha, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose of Katgora, Pergunnah Chowmaha, and which separate account has not been opened, Rs. 1,413-5-10.

To be sold for recovery of Rs. 217-11-9 on account of Government revenue.

W. F. MERES, *Deputy Collector, in charge*

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871.

*Class I.—Permanently-settled Estates.*

To be sold for arrears of Government revenue:—

No. 39.—Taraf Ali Rohallah; proprietor, Tripoora Churn Rai; sudder jumma, Rs. 994-0-6.

To be sold for arrears of Government revenue:—

No. 51.—Taraf Alear Khan; proprietors, Shahamat Ali, Akbar Ali Khan, Akbar Ali Khan, Asad Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the share of Asad Ali Khan, bearing a jumma of Rs. 468-7-5, and the revenue of that share having been paid, the share of Shahamat Ali, Akbar Ali Khan, and Akbar Ali Khan, will be sold; sudder jumma Rs. 1,606-0-9.

To be sold for arrears of Government revenue:—

No. 1024.—Taraf Gobindo Anandi; proprietors, Sotronarain, Durponarain, Jan Bebi, Mohama Mahomed Ashrof, Ramjoy, Ram Chunder Dutt, Ishan Chunder, Goluck Chunder, Doorga Ch

Chowdry, Gour Chunder Mozumdar, Neel Comul Gupta, Goluck Chunder Chowdry, Pitamber Cuhnder Doss, Ramkumar Doss, Kali Doss, Paddolochun, Trilochun Dey, and Doolameah. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ishan Chunder Chowdry, Goluck Chunder Chowdry, Doorga Churn Chbdry, Gour Chunder Sen, Neel Comul Gupta, Ram Coomar Doss, Goluck Chunder Doss, Srimoti Mohamaya, Pitamber Chunder Doss, Kali Doss, Sheik Doolameah Chowdry, Puddolochun Chowdry, and Trilochun Chowdry, bearing a jumma of Rs. 353-14-7, and the revenue of their shares having been paid, the shares of Sotronarain, Durponarain, Jan Bebi, Mahomed Ashof, Ramjoy, and Ram Chunder Dutt, will be sold; sudder jumma, Rs. 1,061-13-1.

To be sold for arrears of Government revenue :—

No. 1238.—Taraff Enos Jop; proprietors, Aloka, Adhoo Khan, Abool Hossein, Anwar Khan, Brejo Mohan, Surforaj, Shofur Ali, Aos Khan, Alaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Samed, Mahomed Asad, Magun, Nowagish, Warrish Khan, Kurrim Buksh, Alokab, Aasin Khan, Amir Ali, and Ayar Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Warrish Khan, Mahomed Samed, Anwar Khan, Shorforaj Khan, Aasin Khan, and Ayar Ali Khan, bearing a jumma of Rs. 581-13-10, and the revenue of their shares having been paid, the shares of Aloka, Adhoo Khan, Abool Hossein, Brejo Mohan, Shofur Ali, Aos Khan, Allaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Asad, Magan, Nowagish, Korim Buksh, Aloka, and Amir Ali, will be sold; sudder jumma, Rs. 2,272-7-6.

To be sold for arrears of Government revenue :—

No. 1281.—Taraf Joynarain Kerani; proprietor, Mahomed Rofee Showdagar; sudder jumma, Rs. 563-4-6.

To be sold for arrears of Government revenue :—

No. 2203.—Taraf Nosim Chowdhari; proprietors, Jan Ali, Mohesh Chunder Sen, Nittyando Sen, Wahed Ali, Jugguth Chunder Sen, Prankristno Sen, Nittyando Sen, Wahed Ali, Jan Ali, Juggath Chunder Sen, and Ramjan Ali; sudder jumma, Rs. 659-7-6.

To be sold for arrears of Government revenue :—

No. 2411.—Kismut Probahath, formerly Taraf Brojo Kishore; proprietors, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Bonnijan Bebi, Boistab Churn, Futteh Ali, Gour Hari Biswas, Hari Doss, Hashmat Ali, Kalikinker, Kisto Churn, Kbalon, Modun Mohan, Mahomed Danis Chupprassi, Noor Bebi, Warrish, Rohoman Syad, Huri Churn, Ram Doss, Ram Doss, Ram Doss, Shorfonessa, Surruth Chunder, Surruth Chunder Rai Kanongoe, Shorindri, Munshi Tilock Chunder Biswas, Boidonath Bachoshpoti, Tilock Chunder Dutt, Ram Doss Bhuttachargea, Nobo Chunder Bhuttachargea, Srimoti Montaj Banoo, Sheik Mahomed Boshirullah, Amir Ali, Boidonath Bachoshpoti, Koilas Chunder Dutt, Moulvi Barkatoollah, Najir Ahamed, Noor Ahamed, Wazooddeen, Tarak Chunder Dutt, Oina Churn Dutt, Tarakinker Dutt, and Moonshi Tilock Chunder Biswas. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Surrut Chunder Roy Kanongoe, Srimoti Shorindri, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Hashmat Ali, Babutmalik his mother Shorfonessa, Boidonath Bachoshpoti, Huri Churn Pal, Kristno Churn Pal, Hurri Dass Pal, Tilock Chunder Dutt, Gooroo Doss Dutt, Ram Doss, Nobo Chunder, Koilas Chunder, Mohesh Chunder, Prosono Chunder, Boidonath Bachoshpoti, Montaj Banoo, Moulvi Barkatoollah, his minor nephew Najir Ahamed, and Wajuddin, bearing a jumma of Rs. 443-7-8, and the revenue of their shares having been paid, the shares of all other proprietors will be sold; sudder jumma, Rs. 667-11-10.

To be sold for arrears of Government revenue :—

No. 2542.—Teraf Rajah Ambiah; proprietor, Akbar Ali Chowdhuri, sudder jumma, Rs. 608-12.

To be sold for arrears of Government revenue :—

No. 2562.—Taraf Rambhodro Kanongoe; proprietors, Bonijun Bebee, Bhoirub Churn, Chand, Churn, Chundi Churn Nundi, Sadak Ali Moonsee, Doorga Churn Doss, Grish Churn Doss, Nosuroollah Munshi, Tofer Ali, Kali Churn Doss, Nittyando, Pitamber, Raj Chunder, Ram Doss, Ram Mohun Sen, Ram Soonder Sen, Ramsoonder, Kalikinker, Tarini Sunker Kanongoe, Tripora Churn, Annoda Churn Sen, Chundi Churn Nundi, Chundi Churn Nandi, Chundi Churn Dhur, Pran Huree Lallah, Boistab Churn Podar, Ram Ruttun Surmah, Gopal Kristno Surmah, Golam Hossein, Chundi Churn Dhur, Ramshebuck Burnik, Abdoolla Nillamdar, Ishan Chunder Kanongoe, Ram Ruttun Surmah, Gopal Kristno Surmah, Degambar Sen, Ojer Ali *alias* Potan, Huri Doss Dey, Aradhun, Srimoti Bishashori, Ooma Churn, Kantapersaud Hazari, Sheik Mahomed Wasil Chowdri, Gooroo Doss Rai, Ram Chunder Chowdhari, Debi Churn Dey *alias* Deboo Mohajan, Omed Ali, Ram Doss Shikdari, Raj Chunder Chowdhari, Nittyando Sen, Nobo Chunder, Surrut Chunder Sen, Choitanio Churn Sen, Doya Mohun Sen, Hurrinath Porohit, Ramkinker Porohit, Ramkishore Sen, Jowala Bharoti Mohunto, Gobind Chunder Rai Kanongoe, Tara Kinker Dutt, Ramkishore Sen, Aukhil Chunder Sen, Ram Buksh Hazari, Sheik Golam Hossein, Gorib Hossein Chowdhri, Mahomed Wali, Jaker Ali, Chundrohaddari Thakurani, and Boidonath Bachoshpoti. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ram Soonder Sen, Bahat Malik, his brother Ram Mohun Sen, Doorga Churn Doss, his brother Grish Chunder Doss, Sadak Ali Moonshi, Nittyando Sen, Ram Soonder, Kalikinker, Kanta Persad Hazari, Babut Malik, Susti Churn Chowdhari, Chundi Churn

Nundi, Ramruttan Surmah, Gopal Kristno Surmah, Jowal Bharoti Mohunto, Babatshare Arjoon Bharoti Mohunto, Pitamber Kanongoe, Gooroo Doss Rai, Malik Pitamber Kanongoe, Govind Chunder Kanongoe, Golam Hossein Chowdhari, Ishan Chunder Kanongoe, Hari Doss, Aradhun, Ramshebeck Burnick, Digamber Sen, Omed Ali, Nittyanundo Sen, Surruth Chunder Sen, bearing a jumma of Rs. 516-15-2, and the revenue of their shares having been paid, and the shares of Pitamber Kanongoe Malik, Tara Kinker Dutt, having been already sold on 22nd December 1871, bearing jumma of Rs. 6-11-11, the shares of all other proprietors will be sold; sudder jumma, Rs. 918-15-7.

To be sold for arrears of Government revenue:—

No. 2933.—Taraf Shasiram Kanongoe; proprietors Afzal, Aitan, Abootalif, Brindabun Sein, Bishumber, Rejoanuddin, Bhikan Chunder, Bholanath, Chotronarain, Digamber Chunder, Doorga Churn, Doorga Mohun, Gogun Chunder, Gonesh Chunder, Gopeenath, Golam Basid, Golam Moksad, Golam Ali, Gopal Dass, Gopal Dass Sein, Gopinath, Golam Ali, Gouri Kanto, Gour Soonder, Jug Mohun, Jugguth Chunder, Jugguthnath Sein, Jan Ali, Jooromoni, Kristo Chunder Kanongoe, Kristo Chunder Kanongoe, Kristo Mohun Goocho, Koolo Chunder, Lukhi Chunder Rai, Mahomed Ashrof Jemadar, Magan Dass Sen, Magan Chunder, Nittyanundo Kanongoe, Nittyanundo Kanongoe, Nittyanundo, Neelkanto Poorohit, Neelkanto, Nittyanundo Kanongoe, Nittyanundo Kanongoe, Nemy Churn Rai, Nittyanundo, Neamutoollah, Warrish, Oopendro Chunder, Prosono Singh, Prosono Coomari, Poorno Chunder Sen, Peary Mohun, Rohimonissa, Russick Chunder, Ramdoolal, Ramdoyal Dey, Ramkanto, Ramdoyal, Ramjoy Potdar, Ramlochun Sen, Rehanuddin, Renooka, Surruth Chunder, Shaha Mahomed, Shahabuddin, Shamsouder, Tiloke Chunder, Tofan Ali, Lall Mahomed Hazi, Golam Ali Nazir, Shoobrat *alias* Shoorjomoni Surdar, Srimoti Beshashori, Mahomed Rohimullah Mohesh Chunder, Mahomed Kamal Chowdhari, Isaf Ali, Nejamut Ali, Mahomed Ali, Monohur Khan, Ujir Ali, Uma Charan Ghose, Doorga Churn Sein, Jugguth Chunder Sein, Modun Mohun, Ramdoolal, Ramanundo, Doorga Churn, Chundi Churn Surmah, Sheik Asanoollah Chowdhari, and Shoodharam Surkar. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Gopal Dass Sein and Degumber Kanongoe and others, bearing a jumma of Rs. 642-1-6, and the revenue of their shares having been paid, the shares of Srimoti Oloka, Ramdoyal Sen, Sreemoti Brojobashi, Juggut Chunder Sen, Shoodaram Surkar Nilamdar babut Frankristno, Peary Mohun, Doorga Mohun, Gour Chunder, will be sold; sudder jumma, Rs. 826-14-3.

To be sold for arrears of revenue:—

No. 3113.—Taraf Sheermustkhan Chowdhari; proprietors, Akbar Ali Khan, Dewan Bebi, Jenat Ali Khan, Mokhool Ali, Milkiat Fuzl Ahamed minor, and Ramsouder. A separate account having been opened for the share of Fuzl Ahamed minor, and the sudder jumma of that share, Rs. 165-10, and the shares of all other proprietors, will be sold; sudder jumma, Rs. 527-6-6.

To be sold for arrears of revenue:—

Mehal Lakheraj resumed, Mouzah Borghope, Thannah Satkania.

No. 13407.—Taluk Gouri Sunker, Boidonath Kanongoe; proprietors, Grish Chunder Rai and Lolita Thakuzani; sudder jumma, Rs. 701-4-3.

J. WHITMORE, *For Offg. Collector.*

NOTICE is hereby given, under Section 2, Act VII. (B.C.) of 1868, and Section 6, Act XI. of 1859, that the undermentioned estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871:—

*Mehal Noabad.*

To be sold for arrears of Government revenue, Mouzah Chota Sonooah, Thannah Satkania.

No. 303.—Talook Chota Sonooah, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 1,072-0-1.

To be sold for arrears of Government revenue, Mouzah Borghona, Thannah Satkania.

No. 314.—Talook Gouri Sunker, Boidonath Kanongoe, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 639-0-3.

To be sold for arrears of Government revenue, Mouzah Naporah, Thannah Satkania.

No. 541.—Talook Srimoti Bishashori and Nobo Chunder Rai; Proprietors, Sreemoti Bishashori and Nobo Chunder Rai; Sudder Jumma, Rs. 633-11-9.

To be sold for arrears of Government revenue, Mouzah Bakolea, Kishnut Chur Shabek Bakolea, Thannah Towa.

No. 559.—Talook Ahamed Ali, Mahomed Esaf, Korban Ali, Ajar Ali, Srimoti Noor Bebi; Proprietors, said Ahamed Ali, Mahomed Esaf, Korban Ali, Ajar Ali, and Srimoti Noor Bebi; Sudder Jumma, Rs. 686-4.

J. WHITMORE, *For Officiating Collector.*

NOTICE is hereby given, under Section VI, Act XI of 1859, that the undermentioned Estates in the district of Patna will be put up to public and unreserved sale, at the Collector's Office of that district, on the 12th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class II.—Temporarily-settled Estates.*

No. 1016.—Mehal Dearah More-us-dabed, More-Munoruth, and More-Goburdhun, Pergunnah Gyaspore; recorded proprietors, Mussamat Arfay Begum *or* Hoseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Allahee Begum Ali Ahmed Khan, Mussamat Oomrao Begum, Walee Ahmed Khan, Anaetoollah Khan *or* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mohamed Ibrahim Hossein Khan, Mujeedoon Nissa Begum, Ubhnasee Suhoy *or* Rughonath Pershad Sing, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishur Pershad Sing, minor son of Baboo Kandh Pershad Sing, deceased, Bishoon Pershad Sing, Ram Loll Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoor Pershad Sing, Hurpershad Sing, Gobinddharee Sing, Aluckhoharee Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopalnarain Sing, Nursingh Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Tookun Sing, Bhojoo Sing, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *or* Ramjee, Mussamat Khoosihal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Gujoo Sing, and Khirbun Sing; Sudder Jumma Rs. 4,211-2-0, of which Rs. 1,093-12-6 to be deducted on account of the jumma of the share of Ubhnasee Suhoy *or* Rughonath Pershad Sing, Gobinddharee Sing, Ulukdharee Sing, Tookun Sing, Bhojoo Sing, and Mohamed Ibrahim Hossein Khan, with whom separate accounts have been opened, as per Section 10, Act XI of 1859.

The Sudder Jumma advertized for sale is Rs. 3,117-5-6, on account of the share of Mussamat Arfay Begum *or* Hoseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Allahee Begum, Ali Ahmed Khan, Mussamat Oomrao Begum, Waleeahmud Khan, Anaetoollah Khan *or* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mujeedoon Nissa Begum, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishurpershad Sing, minor son of Baboo Kandhpershad Sing, deceased, Bishoonpershad Sing, Ramlall Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoorpershad Sing, Hurpershad Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopal Narain Sing, Nursingh Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *or* Ramjee, Mussamat Koosheehal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Goojoo Sing, and Khirbun Sing, non-applicants, which will be sold for arrears of Government revenue.

C. F. WORSLEY,

Deputy Collector, for Collector on tour.

PATNA COLLECTORATE, BANKIPORE,  
The 31st January 1872.

اشتهار نیلام بابت بقیة مالگذاری سرکار

واضح ہو کہ حسب دفعہ ۶ اکت ۱۱ سنہ ۱۸۵۹ ع کے یہ محلات مرقومۃ الذیل ضلع پٹنہ میں بابت بقیة مالگذاری سرکار و دیگر دعویٰ جو از روی دستورات و قوانین صحاریہ موافق باقی مالگذاری سرکار کے بتاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ ع واجب الوصول ہی بروز منکل بتاریخ ۱۲ ماہ مارچ سنہ ۱۸۷۲ ع کچھری میں صاحب کلکٹروسی ضلع کے بلا عذر و عام نیلام میں رکھا جائیگا

قسم دوم بندوبست میعادہ

نمبر ۱۰۱۶ توزیع محلات دیارہ سرورسدا باد و مور۔ منور تہ و مور۔ گوبردھن پرگنہ فیاضپور پٹنہ مالگذاری مسماۃ عارفہ بیگم عرف حسنہ بیگم و مسماۃ کنیز فاطمہ بیگم و محمد امان اللہ خان و نصیر احمد خان و مسماۃ الہی بیگم و علی احمد خان و مسماۃ امراو بیگم و ولہ احمد خان و عنایت اللہ خان عرف عبدالمجید خان خود و وارث عبدالرشید خان متوفی و محمد ابراہیم حسین خان و مجید النساء بیگم و اپنائے سہای عرف رگہو ناتھ پرشاد سنگہ و جگن ناتھ پرشاد سنگہ و رام پرتاپ سنگہ و شام کشور سنگہ و ہر کشور پرشاد سنگہ نابالغ پسر بابو گاندھہ پرشاد سنگہ متوفی و بسن پرشاد سنگہ و رام لعل سنگہ و مسماۃ جیتن کنور و گور پرتاپ سنگہ تہا کر پرشاد سنگہ و ہر پرشاد سنگہ و گویند دھاری سنگہ و الکہہ دھاری سنگہ و لچھمی پرشاد سنگہ و رنگ لعل سنگہ و مادھو پرشاد سنگہ و گوپال نوابین سنگہ و نرسنگہ نوابین سنگہ و گلدیپ نوابین سنگہ و دیون نوابین سنگہ و مسماۃ سنتر کنور و توکن سنگہ و بہوجو سنگہ و لالہ پھاری سنگہ و کنج پھاری سنگہ و رام نوابین سنگہ عرف راجھی و مسماۃ خورشال کنور و لوکھ ناتھ سنگہ و کنچل سنگہ و پھلووان سنگہ و منکر سنگہ و گچھ سنگہ و کھربان سنگہ صدر جمع ۲۲۱۱-۲ اوسمیں سے صدر جمع ۱۰۹۳-۱۲-۶ منہای ہوگا بابت حصہ اپنائے سہای عرف رگہو ناتھ پرشاد سنگہ و گویند دھاری سنگہ و الکہہ دھاری سنگہ و توکن سنگہ و بہوجو سنگہ و محمد ابراہیم حسین خان جسکے ساتھ حساب کھولا گیا بمراد دفعہ ۱۰ اکت ۱۱ سنہ ۱۸۵۹ ع

صدر جمع جسکا اشتہار نیلام ہوا ہی ۳۱۱۷-۵-۶ بابت حصہ مسماۃ عارفہ بیگم عرف حنیٰ بیگم و مسماۃ کنیز فاطمہ بیگم و مسماۃ امان اللہ خان و نصیبو احمد خان و مسماۃ الہ بیگم و علی احمد خان و مسماۃ امراو بیگم و ولید احمد خان و عنایت اللہ خان عرف عبدالحمید خان خود و وارث عبدالرشید خان متوفی و مسماۃ انسا بیگم و جگر ناتھ پرشاد سنگہ و رام پرتاپ سنگہ و سام کشور سنگہ و ہر کشور پرشاد سنگہ نابالغ پسر بابو کاندھہ پرشاد سنگہ متوفی و بسن پرشاد سنگہ و رام لعل سنگہ و مسماۃ جنن کنور و گور پرتاپ سنگہ و تھاکر پرشاد سنگہ و ہر پرشاد سنگہ و اچھی پرشاد سنگہ و رنگ لعل سنگہ و مادھو پرشاد سنگہ و گوپال نرائن سنگہ و نرسنگہ نرائن سنگہ و کلدیپ نرائن سنگہ و دیو نرائن سنگہ و مسماۃ سندھ کنور و لعل بیہاری سنگہ و کچھاری سنگہ و رام نرائن سنگہ عرف راجھی و مسماۃ ہوشمال کنور و لوکھناتھ سنگہ و کنچل سنگہ و پیلوان سنگہ و شنکر سنگہ و گچھو سنگہ و کھربان سنگہ غیر سابلان کا بعلت باقی مالگذاڑی کے نیلام ہوا فقط ۔

سی: اف: ویلے  
دیپوتی کلکٹر کلکٹر ٹور کے لے

پڈنہ کلکٹریٹ بانکیپور  
۳۱ جنوری ۱۸۷۲

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Jessore will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 15th March 1872, corresponding with 3rd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class I.—Permanently-settled Estate.*

No. 19.—Mouzah Borumarrah Pergunnah Essupore, Talook Joy Chunder, Radha Churn Chunder Kant Ghose, Issur Chunder Roy, and Jogut Chunder Chowdhury; Sudder Jumma, Rs. 998-3-10; to be sold for recovery of Rs. 98-14-9 on account of Government revenue.

No. 261.—Tara Sagerneah, Pergunnah Mahomedshye, Talook Raznaryun, Premnaryun Parry, Lukhimoney, Drabomoi, Second Drabomoi, and Joytara Debya; Sudder Jumma, Rs. 1,596-8-9; to be sold for recovery of Rs. 37-2 on account of Government revenue.

No. 4575.—Pergunnah Bhatlah, Talook Rajah Buroda Kant Roy, Bahadbor; Sudder Jumma, Rs. 5,087-1-7-3; to be sold for recovery of Rs. 38-14-1 on account of Government revenue.

JESSORE COLLECTORATE,  
The 2nd February 1872.

J. MONRO, *Offg. Collector.*

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Sarun will be put up to public and unreserved sale, at the Collector's Office of that district, on the 15th day of March 1872, corresponding with the 20th Phalgun 1279 F.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class I.—Permanently-settled Estate, to be sold for arrears of Government revenue.*

Towjee No. 501.—The rights and interests of Baijoo Sing, in mehal Sendooar, pergunnah Baul; recorded proprietors are Baijoo Sing, Chuttur Sing, &c. The sudder jumma of the entire Estate is Rs. 693-5-4.

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and payment of Government revenue:—

10 *kts.* of Rughoonundun Sing and others, bearing jumma of Rs. 461-13-6.

*To be sold for arrears of Government revenue.*

Towjee No. 2459.—The rights and interests of Achul Opudhia, Mahurbun Sing, Ramsuhoy Sing, Thacoor Sing, Rughoonath Sing, Kullian Sing, Ramsuhoy Roy, Ramessur Roy, Jutteedharee Lal, Rusul Roy, Trashee Pershad Sing, Goorpershad Sing, and Doobree Opudhia, in Mehal Dhurum Raj Pergunnah Gooch; recorded proprietors, Achul Opudhia and others. The sudder jumma of the entire estate is Rs. 663-7-5.

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and the payment of Government revenue:—

7 *kts.* of Radhayram Pershad and others, bearing jumma of Rs. 332-2.

SARUN COLLECTORATE,  
The 2nd February 1872.

C. B. GARRETT,  
*Offg. Collector.*

اشتہار نیلام بابت بقیہ مالگذاڑی سرکار

واضح ہو کہ حسب دفعہ ۶ ایکٹ ۱۱ سنہ ۱۸۵۹ ع کے یہ معاملات مرقومہ الذیل ضلع سارن میں بابت بقیہ مالگذاڑی سرکار و دیگر دعوی جواز رو سے دستورات قوانین مجاریہ موافق باقی مالگذاڑی سرکار کے بتاریخ ۱۲ جنوری سنہ ۱۸۷۲ ع واجب الوصول ہی بروز جمعہ تاریخ ۱۵ مارچ سنہ ۱۸۷۲ ع مطابق ۲۵ پہاگن سنہ ۱۲۷۹ فصلی کچھری میں صاحب کلکٹر اس ضلع کے بلا عذر عام نیلام میں رکھا جاویگا ۔

قسم مطالبہ	نام محال قسم اول	نمبر شماری نمبر توذیع
باقی مالگڈاری سرکار	محال سندھوار پرگنہ بال جسکا جمع صدر مبلغ ۶۹۳-۵-۰۲ ہی و خانہ مالگڈار	نمبر ۵۰۱
	میں نام بیچو سنگہ و چہتر سنگہ وغیرہ کا لکھا جاتا ہی باسٹثناء حصہ رکھو	
	نندن سنگہ و غیرہ بقیدہ ۵۰ قلم تفریق رول شدہ بمراد اکت ۱۱ سنہ	
	۱۸۵۹ ع جمعی مبلغ ۴۹۱-۱۳-۶ متعلقہ محال مذکور بلحاظ وصول ہو جانے	
	باقی سرکار بقیدہ حق و صرافق اجمالی بیچو سنگہ جمعی مبلغ ۲۲۱-۷-۱۰	
	بعلت باقی مالگڈاری سرکار بہ تعداد مبلغ ۱۲-۴-۷ کے نیلام ہوگا	
ایضا	محال دھوراج پرگنہ گوہ کہ جسکا جمع صدر ۶۹۳-۵-۷ ہی و خانہ	نمبر ۲ نمبر ۲۴۵۹
	مالگڈار میں نام اچل اوپدھیا و غیرہ کا لکھا جاتا ہی باسٹثناء حصہ رادہ	
	رون پرشاد و غیرہ بقیدہ ہفت قلم تفریق رول شدہ نمبر ۱ و ایکٹ ۱۱ سنہ	
	۱۸۵۹ ع جمعی مبلغ ۳۳۲-۲ متعلقہ محال مذکور بلحاظ وصول ہو جانے	
	باقی سرکار بقیدہ حق و صرافق اجمالی اچل اوپدھیا و مہربان سنگہ	
	و رام سہاے سنگہ و تہاکر سنگہ و رگھوناتھ سنگہ و کلیان سنگہ و رام	
	سہای رای و رامیشررای و جٹادھاری لعل و رسال رای و کاشے پرشاد	
	سنگہ و گور پرشاد سنگہ و دوبری اوپدھیا جمعی مبلغ ۳۳۱-۵-۵ بعلت باقی	
	مالگڈاری سرکار بہ تعداد مبلغ ۱۱-۹-۲ کے نیلام ہوگا	

سی: بی: گبریت  
کلکٹر

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Shahabad will be put up to public and unreserved sale, at the Collector's Office of that district, on the 14th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872:—

*Class I.—Permanently-settled Estate.*

No. 1428.—Mehal Sirbit, Pergunnah Chynepore; recorded Proprietor, Sheonondun Roy, non-applicant; Sudder Jumma of the entire Mehal, Rs. 1,059-11-9. The share of non-applicant alone shall be sold for arrears of Government revenue amounting to Rs. 7-15-5, with the exception of the shares of the undermentioned proprietors, with whom separate accounts have been opened under Section 10, Act XI. of 1859:—

Names of villages.	Names of Proprietors.	Amount of Jumma.				
		R.	A.	P.	K.	M.
1. Noughura	... Rookmin Bibi and others	13	13	1	8	0
2. Kusbe Chynepore	... Shah Abdool Uziz and others	13	13	10	8	0
3. Sirbit Khass	... Mussamut Goonrani Koor and others	221	9	7	4	0
4. Ditto	... Seoraj Sing and others	55	6	4	0	0
5. Ditto	... Shah Abdool Uziz and others	27	11	4	0	0
6. Dittq	... Nuki Ally Khan	27	11	2	8	0
7. Kutra	... Reoti Roy	42	10	7	12	0
8. Sirbit and Gobindipore Lohrajai-rampore	... Nuki Ally Khan and others	113	3	2	2	0
9. Kootmunpore	... Koulesur Choubey and others	12	1	5	1	7
10. Kota	... Judoo Roy	112	6	4	18	0
11. Kekurha	... Ramlall and others	5	5	4	0	0
12. Gobindipore Lohrajey Rampore	... Mussamut Umani Kooner and others	19	15	11	12	0
13. Kota	... Mussamut Zeb Kooner and others	112	6	4	18	0
14. Kota	... Saligram Roy	112	6	4	18	0
15. Kootmunpore	... Jhuboo Choubey	6	0	8	10	13

SHAHABAD COLLECTORATE,  
The 30th January 1872.

H. ALEXANDER,  
Collector.

اشہار نامہ واسطے فروخت زمینداری

سنہ ۱۸۵۹ سال کے قانون ۱۱ دفعہ ۶ کے مضمون مطابق بذریعہ اسکے سب لوگوں کو واقف کیا جاتا ہی کہ ضلع شاہآباد کے شامل محالات مندرجہ ذیل ضلع مذکور کی صاحب کلکٹر کے افسس میں باقی مالگڈاری اور جو سب دعوی

سنه ۱۸۷۲ جنوري تاريخ ۱۲ ميں دن جمعہ ہونے سے باقی مالگذاړي کی بطور مجربہ آکین کے مطابق ادا ہونے کا ضابطہ ہی اسکے اداي کی واسطے سنه ۱۸۷۲ ع ماہ مارچ تاريخ ۱۴ ميں نيلاہ عام کی اخريہہ کار ميں فروخت ہرگا سنه ۱۸۷۲ ماہ جنوري تاريخ ۳۰ فقط

تفصيل قسم اول

نمبر ۱۴۲۸—مجال سرديت پرگنہ چين پور جسکی خانہ مالگذاړ ميں نام شيونندن راي غير سايل تفریق اول مندرج هي و مبلغ ۱۰۵۹-۱۱-۹ جمع صدر گوشواره اس مجال کا هي بعلت ابقاي مبلغ ۷-۱۵-۵ باقی مالگذاړي حصہ خاص غير سايل تفریق اول بابت حصہ مفصلہ ذيل کہ جسکا جمع از روي دفعہ ۱۰ ايکت ۱۱ سنه ۱۸۵۹ ع علیحدہ ليا جاتا هي نيلاہ ہرگا

نام موضع	نم سايلان تفریق اول	تعداد جمع صدر
۱ لوگہرا	روکن بے و امام جہان بے و جہان بے	روپيہ ۵۱ پائي کہ م
۲ قصبہ چين پور	شاہ عبدالعزیز و شاہ لياقت حسين	۸ ۱ ۱۳ ۱۳
۳ سرديت خاص	مسماة گونرانے کنور و سيواب سنگہ	۸ ۱۰ ۱۳ ۱۳
۴ ايضا	سيوراج سنگہ و فني علي خان و غلام مني خان	۴ ۷ ۹ ۲۲۱
۵ ايضا	شاہ عبدالعزیز و شاہ لياقت حسين	۰ ۰ ۴ ۶ ۵۵
۶ ايضا	نقے علی خان	۰ ۰ ۴ ۱۱ ۲۷
۷ گنڈرا	رہونے راي	۰ ۸ ۲ ۱۱ ۲۷
۸ سرديت و گوندي پور لوہرا جي	نقے علی خان و مسماة مہدہ بے	۰ ۱۲ ۷ ۱۰ ۴۲
رام پور	کوليسر چونہ جنگند چونہ و لکچند چونہ و رميسر چونہ	۰ ۱۲ ۲ ۳ ۱۱۳
۹ قطن پور	و ہر گوند چونہ و ہيرا لال چونہ و بھگوت چونہ و رگھوئر چونہ و سيسر چونہ و اجودھا چونہ و املاکہ چونہ و گنادت چونہ و گجالر چونہ	۷ ۱ ۵ ۱ ۱۲
۱۰ کوٹا	جدو راي	۰ ۱۸ ۴ ۶ ۱۱۲
۱۱ کپکھا	رام لال و مسماة جيا کنور زوجہ سيسر سنگہ و ہرجھوکن سنگہ و رام چرن سنگہ	۰ ۰ ۴ ۵ ۵
۱۲ گوندي پور لوہرا جي رام پور	مسماة امانے کنور زوجہ گردھاري سنگہ و مسماة کونرانے کنور	۰ ۱۲ ۱۲ ۱۵ ۱۹
۱۳ کوٹا	مسماة زيب کنور مادر وليہ جدو منے راي	۰ ۱۸ ۴ ۶ ۱۱۲
۱۴ ايضا	سالگرام راي	۰ ۱۸ ۴ ۶ ۱۱۲
۱۵ قطن پور	جہبو چونہ	۱۳ ۱۰ ۸ ۰ ۶
شاہ اباد کلگريٹ	ايچ اليکزاندر	
۳۰ جنوري ۱۸۷۲	کلکٹر	



APPENDIX TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 21, 1872.

**ADVERTISEMENT OF SALE.**

NOTICE is hereby given that the undermentioned plots of lands no longer required by the Government, situated in the District of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 4th of March 1872, corresponding with 9th Fagoon 1279 P.S.

2. The purchasers of these plots will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plots will be sold revenue free to the highest bidders above the upset price.

Number in Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.	Upset Price.
.....	.....	Pukri, Pergunnah Arrah .. ..	A. R. P. 3 0 3	Rs. As. P. 45 0 0
.....	.....	Ditto .. ..	1 1 37	25 0 0

D. BARBOUR, *Deputy Collector, for Offg. Collector.*

SHAHABAD COLLECTORATE,  
The 6th December 1871.







APPENDIX (No. II.) TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 21, 1872.

LAND SALE NOTICES.

NOTICE is hereby given, under Section VI, Act XI. of 1859, that the undermentioned Estate in the district of Furrseedpore will be put up to public and unreserved sale, at the Collector's Office of that district, on the 4th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

No. 2793.—Taluk Amanullah, in Pergunnah Jalalpur; recorded proprietors, Amanullah and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs 1,515-4-3½. This mehal will be sold for recovery of Rs. 32-13-0½ on account of arrears of Government revenue.

A. J. FRASER, *Deputy Collector in charge.*

FURREEDPORE COLLECTORATE,  
*The 27th January 1872.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tirhoot will be put up to public and unreserved sale, at the Collector's Office of that District, on Wednesday, the 28th February 1872, corresponding with the 4th Phalgun 1279 Fusal, for arrears of revenue due on the 12th January 1872:—

No. 1886.—Mudunpore Bishnath, Pergunnah Mahilla; recorded proprietors, Audit Sahai and others; sudder jumma, Rs. 670-1-7.

The share of Audit Sahai only, with sudder jumma of Rs. 23-12, will be sold for recovery of Rs. 5-7 on account of Government revenue.

TIRHOOT COLLECTOR'S OFFICE,  
*The 22nd January 1872.*

F. M. HALLIDAY, *Collector.*

اس تحریر کے رو سے خاص و عام کو دفعہ ۶ اکت ۱۱ سنہ ۱۸۵۹ ع کے مطابق اطلاع دی جائے گی کہ علاقہ مومسہ دیال موقوفہ ضلع ترہٹ بعلت زر باقی وغیرہ مطالبہ جنکو قوانین اور انکوں مستثنیہ کے رو سے وصول کرنا جائز ہے اور اس زر باقی اور مطالبہ کو تا تاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ ع تاریخ غایت ادائیگی مالگذاری سرکار ادا کرنا واجب تھا بالضرور تاریخ ۲۸ ماہ جنوری سنہ ۱۸۷۲ ع مطابق چہارم ماہ پہاگن سنہ ۱۸۷۹ فصلی روز چہار شنبہ کچہری کلکٹری ضلع ترہٹ میں نیلام ہوگا •

نمبر ۱۸۸۶ توزیع—محال مدلیپور بھناتہ پرگنہ مہلا کہ جسکے خانہ مالگذاری میں نام ادت منہای وغیرہ کا مندرجہ ہے اور مبلغ ۶۷۰-۱-۷ بعلت باقی مالگذاری سرکار اوسکے جمع صدر ہے اور اس محال میں بعد منہای حصہ سابلان تقسیم جنکا حصہ مطابق دفعہ ۳۳ قانون نوزدم سنہ ۱۸۱۳ ع کے بقعداد ۶۴۹-۵-۷ زر بگوارہ ہو چکا ہے باقی موازی ۱۴ گندہ حصہ ادت منہای مالک بقعداد ۲۳-۱۲ صدر جمع بعلت باقی مبلغ ۵-۷ باقی مالگذاری سرکار کے نیلام ہوگا •

ان: ام: علیہ

کلکٹر

الموقوفہ ۲۲ جنوری سنہ ۱۸۷۲ ع

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tipperah, will be put up to public and unreserved sale, at the Collector's Office of the district, on the 27th day of February 1872, for arrears of revenue and other demands, which, by Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872:—

**PERMANENTLY- SETTLED ESTATE.**

*To be sold for arrears of revenue.*

No. 773.—Mouzah Kamalla in the 10as. 13gds. 1k. 1kt. share of zemindari Pergunnah Bardakhat recorded proprietor, Khwaja Ahsanullah; Government revenue, Rs. 1,649-2; road fund, Rs. 16-8 to be sold for arrears of revenue amounting to Rs. 567-2.

No. 310.—3 gds. 3k. out of a 1a. 5gds. share in Mouzah Chapitala, in the 10as 13g 1k. 1kt. share of zemindari Pergunnah Bardakhat; recorded proprietors, Jagat Chandra Chaudhuri Sib Chandra Pal; Government revenue, Rs. 1,693-12; road fund, Rs. 17; is to be sold for arrears amounting to Rs. 6-12-9. The recorded proprietor of this 3gds. 3k. share is Sib Chandra Pal, and the Sudder Jumma of it is Rs. 20-0-10.

N.B.—A separate account has been opened by the Collector under Section 10, Act XI. of 1859 for the 1a. 5gds. share within which the 3gds. 3k. fall. The entire estate is under partition, and the above 3gds. 3k. share is now advertised for sale in accordance with the terms of Section 33, Regulation XIX. of 1814.

TIPPERAH COLLECTORATE,  
The 19th January 1872.

F. COWLEY, *Officiating Collector*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Hooghly will be put up to public and unreserved sale, at the Collector's office of the district, on Thursday, the 14th March 1872, corresponding with 2nd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class.—Permanently-settled Estate.*

No. 67.—Goorbaree, Pergunnah Chowmaha; recorded proprietors, Radhakanto Chowdhury, Is Muddun Mohun Jew Thakoor's Sabaet Gopeekristo Bose, Ornoporna Dabee, Mangobindo Biswas Kasseenath Koar, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose; sudder jumma Rs. 2,695-15.

Deduct Mangobindo Biswas' 8 annas share of Mouzah Katgora and Kasseepore, comprised in lot Goorbaree	Rs. 590	As. 6	P. 5	Rs. As. P.
Deduct Kasseenath Koar's share of Neej Goorbaree and Hurriram-pore's land 1,475 beegahs, the revenue of which is	692	2	9	
				1,282. 9

and for which a separate account has been opened under Act XI. of 1859.

Balance share of sudder jumma of the undermentioned parties to be sold, Radhakanto Chowdhury of Goorbaree, Pergunnah Chowmaha, Issur Muddun Mohun Jew Thakoor's Sabaet Gopeekristo Bose of Chandernagore, Pergunnah Boro, Ornoporna Dabee of Etila, Pergunnah Chowmaha, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose of Katgora, Pergunnah Chowmaha, and which separate account has not been opened, Rs. 1,413-5-10.

To be sold for recovery of Rs. 217-11-9 on account of Government revenue.

W. F. MERES, *Deputy Collector, in charge*

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871.

*Class I.—Permanently-settled Estates.*

To be sold for arrears of Government revenue:—

No. 39.—Taraf Ali Rohallah; proprietor, Tripoora Churn Rai; sudder jumma, Rs. 994-0-6.

To be sold for arrears of Government revenue:—

No. 51.—Taraf Alear Khan; proprietors, Shahamat Ali, Akbar Ali Khan, Akbar Ali Khan, Asad Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the share of Asad Ali Khan, bearing a jumma of Rs. 468-7-5, and the revenue of that share having been paid, the share of Shahamat Ali, Akbar Ali Khan, and Akbar Ali Khan, will be sold; sudder jumma Rs. 1,606-0-9.

To be sold for arrears of Government revenue:—

No. 1024.—Taraf Gobindo Anandi; proprietors, Sotronarain, Durponarain, Jan Bebi, Mohama Mahomed Ashrof, Ramjoy, Ram Chunder Dutt, Ishan Chunder, Goluck Chunder, Doorga Ch

Chowdry, Gour Chunder Mozumdar, Neel Comul Gupta, Goluck Chunder Chowdry, Pitamber Cuhnder Doss, Ramkumar Doss, Kali Doss, Paddolochun, Trilochun Dey, and Doolameah. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ishan Chunder Chowdry, Goluck Chunder Chowdry, Doorga Churn Chbdry, Gour Chunder Sen, Neel Comul Gupta, Ram Coomar Doss, Goluck Chunder Doss, Srimoti Mohamaya, Pitamber Chunder Doss, Kali Doss, Sheik Doolameah Chowdry, Puddolochun Chowdry, and Trilochun Chowdry, bearing a jumma of Rs. 353-14-7, and the revenue of their shares having been paid, the shares of Sotronarain, Durponarain, Jan Bebi, Mahomed Ashof, Ramjoy, and Ram Chunder Dutt, will be sold; sudder jumma, Rs. 1,061-13-1.

To be sold for arrears of Government revenue :—

No. 1238.—Taraff Enos Jop; proprietors, Aloka, Adhoo Khan, Abool Hossein, Anwar Khan, Brejo Mohan, Surforaj, Shofur Ali, Aos Khan, Alaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Samed, Mahomed Asad, Magun, Nowagish, Warrish Khan, Kurrim Buksh, Alokab, Aasin Khan, Amir Ali, and Ayar Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Warrish Khan, Mahomed Samed, Anwar Khan, Shorforaj Khan, Aasin Khan, and Ayar Ali Khan, bearing a jumma of Rs. 581-13-10, and the revenue of their shares having been paid, the shares of Aloka, Adhoo Khan, Abool Hossein, Brejo Mohan, Shofur Ali, Aos Khan, Allaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Asad, Magan, Nowagish, Korim Buksh, Aloka, and Amir Ali, will be sold; sudder jumma, Rs. 2,272-7-6.

To be sold for arrears of Government revenue :—

No. 1281.—Taraf Joynarain Kerani; proprietor, Mahomed Rofee Showdagar; sudder jumma, Rs. 563-4-6.

To be sold for arrears of Government revenue :—

No. 2203.—Taraf Nosim Chowdhari; proprietors, Jan Ali, Mohesh Chunder Sen, Nittyando Sen, Wahed Ali, Jugguth Chunder Sen, Prankristno Sen, Nittyando Sen, Wahed Ali, Jan Ali, Juggath Chunder Sen, and Ramjan Ali; sudder jumma, Rs. 659-7-6.

To be sold for arrears of Government revenue :—

No. 2411.—Kismut Probahath, formerly Taraf Brojo Kishore; proprietors, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Bonnijan Bebi, Boistab Churn, Futteh Ali, Gour Hari Biswas, Hari Doss, Hashmat Ali, Kalikinker, Kisto Churn, Kbalon, Modun Mohan, Mahomed Danis Chupprassi, Noor Bebi, Warrish, Rohoman Syad, Huri Churn, Ram Doss, Ram Doss, Ram Doss, Shorfonessa, Surruth Chunder, Surruth Chunder Rai Kanongoe, Shorindri, Munshi Tilock Chunder Biswas, Boidonath Bachoshpoti, Tilock Chunder Dutt, Ram Doss Bhuttachargea, Nobo Chunder Bhuttachargea, Srimoti Montaj Banoo, Sheik Mahomed Boshirullah, Amir Ali, Boidonath Bachoshpoti, Koilas Chunder Dutt, Moulvi Barkatoollah, Najir Ahamed, Noor Ahamed, Wazooddeen, Tarak Chunder Dutt, Oina Churn Dutt, Tarakinker Dutt, and Moonshi Tilock Chunder Biswas. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Surrut Chunder Roy Kanongoe, Srimoti Shorindri, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatbillah, Hashmat Ali, Babutmalik his mother Shorfonessa, Boidonath Bachoshpoti, Huri Churn Pal, Kristno Churn Pal, Hurri Dass Pal, Tilock Chunder Dutt, Gooro Doss Dutt, Ram Doss, Nobo Chunder, Koilas Chunder, Mohesh Chunder, Prosono Chunder, Boidonath Bachoshpoti, Montaj Banoo, Moulvi Barkatoollah, his minor nephew Najir Ahamed, and Wajuddin, bearing a jumma of Rs. 443-7-8, and the revenue of their shares having been paid, the shares of all other proprietors will be sold; sudder jumma, Rs. 667-11-10.

To be sold for arrears of Government revenue :—

No. 2542.—Teraf Rajah Ambiah; proprietor, Akbar Ali Chowdhuri, sudder jumma, Rs. 608-12.

To be sold for arrears of Government revenue :—

No. 2562.—Taraf Rambhodro Kanongoe; proprietors, Bonijun Bebee, Bhoirub Churn, Chand, Churn, Chundi Churn Nundi, Sadak Ali Moonsee, Doorga Churn Doss, Grish Churn Doss, Nosuroollah Munshi, Tofer Ali, Kali Churn Doss, Nittyando, Pitamber, Raj Chunder, Ram Doss, Ram Mohun Sen, Ram Soonder Sen, Ramsoonder, Kalikinker, Tarini Sunker Kanongoe, Tripora Churn, Annoda Churn Sen, Chundi Churn Nundi, Chundi Churn Nandi, Chundi Churn Dhur, Pran Huree Lallah, Boistub Churn Podar, Ram Ruttun Surmah, Gopal Kristno Surmah, Golam Hossein, Chundi Churn Dhur, Ramshebuck Burnik, Abdoolla Nillamdar, Ishan Chunder Kanongoe, Ram Ruttun Surmah, Gopal Kristno Surmah, Degambar Sen, Ojer Ali *alias* Potan, Huri Doss Dey, Aradhun, Srimoti Bishashori, Ooma Churn, Kantapersaud Hazari, Sheik Mahomed Wasil Chowdri, Gooro Doss Rai, Ram Chunder Chowdhari, Debi Churn Dey *alias* Deboo Mohajan, Omed Ali, Ram Doss Shikdari, Raj Chunder Chowdhari, Nittyando Sen, Nobo Chunder, Surrut Chunder Sen, Choitanio Churn Sen, Doya Mohun Sen, Hurrinath Porohit, Ramkinker Porohit, Ramkishore Sen, Jowala Bharoti Mohunto, Gobind Chunder Rai Kanongoe, Tara Kinker Dutt, Ramkishore Sen, Aukhil Chunder Sen, Ram Buksh Hazari, Sheik Golam Hossein, Gorib Hossein Chowdhri, Mahomed Wali, Jaker Ali, Chundrohaddari Thakurani, and Boidonath Bachoshpoti. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ram Soonder Sen, Bahat Malik, his brother Ram Mohun Sen, Doorga Churn Doss, his brother Grish Chunder Doss, Sadak Ali Moonshi, Nittyando Sen, Ram Soonder, Kalikinker, Kanta Persad Hazari, Babut Malik, Susti Churn Chowdhari, Chundi Churn

Nundi, Ramruttan Surmah, Gopal Kristno Surmah, Jowal Bharoti Mohunto, Babatshare Arjoon Bharoti Mohunto, Pitamber Kanongoe, Gooroo Doss Rai, Malik Pitamber Kanongoe, Govind Chunder Kanongoe, Golam Hossein Chowdhari, Ishan Chunder Kanongoe, Hari Doss, Aradhun, Ramshebeck Burnick, Digamber Sen, Omed Ali, Nittyanundo Sen, Surruth Chunder Sen, bearing a jumma of Rs. 516-15-2, and the revenue of their shares having been paid, and the shares of Pitamber Kanongoe Malik, Tara Kinker Dutt, having been already sold on 22nd December 1871, bearing jumma of Rs. 6-11-11, the shares of all other proprietors will be sold; sudder jumma, Rs. 918-15-7.

To be sold for arrears of Government revenue:—

No. 2933.—Taraf Shasiram Kanongoe; proprietors Afzal, Aitan, Abootalif, Brindabun Sein, Bishumber, Rejoanuddin, Bhikan Chunder, Bholanath, Chotronarain, Digamber Chunder, Doorga Churn, Doorga Mohun, Gogun Chunder, Gonesh Chunder, Gopeenath, Golam Basid, Golam Moksad, Golam Ali, Gopal Dass, Gopal Dass Sein, Gopinath, Golam Ali, Gouri Kanto, Gour Soonder, Jug Mohun, Jugguth Chunder, Jugguthnath Sein, Jan Ali, Jooromoni, Kristo Chunder Kanongoe, Kristo Chunder Kanongoe, Kristo Mohun Goocho, Koolo Chunder, Lukhi Chunder Rai, Mahomed Ashrof Jemadar, Magan Dass Sen, Magan Chunder, Nittyanundo Kanongoe, Nittyanundo Kanongoe, Nittyanundo, Neelkanto Poorohit, Neelkanto, Nittyanundo Kanongoe, Nittyanundo Kanongoe, Nemy Churn Rai, Nittyanundo, Neamutoollah, Warrish, Oopendro Chunder, Prosono Singh, Prosono Coomari, Poorno Chunder Sen, Peary Mohun, Rohimonissa, Russick Chunder, Ramdoolal, Ramdoyal Dey, Ramkanto, Ramdoyal, Ramjoy Potdar, Ramlochun Sen, Rehanuddin, Renooka, Surruth Chunder, Shaha Mahomed, Shahabuddin, Shamsouder, Tiloke Chunder, Tofan Ali, Lall Mahomed Hazi, Golam Ali Nazir, Shoobrat *alias* Shoorjomoni Surdar, Srimoti Beshashori, Mahomed Rohimullah Mohesh Chunder, Mahomed Kamal Chowdhari, Isaf Ali, Nejamut Ali, Mahomed Ali, Monohur Khan, Ujir Ali, Uma Charan Ghose, Doorga Churn Sein, Jugguth Chunder Sein, Modun Mohun, Ramdoolal, Ramanundo, Doorga Churn, Chundi Churn Surmah, Sheik Asanoollah Chowdhari, and Shoodharam Surkar. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Gopal Dass Sein and Degumber Kanongoe and others, bearing a jumma of Rs. 642-1-6, and the revenue of their shares having been paid, the shares of Srimoti Oloka, Ramdoyal Sen, Sreemoti Brojobashi, Juggut Chunder Sen, Shoodaram Surkar Nilamdar babut Frankristno, Peary Mohun, Doorga Mohun, Gour Chunder, will be sold; sudder jumma, Rs. 826-14-3.

To be sold for arrears of revenue:—

No. 3113.—Taraf Sheermustkhan Chowdhari; proprietors, Akbar Ali Khan, Dewan Bebi, Jenat Ali Khan, Mokhool Ali, Milkiat Fuzl Ahamed minor, and Ramsouder. A separate account having been opened for the share of Fuzl Ahamed minor, and the sudder jumma of that share, Rs. 165-10, and the shares of all other proprietors, will be sold; sudder jumma, Rs. 527-6-6.

To be sold for arrears of revenue:—

Mehal Lakheraj resumed, Mouzah Borghope, Thannah Satkania.

No. 13407.—Taluk Gouri Sunker, Boidonath Kanongoe; proprietors, Grish Chunder Rai and Lolita Thakuzani; sudder jumma, Rs. 701-4-3.

J. WHITMORE, *For Offg. Collector.*

NOTICE is hereby given, under Section 2, Act VII. (B.C.) of 1868, and Section 6, Act XI. of 1859, that the undermentioned estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871:—

*Mehal Noabad.*

To be sold for arrears of Government revenue, Mouzah Chota Sonooah, Thannah Satkania.

No. 303.—Talook Chota Sonooah, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 1,072-0-1.

To be sold for arrears of Government revenue, Mouzah Borghona, Thannah Satkania.

No. 314.—Talook Gouri Sunker, Boidonath Kanongoe, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 639-0-3.

To be sold for arrears of Government revenue, Mouzah Naporah, Thannah Satkania.

No. 541.—Talook Srimoti Bishashori and Nobo Chunder Rai; Proprietors, Sreemoti Bishashori and Nobo Chunder Rai; Sudder Jumma, Rs. 633-11-9.

To be sold for arrears of Government revenue, Mouzah Bakolea, Kishnut Chur Shabek Bakolea, Thannah Towa.

No. 559.—Talook Ahamed Ali, Mahomed Esaf, Korban Ali, Ajar Ali, Srimoti Noor Bebi; Proprietors, said Ahamed Ali, Mahomed Esaf, Korban Ali, Ajar Ali, and Srimoti Noor Bebi; Sudder Jumma, Rs. 686-4.

J. WHITMORE, *For Officiating Collector.*

NOTICE is hereby given, under Section VI, Act XI of 1859, that the undermentioned Estates in the district of Patna will be put up to public and unreserved sale, at the Collector's Office of that district, on the 12th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class II.—Temporarily-settled Estates.*

No. 1016.—Mehal Dearah More-us-dabed, More-Munoruth, and More-Goburdhun, Pergunnah Gyaspore; recorded proprietors, Mussamat Arfay Begum *or* Hoseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Allahee Begum Ali Ahmed Khan, Mussamat Oomrao Begum, Walee Ahmed Khan, Anaetoollah Khan *or* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mohamed Ibrahim Hossein Khan, Mujeedoon Nissa Begum, Ubhnasee Suhoy *or* Rughonath Pershad Sing, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishur Pershad Sing, minor son of Baboo Kandh Pershad Sing, deceased, Bishoon Pershad Sing, Ram Loll Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoor Pershad Sing, Hurpershad Sing, Gobinddharee Sing, Aluckhoharee Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopalnarain Sing, Nursingh Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Tookun Sing, Bhojoo Sing, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *or* Ramjee, Mussamat Khoosihal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Gujoo Sing, and Khirbun Sing; Sudder Jumma Rs. 4,211-2-0, of which Rs. 1,093-12-6 to be deducted on account of the jumma of the share of Ubhnasee Suhoy *or* Rughonath Pershad Sing, Gobinddharee Sing, Ulukdharee Sing, Tookun Sing, Bhojoo Sing, and Mohamed Ibrahim Hossein Khan, with whom separate accounts have been opened, as per Section 10, Act XI of 1859.

The Sudder Jumma advertized for sale is Rs. 3,117-5-6, on account of the share of Mussamat Arfay Begum *or* Hoseinee Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Allahee Begum, Ali Ahmed Khan, Mussamat Oomrao Begum, Waleeahmud Khan, Anaetoollah Khan *or* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mujeedoon Nissa Begum, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishurpershad Sing, minor son of Baboo Kandhpershad Sing, deceased, Bishoonpershad Sing, Ramlall Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoorpershad Sing, Hurpershad Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopal Narain Sing, Nursingh Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *or* Ramjee, Mussamat Koosheehal Kour, Lokenauth Sing, Koonjul Sing, Pahulwan Sing, Shunker Sing, Goojoo Sing, and Khirbun Sing, non-applicants, which will be sold for arrears of Government revenue.

C. F. WORSLEY,

*Deputy Collector, for Collector on tour.*

PATNA COLLECTORATE, BANKIPORE,  
The 31st January 1872.

اشتهار نیلام بابت بقیة مالگذاری سرکار

واضح ہو کہ حسب دفعہ ۶ اکت ۱۱ سنہ ۱۸۵۹ ع کے یہ محلات مرقومۃ الذیل ضلع پٹنہ میں بابت بقیة مالگذاری سرکار و دیگر دعویٰ جو از روی دستورات و قوانین صحاریہ موافق باقی مالگذاری سرکار کے بتاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ ع واجب الوصول ہی بروز منکل بتاریخ ۱۲ ماہ مارچ سنہ ۱۸۷۲ ع کچھری میں صاحب کلکٹروسی ضلع کے بلا عذر و عام نیلام میں رکھا جائیگا

قسم دوم بندوبست میعادہ

نمبر ۱۰۱۶ توزیع محلات دیارہ سرورسدا باد و مور۔ منور تہ و مور۔ گوبردھن پرگنہ فیاضپور پٹنہ مالگذاری مسماۃ عارفہ بیگم عرف حسنہ بیگم و مسماۃ کنیز فاطمہ بیگم و محمد امان اللہ خان و نصیر احمد خان و مسماۃ الہی بیگم و علی احمد خان و مسماۃ امراو بیگم و ولہ احمد خان و عنایت اللہ خان عرف عبدالمجید خان خود و وارث عبدالرشید خان متوفی و محمد ابراہیم حسین خان و مجید النساء بیگم و اپنائے سہای عرف رگہو ناتھ پرشاد سنگہ و جگن ناتھ پرشاد سنگہ و رام پرتاپ سنگہ و شام کشور سنگہ و ہر کشور پرشاد سنگہ نابالغ پسر بابو گاندھہ پرشاد سنگہ متوفی و بسن پرشاد سنگہ و رام لعل سنگہ و مسماۃ جیتن کنور و گور پرتاپ سنگہ تہا کر پرشاد سنگہ و ہر پرشاد سنگہ و گویند دھاری سنگہ و الکہہ دھاری سنگہ و لچھمی پرشاد سنگہ و رنگ لعل سنگہ و مادھو پرشاد سنگہ و گوپال نوابین سنگہ و نرسنگہ نوابین سنگہ و گلدیپ نوابین سنگہ و دیون نوابین سنگہ و مسماۃ سنتر کنور و توکن سنگہ و بہوجو سنگہ و لالہ پھاری سنگہ و کنج پھاری سنگہ و رام نوابین سنگہ عرف راجھی و مسماۃ خورشال کنور و لوکھ ناتھ سنگہ و کنچل سنگہ و پھلووان سنگہ و منکر سنگہ و گچھو سنگہ و کھربان سنگہ صدر جمع ۲۲۱۱-۲ اوسمیں سے صدر جمع ۱۰۹۳-۱۲-۶ منہای ہوگا بابت حصہ اپنائے سہای عرف رگہو ناتھ پرشاد سنگہ و گویند دھاری سنگہ و الکہہ دھاری سنگہ و توکن سنگہ و بہوجو سنگہ و محمد ابراہیم حسین خان جسکے ساتھ حساب کھولا گیا بمراد دفعہ ۱۰ اکت ۱۱ سنہ ۱۸۵۹ ع

صدر جمع جسکا اشتہار نیلام ہوا ہی ۳۱۱۷-۵-۶ بابت حصہ مسماۃ عارفہ بیگم عرف حنیٰ بیگم و مسماۃ کنیز فاطمہ بیگم و مسماۃ امان اللہ خان و نصیبو احمد خان و مسماۃ الہ بیگم و علی احمد خان و مسماۃ امراو بیگم و ولید احمد خان و عنایت اللہ خان عرف عبدالحمید خان خود و وارث عبدالرشید خان متوفی و مسماۃ انسا بیگم و جگر ناتھ پرشاد سنگہ و رام پرتاپ سنگہ و سام کشور سنگہ و ہر کشور پرشاد سنگہ نابالغ پسر بابو کاندھہ پرشاد سنگہ متوفی و بسن پرشاد سنگہ و رام لعل سنگہ و مسماۃ جنن کنور و گور پرتاپ سنگہ و تھاکر پرشاد سنگہ و ہر پرشاد سنگہ و اچھی پرشاد سنگہ و رنگ لعل سنگہ و مادھو پرشاد سنگہ و گوپال نرائن سنگہ و نرسنگہ نرائن سنگہ و کلدیپ نرائن سنگہ و دیو نرائن سنگہ و مسماۃ سندھ کنور و لعل بیہاری سنگہ و کچھاری سنگہ و رام نرائن سنگہ عرف راجھی و مسماۃ ہوشمال کنور و لوکھناتھ سنگہ و کنچل سنگہ و پیلوان سنگہ و شنکر سنگہ و گچھو سنگہ و کھربان سنگہ غیر سابلان کا بعلت باقی مالگذاڑی کے نیلام ہوا فقط ۔

سی: اف: ویلے  
دیپوتی کلکٹر کلکٹر ٹور کے لے

پڈنہ کلکٹریٹ بانکیپور  
۳۱ جنوری ۱۸۷۲

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Jessore will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 15th March 1872, corresponding with 3rd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class I.—Permanently-settled Estate.*

No. 19.—Mouzah Borumarrah Pergunnah Essupore, Talook Joy Chunder, Radha Churn Chunder Kant Ghose, Issur Chunder Roy, and Jogut Chunder Chowdhury; Sudder Jumma, Rs. 998-3-10; to be sold for recovery of Rs. 98-14-9 on account of Government revenue.

No. 261.—Tara Sagerneah, Pergunnah Mahomedshye, Talook Raznaryun, Premnaryun Parry, Lukhimoney, Drabomoi, Second Drabomoi, and Joytara Debya; Sudder Jumma, Rs. 1,596-8-9; to be sold for recovery of Rs. 37-2 on account of Government revenue.

No. 4575.—Pergunnah Bhatlah, Talook Rajah Buroda Kant Roy, Bahadbor; Sudder Jumma, Rs. 5,087-1-7-3; to be sold for recovery of Rs. 38-14-1 on account of Government revenue.

JESSORE COLLECTORATE,  
The 2nd February 1872.

J. MONRO, *Offg. Collector.*

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Sarun will be put up to public and unreserved sale, at the Collector's Office of that district, on the 15th day of March 1872, corresponding with the 20th Phalgun 1279 F.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class I.—Permanently-settled Estate, to be sold for arrears of Government revenue.*

*Towjee No. 501.*—The rights and interests of Baijoo Sing, in mehal Sendooar, pergunnah Baul; recorded proprietors are Baijoo Sing, Chuttur Sing, &c. The sudder jumma of the entire Estate is Rs. 693-5-4.

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and payment of Government revenue:—

10 *kts.* of Rughoonundun Sing and others, bearing jumma of Rs. 461-13-6.

*To be sold for arrears of Government revenue.*

*Towjee No. 2459.*—The rights and interests of Achul Opudhia, Mahurbun Sing, Ramsuhoy Sing, Thacoar Sing, Rughoonath Sing, Kullian Sing, Ramsuhoy Roy, Ramessur Roy, Jutteedharee Lal, Rusul Roy, Trashee Pershad Sing, Goorpershad Sing, and Doobree Opudhia, in Mehal Dhurum Raj Pergunnah Gooch; recorded proprietors, Achul Opudhia and others. The sudder jumma of the entire estate is Rs. 663-7-5.

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and the payment of Government revenue:—

7 *kts.* of Radhayram Pershad and others, bearing jumma of Rs. 332-2.

SARUN COLLECTORATE,  
The 2nd February 1872.

C. B. GARRETT,  
*Offg. Collector.*

اشتہار نیلام بابت بقیہ مالگذاڑی سرکار

واضح ہو کہ حسب دفعہ ۶ ایکٹ ۱۱ سنہ ۱۸۵۹ ع کے یہ معاملات مرقومہ الذیل ضلع سارن میں بابت بقیہ مالگذاڑی سرکار و دیگر دعوی جواز رو سے دستورات قوانین مجاریہ موافق باقی مالگذاڑی سرکار کے بتاریخ ۱۲ جنوری سنہ ۱۸۷۲ ع واجب الوصول ہی بروز جمعہ تاریخ ۱۵ مارچ سنہ ۱۸۷۲ ع مطابق ۲۵ پہاگن سنہ ۱۲۷۹ فصلی کچھری میں صاحب کلکٹر اس ضلع کے بلا عذر عام نیلام میں رکھا جاویگا ۔

قسم مطالبہ	نام مجال قسم اول	نمبر شماری نمبر توزیع
باقی مالگڈاری سرکار	مجال سندھوار پرگنہ بال جسکا جمع صدر مبلغ ۶۹۳.۵.۰۲ ہی و خانہ مالگڈار	نمبر ۵۰۱
	میں نام بیچو سنگہ و چہتر سنگہ وغیرہ کا لکھا جاتا ہی باسٹثناء حصہ رکھو	
	نندن سنگہ و غیرہ بقیدہ ۵۰ قلم تفریق رول شدہ بمراد اکت ۱۱ سنہ	
	۱۸۵۹ ع جمعی مبلغ ۴۹۱-۱۳-۶ متعلقہ مجال مذکور بلحاظ وصول ہو جانے	
	باقی سرکار بقیدہ حق و صرافق اجمالی بیچو سنگہ جمعی مبلغ ۲۲۱-۷-۱۰	
	بعلت باقی مالگڈاری سرکار بہ تعداد مبلغ ۱۲-۴-۷ کے نیلام ہوگا	
ایضا	مجال دھوراج پرگنہ گوہ کہ جسکا جمع صدر ۶۹۳-۵-۷ ہی و خانہ	نمبر ۲ نمبر ۲۴۵۹
	مالگڈار میں نام اچل اوپدھیا و غیرہ کا لکھا جاتا ہی باسٹثناء حصہ رادہ	
	رون پرشاد و غیرہ بقیدہ ہفت قلم تفریق رول شدہ نمبر ۱ و ایکٹ ۱۱ سنہ	
	۱۸۵۹ ع جمعی مبلغ ۳۳۲-۲ متعلقہ مجال مذکور بلحاظ وصول ہو جانے	
	باقی سرکار بقیدہ حق و صرافق اجمالی اچل اوپدھیا و مہربان سنگہ	
	و رام سہاے سنگہ و تہاکر سنگہ و رگھوناتھ سنگہ و کلیان سنگہ و رام	
	سہای رای و رامیشراری و جٹادھاری لعل و رسال رای و کاشے پرشاد	
	سنگہ و گور پرشاد سنگہ و دوبری اوپدھیا جمعی مبلغ ۳۳۱-۵-۵ بعلت باقی	
	مالگڈاری سرکار بہ تعداد مبلغ ۱۱-۹-۲ کے نیلام ہوگا	

سی: بی: گبریت  
کلکٹر

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Shahabad will be put up to public and unreserved sale, at the Collector's Office of that district, on the 14th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872:—

*Class I.—Permanently-settled Estate.*

No. 1428.—Mehal Sirbit, Pergunnah Chynepore; recorded Proprietor, Sheonondun Roy, non-applicant; Sudder Jumma of the entire Mehal, Rs. 1,059-11-9. The share of non-applicant alone shall be sold for arrears of Government revenue amounting to Rs. 7-15-5, with the exception of the shares of the undermentioned proprietors, with whom separate accounts have been opened under Section 10, Act XI. of 1859:—

Names of villages.	Names of Proprietors.	Amount of Jumma.				
		R.	A.	P.	K.	M.
1. Noughura	... Rookmin Bibi and others	13	13	1	8	0
2. Kusbe Chynepore	... Shah Abdool Uziz and others	13	13	10	8	0
3. Sirbit Khass	... Mussamut Goonrani Koor and others	221	9	7	4	0
4. Ditto	... Seoraj Sing and others	55	6	4	0	0
5. Ditto	... Shah Abdool Uziz and others	27	11	4	0	0
6. Dittq	... Nuki Ally Khan	27	11	2	8	0
7. Kutra	... Reoti Roy	42	10	7	12	0
8. Sirbit and Gobindipore Lohrajai-rampore	... Nuki Ally Khan and others	113	3	2	2	0
9. Kootmunpore	... Koulesur Choubey and others	12	1	5	1	7
10. Kota	... Judoo Roy	112	6	4	18	0
11. Kekurha	... Ramlall and others	5	5	4	0	0
12. Gobindipore Lohrajey Rampore	... Mussamut Umani Kooner and others	19	15	11	12	0
13. Kota	... Mussamut Zeb Kooner and others	112	6	4	18	0
14. Kota	... Saligram Roy	112	6	4	18	0
15. Kootmunpore	... Jhuboo Choubey	6	0	8	10	13

SHAHABAD COLLECTORATE,  
The 30th January 1872.

H. ALEXANDER,  
Collector.

اشہار نامہ واسطے فروخت زمینداری

سنہ ۱۸۵۹ سال کے قانون ۱۱ دفعہ ۶ کے مضمون مطابق بذریعہ اسکے سب لوگوں کو واقف کیا جاتا ہی کہ ضلع شاہ آباد کے شامل مجالات مندرجہ ذیل ضلع مذکور کی صاحب کلکٹر کے افسس میں باقی مالگڈاری اور جو سب دعوی



سنه ۱۸۷۲ جنوري تاريخ ۱۲ ميں دن جمعہ ہونے سے باقی مالگذاړي کی بطور مجربہ آکین کے مطابق ادا ہونے کا ضابطہ ہی اسکے اداي کی واسطے سنه ۱۸۷۲ ع ماہ مارچ تاريخ ۱۴ ميں نيلاہ عام کی اخريہہ کار ميں فروخت ہرگا سنه ۱۸۷۲ ماہ جنوري تاريخ ۳۰ فقط

تفصيل قسم اول

نمبر ۱۴۲۸—مجال سرديت پرگنہ چين پور جسکی خانہ مالگذاړ ميں نام شيونندن راي غير سايل تفریق اول مندرج هي و مبلغ ۱۰۵۹-۱۱-۹ جمع صدر گوشواره اس مجال کا هي بعلت ابقاي مبلغ ۷-۱۵-۵ باقی مالگذاړي حصہ خاص غير سايل تفریق اول بابت حصہ مفصلہ ذيل کہ جسکا جمع از روي دفعہ ۱۰ ايکت ۱۱ سنه ۱۸۵۹ ع علیحدہ ليا جاتا هي نيلاہ ہرگا

نام موضع	نم سايلان تفریق اول	تعداد جمع صدر
۱ لوگہرا	روکن بے و امام جہان بے و جہان بے	روپيہ ۵۱ پائي کہ م
۲ قصبہ چين پور	شاہ عبدالعزیز و شاہ لياقت حسين	۸ ۱ ۱۳ ۱۳
۳ سرديت خاص	مسماة گونرانے کنور و سيواب سنگہ	۸ ۱۰ ۱۳ ۱۳
۴ ايضا	سيوراج سنگہ و فني علي خان و غلام مني خان	۴ ۷ ۹ ۲۲۱
۵ ايضا	شاہ عبدالعزیز و شاہ لياقت حسين	۰ ۰ ۴ ۶ ۵۵
۶ ايضا	نقے علی خان	۰ ۰ ۴ ۱۱ ۲۷
۷ گترا	رہونے راي	۰ ۸ ۲ ۱۱ ۲۷
۸ سرديت و گوندي پور لوہرا جي	نقے علی خان و مسماة مہدہ بے	۰ ۱۲ ۲ ۳ ۱۱۳
۹ قطن پور	کوليسر چونہ جنگند چونہ و لکچند چونہ و رميسر چونہ و ہر گوند چونہ و ہيرا لال چونہ و بھگوت چونہ و رگھوئر چونہ و سيسر چونہ و اجودھا چونہ و املاکہ چونہ و گنادت چونہ و گجالر چونہ	۷ ۱ ۵ ۱ ۱۲
۱۰ کوٹا	جدو راي	۰ ۱۸ ۴ ۶ ۱۱۲
۱۱ کپکھا	رام لال و مسماة جبا کنور زوجہ سيسر سنگہ و ہرجھوکن سنگہ و رام چرن سنگہ	۰ ۰ ۴ ۵ ۵
۱۲ گوندي پور لوہرا جي رام پور	مسماة امانے کنور زوجہ گردھاري سنگہ و مسماة کونرانے کنور	۰ ۱۲ ۱۲ ۱۵ ۱۹
۱۳ کوٹا	مسماة زيب کنور مادر وليہ جدو منے راي	۰ ۱۸ ۴ ۶ ۱۱۲
۱۴ ايضا	سالگرام راي	۰ ۱۸ ۴ ۶ ۱۱۲
۱۵ قطن پور	جہبو چونہ	۱۳ ۱۰ ۸ ۰ ۶
شاہ اباد کلگريٹ		ايچ اليکزاندر
۳۰ جنوري ۱۸۷۲		کلکتر



# The Calcutta Gazette.

WEDNESDAY, FEBRUARY 28, 1872.

REGISTERED  
No. 50.

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Government of India.

### LEGISLATIVE DEPARTMENT.

THE following Preliminary Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872:—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter was referred, have the honor to report that we have considered the Bill and the papers noted in the Appendix and have come to the following resolutions, which we now submit in the form of a preliminary report.

RESOLUTION 1.—We are of opinion that the jurisdiction of Magistrates and Sessions Judges who are Justices of the Peace might with advantage be extended in the case of European British subjects.

We recommend—

(1.) That a full-power Magistrate, being a Justice of the Peace, and being, in the case of Mofussil Magistrates, an European British subject, should be empowered to try European British subjects for such offences as would be adequately punished by three months' imprisonment and a fine of Rs. 1,000.

(2.) That a Sessions Judge, being an European British subject, should be empowered to pass a sentence on European British subjects of one year or fine; and that, if the European British subject pleads guilty or accepts the Sessions Judge's jurisdiction, the Court may pass any sentence which is provided by law for the offence in question.

(3.) That an European British subject, convicted by a Justice of the Peace or Magistrate, should have a right of appeal, either to the Court of Session, or High Court, at his option.

(4.) That in every case in which an European is in custody, he may apply to a High Court for a writ of habeas corpus, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit.

**RESOLUTION 2.**—We think that the provisions of the Code ought to be extended to proceedings in the Presidency Towns, but not so as to vary the procedure now in force in trials by jury in the Presidency Towns. We are not, however, as yet in a position to say whether this can be more conveniently done in the present Bill or in a separate measure.

**RESOLUTION 3.**—We think that, if the jury system in the Mofussil is to be maintained, the Judge should, in cases in which he differs from the jury, have power to refer the case to the High Court, and that the High Court should be empowered to pass final order in the case.

J. F. STEPHEN.  
G. CAMPBELL.  
J. STRACHEY.  
J. F. D. INGLIS.  
W. ROBINSON.  
F. S. CHAPMAN.  
R. STEWART.  
J. R. BULLEN SMITH.  
F. R. COCKERELL.

*The 30th January 1872.*

## APPENDIX.

- Endorsement, Home Department, No. 502, dated 17th April 1869, forwarding Letter from Secretary to Chief Commissioner, British Burma, Nos. 95-9, dated 22nd March 1869, and enclosure. Petition from Mukhtars of Berhampore, dated 2nd May 1869.
- Endorsement, Home Department, No. 655, dated 19th May 1869, forwarding Letter from Chief Secretary to Government, Fort Saint George, No. 639, dated 19th April 1869.
- Endorsement, Home Department, No. 757, dated 7th June 1869, forwarding Letter from Secretary to Government, Bengal, No. 3323, dated 12th May 1869, and enclosure.
- Endorsement, Home Department, No. 772, dated 9th June 1869, forwarding Letter from Secretary to Government, North-Western Provinces, No. 120, dated 28th May 1869, and enclosure.
- From Registrar, High Court, Calcutta, No. 584, dated 21st June 1869.
- Endorsement, Home Department, No. 925, dated 30th June 1869, forwarding Letter from Acting Secretary to Government, Bombay, No. 1676, dated 31st May 1869, and enclosure.
- Endorsement, Home Department, No. 1106, dated 3rd August 1869, forwarding Letter from Assistant Secretary to Chief Commissioner, Central Provinces, No. 1330, dated 16th July 1869, and enclosure.
- From Secretary to Government, Madras, No. 1360, dated 18th August 1869, and enclosure.
- From Secretary to Chief Commissioner, British Burma, No. 541-9, dated 21st August 1869, and enclosure. Petition from Dwarakunath Bukshie and others, dated 31st August 1869.
- From Officiating 1st Assistant Resident, Hyderabad, No. 2711, dated 2nd September 1869, and enclosure.
- Endorsement, Home Department, No. 1520, dated 10th October 1869, forwarding Letter from Secretary to Government, Bengal, No. 469T, dated 22nd September 1869, and enclosure.
- Endorsement, Home Department, No. 1769, dated 8th December 1869, forwarding Letter from Acting Under-Secretary to Government, Bombay, No. 4161, dated 24th November 1869.
- From Acting Chief Secretary to Government, Madras, No. 21, dated 7th January 1870, and enclosure.
- Endorsement, Home Department, No. 61, dated 10th January 1870, forwarding Letter from Acting Under-Secretary to Government, Bombay, No. 4592, dated 22nd December 1869.
- From Military Department, No. 556, dated 12th January 1870, and enclosure.
- Endorsement, Home Department, No. 131, dated 17th January 1870, forwarding Letter from Secretary to Government, North-Western Provinces, No. 13A, dated 6th January 1870, and enclosure.
- From Secretary to Chief Commissioner, British Burma, No. 24-8, dated 5th February 1870, and enclosure.
- .. Officiating 1st Assistant Resident, Hyderabad, No. 624, dated 18th February 1870, and enclosure.
- .. Officiating 1st Assistant Resident, Hyderabad, No. 738, dated 7th March 1870, and enclosure.
- .. Officiating Junior Secretary to Government, Bengal, No. 1326, dated 15th March 1870, and enclosure.
- Endorsement, Home Department, No. 485, dated 15th March 1870, forwarding Letter from Officiating Secretary to Chief Commissioner, Oudh, No. 531, dated 5th February 1870, and enclosure, and Despatch from Secretary of State, No. 39, dated 21st October 1868.
- From Secretary to Government of Bombay, No. 1430, dated 21st April 1870, and enclosure.
- .. Secretary to Government, Punjab, No. 613, dated 5th May 1870, and enclosure.
- .. Officiating Under-Secretary to Government, North-Western Provinces, No. 84A, dated 13th May 1870, and enclosure.
- Office Memorandum, Home Department, No. 903, dated 27th May 1870.
- Endorsement, Home Department, No. 1224, dated 11th July 1870, forwarding Office Memorandum, Financial Department, No. 1277, dated 22nd June 1870, and enclosure.
- Despatch from Secretary of State, No. 30, dated 21st July 1870, and enclosure.
- From Secretary to Government, Bengal, No. 3142, dated 29th July 1870, and enclosure.
- From Government of Bombay, No. 2899, dated 30th July 1870, and enclosure.
- Endorsement, Home Department, No. 1397, dated 8th August 1870, forwarding Office Memorandum, Financial Department, No. 2397, dated 30th July 1870.
- From Officiating 1st Assistant Resident, Hyderabad, No. 53, dated 25th August 1870.
- Endorsement, Home Department, No. 1536, dated 26th August 1870, forwarding Letter from Officiating Secretary to Government, North-Western Provinces, No. 917A, dated 3rd August 1870, and enclosure.
- From Officiating Secretary to Government, North-Western Provinces, No. 168A, dated 26th August 1870, and enclosure.
- From Assistant Secretary to Chief Commissioner, British Burma, No. 329-9, dated 27th August 1870, and enclosure.
- From Officiating Commissioner, Jhansi Division, No. 401A, dated 29th September 1870.
- From Acting Under-Secretary to Government, Bombay, No. 3810, dated 8th October 1870.
- Endorsement, Home Department, No. 2022, dated 23rd November 1870, forwarding Judicial despatch from Secretary of State, to the Government of Bombay, No. 1, dated 26th January 1869, and connected correspondence.
- From T. H. Thornton, Esq., dated 24th November 1870, and enclosure.
- .. Secretary to Government, Bombay (no No. and date), and enclosure.
- .. Officiating Legal Remembrancer, No. 1450, dated 16th December 1870.
- Endorsement, Home Department, No. 79, dated 20th January 1871, forwarding Letter from Secretary to Government, Punjab, No. 1796, dated 27th December 1870, and enclosure.
- Endorsement, Home Department, No. 84, dated 20th January 1871, forwarding Letter from Under-Secretary to Government, Punjab, No. 1777, dated 23rd December 1870, and enclosure.

- From Judge of Bhagulpore, No. C. O. , dated 23rd January 1871.  
 Office Memorandum, Home Department, No. 103, dated 24th January 1871.  
 Endorsement, Home Department, No. 134, dated 2nd February 1871, forwarding  
 Letter from Registrar, High Court, No. 51, dated 17th January 1871.  
 Endorsement, Home Department, No. 87, dated 11th February 1871, forwarding  
 Letter from Under-Secretary to Government, Panjáb, No. 279, dated 19th January 1871, and enclosure.  
 From Officiating Junior Secretary to Chief Commissioner, Oudh, No. 868, dated 17th February 1871, and enclosure.  
 Endorsement, Home Department, No. 250, dated 20th February 1871, forwarding  
 Letter from Chief Secretary to Government, Fort Saint George, No. 100, dated 26th January 1871, and enclosure.  
 Endorsement, Home Department, No. 254, dated 21st February 1871, forwarding  
 Letter from Officiating Civil and Sessions Judge, Nudda, No. 66, dated 4th February 1871.  
 Note by the Hon'ble Mr. Shaw Stewart, dated 26th February 1871.  
 From Officiating Junior Secretary to Government, North-Western Provinces, No. 39A, dated 26th February 1871, and enclosure.  
 " Acting Under-Secretary to Government, Bombay, No. 884, dated 2nd March 1871, and enclosure.  
 " Chief Secretary to Government, Madras, No. 300, dated 13th March 1871, and enclosure.  
 Endorsement, Home Department, No. 436, dated 25th March 1871, forwarding  
 Letter from Officiating Junior Secretary to Government, Bengal, No. 727, dated 18th February 1871, and enclosure.  
 From H. Birdwood, Esq., to Hon'ble F. S. Chapman (no date).  
 Memorandum by C. D. Field, Esq., dated 1st April 1871.  
 Note by Officiating Deputy Commissioner, Goojranwalla, dated 3rd April 1871.  
 From Acting Under-Secretary to Government, Bombay, No. 1531A, dated 12th April 1871, and enclosure.  
 " Junior Secretary to Government, Bengal, No. 1799, dated 20th April 1871, and enclosure.  
 " Acting Under-Secretary to Government, Bombay, No. 1954, dated 13th May 1871, and enclosure.  
 Endorsement, Foreign Department, No. 150J, dated 8th July 1871, forwarding  
 Letter from Under-Secretary to Government, Bombay, No. 2675, dated 11th July 1871, and enclosure.  
 Endorsement, Home Department, No. 1181J, dated 14th July 1871, forwarding  
 Letter from Officiating Secretary to Government, Panjáb, No. 876, dated 23rd June 1871, and enclosure.  
 From Officiating Secretary to Chief Commissioner, Coorg, No. 273, dated 27th July 1871, and enclosure.  
 From Secretary to Government, North-Western Provinces, No. 207A, dated 14th August 1871, and enclosure.  
 " Panjáb, No. 1145, dated 14th August 1871, and enclosure.  
 " Acting Under-Secretary to Government, Bombay, No. 3215, dated 18th August 1871, and enclosure.  
 Note by Officiating Deputy Commissioner, Gonda, dated 26th August 1871.  
 From Officiating Secretary to Government, Panjáb, No. 1273, dated 5th September 1871, and enclosure.  
 " Officiating 2nd Assistant Resident, Hyderabad, No. 2, dated 7th September 1871, and enclosure.  
 " Officiating Assistant Secretary to Chief Commissioner, British Burma, No. 24, dated 9th September 1871.  
 Endorsement, Home Department, No. 1518, dated 14th September 1871, forwarding  
 Proceedings of Government, North-Western Provinces (Criminal) for May 1871.  
 " Home Department, No. 1521J, dated 15th September 1871, forwarding  
 Office Memorandum from Financial Department, No. 2785, dated 16th August 1871.  
 From Secretary to Government, Bengal, No. 4732, dated 3rd October 1871, and enclosure.  
 " Officiating Secretary to Chief Commissioner, Central Provinces, No. 2334, dated 9th October 1871, and enclosure.  
 " Assistant Secretary to Government, Madras, No. 157, dated 25th October 1871, and enclosure.  
 " Officiating Secretary to Chief Commissioner, Oudh, No. 5041, dated 2nd November 1871, and enclosure.  
 " D. G. Barkley, Esq., dated 2nd November 1871.  
 " Secretary to Government, Bengal, No. 5457, dated 4th November 1871, and enclosure.  
 " Officiating Secretary to Government, Bengal, No. 6064, dated 30th November 1871.  
 " Secretary to Government, North-Western Provinces, No. 369, dated 6th December 1871, and enclosure.  
 " " " Bombay (no date).  
 " " " Madras, No. 172, dated 7th December 1871.  
 " " " Bengal, No. 6394, dated 16th December 1871.  
 " " " Panjáb, No. 1756, dated 16th December 1871, and enclosure.  
 " " " Bengal, No. 6629, dated 23rd December 1871.  
 " Chief Secretary to Government, Madras, dated 4th January 1872, forwarding  
 Opinion by J. D. Mayne, Esq.

H. S. CUNNINGHAM,  
*Offg. Secy. to the Council of the Govr. Genl.*  
*for making Laws and Regulations.*

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872:—

*Second Report of the Select Committee.*

We, the undersigned, the Members of the Select Committee of the Council of the Governor

- Petition from certain Barristers and Advocates of Bombay dated 18th August 1871.  
 From Officiating Secretary to Chief Commissioner of Coorg, No. 242, dated 4th October 1871, and enclosure.  
 From certain Pleaders of the High Court, Bombay, dated 4th October 1871.  
 From Officiating Secretary to Chief Commissioner of Coorg, No. 282, dated 9th October 1871, and enclosure.  
 From Chief Secretary to Government, Fort Saint George, No. 166, dated 21st November 1871, and enclosure.  
 From F. J. Fergusson, Esq., Barrister, High Court, Calcutta, dated 8th December 1871, forwarding Memorial from Barristers and Advocates, High Court, Calcutta.  
 From Secretary to Chief Commissioner, Central Provinces, No. 2660, dated 6th December 1871, and enclosure.  
 From Officiating Secretary to the Government of Bengal, No. 6326J, dated 13th December 1871, and enclosure.  
 Memorial from certain Members of the Madras Bar, dated 16th December 1871.  
 From Secretary to Government, Panjáb, No. 1745, dated 18th December 1871, and enclosure.  
 From Officiating Registrar, High Court, Calcutta, No. 8936, dated 18th December 1871.  
 From Officiating Secretary to Chief Commissioner, Oudh, No. 5719, dated 22nd December 1871, and enclosure.

General of India for the purpose of making Laws and Regulations, to which the Indian Evidence Bill was referred, have the honor to report that we have considered the Bill and the papers noted in the margin.

1. We have made some alterations in the arrangement of the Bill.

2. We have omitted the definitions of "proof" and "moral certainty," and the sections relating to inferences to be drawn by the Court, as being suitable rather for a treatise than an Act.

3. We have omitted the provisions relating to material between primary and secondary

evidence, and have given a new and simpler definition of the difference evidence.

4. We have provided that the Act shall apply to all judicial proceedings, but not to affidavits presented to any Court or officer, nor to proceedings in arbitration.

5. As to the effect of an admission by one of several persons jointly tried for an offence, we have omitted sections 120 and 121 of the original Bill. Instead of these, we have provided that when two or more persons are on their trial for the same offence at the same time, and an admission is proved against one of them, which affects others of the accused besides himself, it may be taken into consideration by the Court against all the persons whom it affects.

6. We have redrawn Chapter VI, as to the exclusion of oral by documentary evidence, so as to make the sections more distinct and complete. We believe that they now represent the English law on the subject freed from certain refinements which would not be suitable for this country.

7. Exception was taken to the Bill in several quarters, on the ground that it did not sufficiently dispose of the matter of presumptions. We have reconsidered this subject with attention, and have provided for it as follows:—

Some presumptions have the effect of laying the burden of proof on particular persons in particular cases. These we have dealt with in sections 103 to 111 of the new Bill.

A conclusive presumption is a direction by the law that the existence of one fact shall, in all cases, be inferred from proof of another. This we have provided for in sections 112, 113.

We have substituted the term 'conclusive proof' in these instances for that of 'necessary inference,' which was employed for the same purpose in the first draft of the Bill.

Other presumptions are in substance mere maxims by which the Court ought to be guided in the interpretation of facts. Theoretically they are regarded in English law in a different light, that is to say, as artificial rules which the Court is bound to follow as to the inferences to be drawn from facts. Practically, however, so many exceptions are made, that the difference between a presumption of law and a presumption of fact is hardly traceable. The distinction appears to us altogether unsuitable for this country, and likely to produce great inconvenience if it were introduced. We have accordingly, by section 114, put all such presumptions in the position of mere presumptions of fact, with which the Court can deal at its discretion.

We have provided in the Chapter on the Burden of Proof, that a Notification in the Gazette that a territory has been ceded to a Native State, shall be conclusive proof of a valid cession at the date mentioned in the Notification. The object of this section is to set at rest questions which, as we are informed, have arisen on this subject.

The subject of presumptions as to documents is a very special matter, and appears to us to belong to the subject of documentary evidence, under which head we have placed it in Chapter V.

Lastly, many subjects are treated by English writers under the head of presumptions which appear to us to belong rather to different branches of the substantive law, *e. g.*, the presumption that every one knows the law is in reality a branch of the substantive criminal law. We have omitted such presumptions as these from the law of evidence, because they do not belong to the subject, and because many of them are fictitious.

8. The chapter on oaths has been omitted, as they form the subject of a separate Bill now under discussion.

9. We also recommend the omission of sections 141 to 145 of the old draft, as to questions to credit asked by barristers or pleaders, and the substitution of provisions showing the principles by which the asking of such questions should be regulated, and empowering the Court, if any such question is improperly asked, to report the circumstance to the authority to which the person asking it is subject.

10. We have amended the wording of section 166 as to the Judge's power to ask questions. The section, as originally drawn, might have been taken to authorize him to found his judgment upon irrelevant matter, such as loose rumours. The intention of the section was to give him the fullest possible power of inquiry for the discovery of relevant matter. Section 164 as now drawn makes this clear.

11. We have omitted the chapter as to the duties of Judges and Juries, which will, we think, be more properly placed in the Code of Criminal Procedure. We have also omitted the provisions as to appeal in the first draft, and have substituted for them section 57 of Act II of 1855, which provides for the cases in which the improper admission or rejection of evidence shall be ground for a new trial or reversal of a decision.

12. Subject to these amendments we recommend that the Bill be passed, but we also recommend that the amended Bill be published in the Gazette, and that this report be not taken into consideration for a month from the date of its publication.

J. F. STEPHEN.

J. STRACHEY.

J. F. D. INGLIS.

W. ROBINSON.

F. S. CHAPMAN.

R. STEWART.

J. R. BULLEN SMITH.

F. R. COCKERELL.

## THE INDIAN EVIDENCE BILL.

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SCHEDULE.

THE INDIAN EVIDENCE BILL.

[As amended by the Select Committee.]

WHEREAS it is expedient to consolidate, define, and amend the Law of Evidence; It is hereby enacted as follows:—

Preamble.

PART I.

RELEVANCY OF FACTS.

CHAPTER I.—PRELIMINARY.

- 1. This Act may be called "The Indian Evidence Act, 1872."

Short title.

It extends to the whole of British India, and applies to all judicial proceedings in or before any Court, including Courts Martial, but not to affidavits presented to any Court or Officer, nor to proceedings before an arbitrator,

Extent.

Commencement of Act.

Repeal of enactments.

and it shall come into force on the first day of September 1872.

2. On and from that day the following laws shall be repealed:—

(1.) All rules of evidence not contained in any Statute, Act, or Regulation in force in any part of British India.

(2.) All such rules, laws, and regulations as have acquired the force of law under the twenty-fifth section of 'The Indian Councils' Act, 1861, in so far as they relate to any matter herein provided for.

(3.) The enactments mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

But nothing herein contained shall be deemed to affect any provision of any Statute, Act or Regulation in force in any part of British India and not hereby expressly repealed.

3. In this Act the following words and expressions are used in the following senses, unless a contrary intention appears from the context:—

Interpretation-clause.

"Court" includes all Judges and Magistrates, and all persons, except arbitrators, legally authorised to take evidence.

"Fact."

"Fact" means and includes—

(1) any thing, state of things, or relation of things, capable of being perceived by the senses;

(2) any mental condition, of which any person is conscious.

Illustrations.

(a.) That there are certain objects arranged in a certain order in a certain place is a fact.

(b.) That a man heard or saw something is a fact.

(c.) That a man said certain words is a fact.

(d.) That a man holds a certain opinion, has a certain intention, acts in good faith, or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.

(e.) That a man has a certain reputation is a fact.

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Act relating to the relevancy of facts.

'Relevant.'

'Facts in issue.'

The expression "Facts in issue" means and includes—

any fact, from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being relating to Civil Procedure, any Court records an issue of fact, the



not to be asserted or denied in the answer to such issue, is a fact in issue.

*Illustrations.*

A is accused of the murder of B.  
At his trial the following facts may be in issue—  
That A caused B's death.  
That A intended to cause B's death.  
That A had received grave and sudden provocation from B.  
That A at the time of doing the act which caused B's death was, by reason of unsoundness of mind, incapable of knowing its nature.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

*Illustrations.*

A writing is a document.  
Words printed, lithographed or photographed are documents.  
A map or plan is a document.  
An inscription on a metal plate or stone is a document.  
A caricature is a document.

"Evidence." "Evidence" means and includes—

(1) all statements which the Court permits or requires to be made before it by witnesses, in relation to matters of fact under inquiry;

such statements are called oral evidence;

(2) all documents produced for the inspection of the Court;

such documents are called documentary evidence;

*Explanation.*—A fact is said to be proved when, after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

A fact is said to be disproved when, after considering the matters before it, the Court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist.

A fact is said not to be proved when it is neither proved nor disproved.

4. Whenever it is provided by this Act that the Court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it.

Whenever it is directed by this Act that the Court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved.

When one fact is declared by this Act to be conclusive proof of another, the Court shall, on proof of the one fact, regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it.

CHAPTER II.—OF THE RELEVANCY OF FACTS.

5. Evidence may be given in any suit or proceeding of the existence or non-existence of every fact in issue and of such other facts as are hereinafter declared to be relevant, and of no others.

*Explanation.*—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being relating to Civil Procedure.

*Illustrations.*

(a.) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue—

A's beating B with the club.

A's causing B's death by such beating.

A's intention to cause B's death.

(b.) A suitor does not bring with him, and have in readiness for production at the first hearing of the case, a bond on which he relies. This section does not enable him to produce the bond or prove its contents at a subsequent stage of the proceedings, otherwise than in accordance with the conditions prescribed by the Code of Civil Procedure.

6. Facts which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, are relevant, whether they occurred at the same or at different times and places.

*Illustrations.*

(a.) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the by-standers at the beating, or so shortly before or after it, as to form part of the transactions, is a relevant fact.

(b.) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and goals are broken open. The occurrence of these facts is relevant as forming part of the general transaction, though A may have not been present at all of them.

(c.) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose, and forming part of the correspondence in which it is contained, are relevant facts, though they do not contain the libel itself.

(d.) The question is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

7. Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened; or which afforded an opportunity for their occurrence or transaction, are relevant.

*Illustrations.*

(a.) The question is, whether A robbed B.

The facts that, shortly before the robbery, B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.

(b.) The question is, whether A murdered B.

Marks on the ground produced by a struggle at or near the place where the murder was committed are relevant facts.

(c.) The question is, whether A poisoned B.

The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

8. Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact.

Motive, preparation, and subsequent conduct.

The previous or subsequent conduct of any party to a suit or proceeding, or of any person, an offence against whom is the subject of a suit or proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact.

**Explanation 1.**—The word “conduct” in this section does not include statements, unless those statements accompany and explain acts other than statements: but this explanation is not to affect the relevancy of statements under any other section of this Act.

**Explanation 2.**—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

#### Illustrations.

- (a.) A is tried for the murder of B.  
The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.
- (b.) A sues B upon a bond for the payment of money. B denies the making of the bond.  
The fact that, at the time when the bond was alleged to be made, B required money for a particular purpose, is relevant.
- (c.) A is tried for the murder of B by poison.  
The fact that, before the death of B, A procured poison similar to that which was administered to B, is relevant.
- (d.) The question is, whether a certain document is the will of A.  
The facts that, not long before the date of the alleged will, A made inquiry into matters to which the provisions of the alleged will relate, that he consulted vakils in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.

(e.) A is accused of a crime.  
The facts that either before, or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favorable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.

(f.) The question is, whether A robbed B.  
The facts that, after B was robbed, C said in A's presence—“the police are coming to look for the man who robbed B,”—and that immediately afterwards A ran away, are relevant.

(g.) The question is, whether A owes B rupees 10,000.  
The facts that A asked C to lend him money, and that D said to C in A's presence and hearing—“I advise you not to trust A, for he owes B 10,000 rupees,”—and that A went away without making any answer, are relevant facts.

(h.) The question is, whether A committed a crime.  
The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.

(i.) A is accused of a crime.  
The facts that, after the commission of the alleged crime, he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.

(j.) The question is, whether A was ravished.  
The facts that, shortly after the alleged rape, she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.

The fact that, without making a complaint, she said that she had been ravished is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section 32 (1), or as corroborative evidence under section 157.

(k.) The question is, whether A was robbed.  
The fact that, soon after the alleged robbery, he made a complaint relating to the offence, the circumstances under which, and the terms in which, the complaint was made, are relevant.

The fact that he said he had been robbed without making any complaint, is not relevant as conduct under this section, though it may be relevant

as a dying declaration under section 32 (1), or as corroborative evidence under section 157.

**9. Facts necessary to explain or introduce a fact in issue or relevant fact,**

or which rebut an inference suggested by a fact in issue or relevant fact, or which

establish the identity of any thing or person, whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

#### Illustrations.

(a.) The question is whether a given document is the will of A.

The state of A's property and of his family at the date of the alleged will may be relevant facts.

(b.) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue.

The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(c.) A is accused of a crime.  
The fact that, soon after the commission of the crime, A absconded from his house, is relevant, under section 8, as conduct subsequent to and affected by facts in issue.

The fact that, at the time when he left home, he had sudden and urgent business at the place to which he went, is relevant as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(d.) A sues B for inducing C to break a contract of service made by him with A. C on leaving A's service says to A, I am leaving you because B has made me a better offer. This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(e.) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says as he delivers it—“A says you are to hide this.” B's statement is relevant, as explanatory of a fact which is part of the transaction.

(f.) A is tried for a riot, and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

#### 10. Where there is reasonable ground to believe

that two or more persons have conspired together to commit an offence or an actionable wrong, any thing said, done or written, by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Things said or done by conspirator in reference to common design.

#### Illustration.

(a.) Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Calcutta the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

When facts not otherwise relevant become relevant.

**11. Facts not otherwise relevant are relevant—**

- (1) if they are inconsistent with any fact in issue or relevant fact;
- (2) if by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

#### Illustrations.

(a.) The question is, whether A committed a crime at Calcutta on a certain day.

The fact that on that day A was at Lahore is relevant.  
The fact that near the time when the crime was committed, A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(b.) The question is, whether A committed a crime.  
The circumstances are such that the crime must have been committed either by A, B, C or D. Every fact which shows that the crime could have been committed by no one else, and that it was not committed by either B, C, or D, is relevant.

**12.** In suits in which damages are claimed, any fact which will enable the Court to determine the amount of damages which ought to be awarded is relevant.

In suits for damages, evidence may be given of facts tending to determine amount.

**13.** Where the question is as to the existence of any right or custom, the following facts are relevant—

Facts relevant when right or custom is in question.

(a.) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted or denied, or which was inconsistent with its existence.

(b.) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted or departed from.

#### Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father, irreconcilable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

**14.** Facts showing the existence of any state of mind, such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily feeling, are relevant, when the existence of any such state of mind or body or bodily feeling, is in issue or relevant.

Facts showing existence of state of mind, or of body or bodily feeling.

*Explanation.*—A fact relevant as showing the existence of a relevant state of mind must show that it exists not generally but in reference to the particular matter in question.

#### Illustrations.

(a.) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(b.) A is accused of fraudulently delivering to another person a piece of counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that at the time of its delivery, A was possessed of a number of other pieces of counterfeit coin is relevant.

(c.) A sues B for damage done by a dog of B's, which B knew to be ferocious.

The facts that the dog had previously bitten X, Y, and Z, and that they had made complaints to B, are relevant.

(d.) The question is, whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(e.) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(f.) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that, at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him is relevant, as showing that A made the representation in good faith.

(g.) A is sued by B for the price of work done by B upon a house of which A is owner by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did, in good faith, make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

(h.) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found.

The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew or had reason to believe that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(i.) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(j.) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved as showing the intention of the letters.

(k.) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty, are relevant facts.

(l.) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms, are relevant facts.

(m.) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question, are relevant facts.

(n.) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage, is relevant.

The fact that B was habitually negligent about the carriages which he let to hire, is irrelevant.

(o.) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them, is irrelevant.

(p.) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime, is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class, is irrelevant.

**15.** When there is a question whether an act was accidental or intentional, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Act forming part of series of occurrences.

#### Illustrations.

(a.) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant, as tending to show that the fires were not accidental.

(b.) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(c.) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental.

The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D and E, are relevant, as showing that the delivery to A was not accidental.

**16.** When there is a question whether a particular act was done, the existence of any course of business according to which it naturally would have been done, is a relevant fact.

Course of business when relevant.

*Illustrations.*

(a.) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(b.) The question is, whether a particular letter reached A. The facts that it was posted in due course, and was not returned through the Dead Letter Office, are relevant.

**ADMISSIONS.**

**17.** An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons hereinafter mentioned.

Admissions defined.

Statements made by a party to the proceeding, or by an agent to any such party whom the Court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character

**18.** Statements made

Admissions by parties interested in subject-matter.

(1) persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested, or

(2) persons from whom the parties to the suit have derived their interest in the subject-matter of the suit,

are admissions if they are made during the continuance of the interest of the persons making the statements.

**19.** Statements made by persons whose position or liability it is necessary to

Admissions by persons whose position must be proved as against party to suit.

prove as against any party to the suit, are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

*Illustration.*

A undertakes to collect rents for B.  
B sues A for not collecting rent due from C to B.  
A denies that rent was due from C to B.

A statement by C, that he owed B rent, is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

**20.** Statements made by persons to whom a party to the suit has expressly referred for information

Admissions by persons expressly referred to by party to suit.

in reference to a matter in dispute are admissions.

*Illustration.*

The question is, whether a horse sold by A to B is sound.  
A says to B 'Go and ask C, C knows all about it.' C's statement is an admission.

**21.** Admissions are relevant and may be proved as against the person who

Relevancy of admissions against or in behalf of persons concerned.

makes them or his representative in interest; but they cannot be proved by or on behalf

of the person who makes them or by his representative in interest, except in the following cases:—

(1.) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.

(2.) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or immaterial, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.

(3.) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

*Illustrations.*

(a.) The question between A and B is whether a certain deed is or is not forged. A admits that it is genuine, B that it is forged.

A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.

(b.) A, the Captain of a ship, is tried for casting her away. Evidence is given to show that the ship was taken out of her proper course.

A produces a book kept by him in the ordinary course of his business showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead under section 32 (1).

(c.) A is accused of a crime committed by him at Calcutta. He produces a letter written by himself and dated at Lahore on that day, and bearing the Lahore post mark of that day.

The statement in the date of the letter is admissible, because, if A were dead out, it would be admissible under section 32 (2).

(d.) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value.

A may prove these statements, though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(e.) A is accused of fraudulently having in his possession counterfeit coin which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last illustration.

**22.** Oral admissions as to the contents of a document are not relevant,

When oral admissions as to contents of documents are relevant.

unless and until the party proposing to prove them shows that he is entitled to

give secondary evidence of the contents of such document under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

**23.** In civil cases no admission is relevant, if it is made either upon an

Admissions in civil cases when relevant.

express condition that evidence of it is not to be given,

or under circumstances from which the Court can infer that the parties agreed together that evidence of it should not be given.

*Explanation.*—Nothing in this section shall be taken to exempt any barrister, pleader, attorney or vakil from giving evidence of any matter of which he may be compelled to give evidence under section 126.

**24.** An admission made by an accused person

Admission of crime caused by inducement, threat, or promise, irrelevant.

is irrelevant in a criminal proceeding, if the making of the admission appears to the

Court to have been caused by any inducement, threat or promise, having reference to the charge against the accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

PART I.  
 s. 2.—Ad-  
 mitions, as  
 -21.  
 statements  
 persons who  
 not be called  
 Hissesen, s.

**25.** No admission of guilt made to a police officer, shall be proved as against a person accused of any offence.

Confession made to a police officer shall not be used as evidence.

**26.** No admission of guilt made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a Magistrate, shall be proved as against such person.

**27.** Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to an admission of guilt or not, as relates distinctly to the fact thereby discovered, may be proved.

**28.** If such an admission, as is referred to in section 24, is made after the impression caused by any such inducement, threat, or promise, has, in the opinion of the Court, been fully removed, it is relevant.

Admission made after removal of impression caused by inducement, threat, or promise, relevant.

**29.** If such an admission is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy, or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such admission, and that evidence of it might be given against him.

Admission otherwise relevant not irrelevant on certain grounds.

**30.** When more persons than one are being tried jointly for the same offence, and an admission made by one of such persons affecting himself and some other such person is proved, the Court may take into consideration such admission as against such other person as well as against the person who makes such admission.

Consideration of proved admission affecting person making it and others jointly under trial for same offence.

**31.** Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

#### Illustrations.

(a.) A and B are jointly tried for the murder of C. It is proved that A said,—“B and I murdered C.” the Court may consider the effect of this admission as against B.

(b.) A is on his trial for the murder of C. There is evidence to show that C was murdered by A and B, and that B said,—“A and I murdered C.”

This statement may not be taken into consideration by the Court against A, as B is not being jointly tried.

**32.** Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense which, under the circumstances of the case, appears to the Court un-

When admissions are conclusive proof.

When statement by person who is dead or cannot be found, &c., is relevant.

When admissions are not conclusive proof, but they may operate as estoppels under the provisions hereinafter contained.

reasonable, are themselves relevant facts in the following cases:—

(1.) When the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

Statement as to cause of death.

Such statements are relevant, whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

(2.) When the statement was made by such person in the ordinary course of business, and in particular, when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty; or of acknowledgments written or signed by him of the receipt of money, goods, securities or property of any kind; or of documents used in commerce written or signed by him, or of the date of a letter or other document usually dated, written or signed by him.

Statements in course of business.

(3.) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

Statements against interest.

(4.) When the statement gives the opinion of any such person, as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom or matter had arisen.

Matters of general interest.

(5.) When the statement relates to the existence of any relationship between persons as to whose relationship the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

As to relationship.

(6.) When the statement relates to the existence of any relationship between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

Recitals as to relationship in deeds.

(7.) When the statement is contained in any deed, will, or other document which relates to any such transaction as is mentioned in section 13 clause (a).

Statements in deeds.

(8.) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

#### Illustrations.

(a.) The question is, whether A was murdered by B; or A dies of injuries received in a transaction in the course of which she was ravished. The question is, whether she was ravished by B; or

1. The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.

Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the action-able wrong under consideration, are relevant facts.

(b.) The question is as to the date of A's birth. An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.

(c.) The question is, whether A was in Calcutta on a given day.

A statement in the diary of a deceased solicitor, regularly kept in the course of business, that, on a given day, the solicitor attended A at a place mentioned in Calcutta for the purpose of conferring with him upon specified business, is a relevant fact.

(d.) The question is, whether a ship sailed from Bombay harbour on a given day.

A letter written by a deceased member of a merchant's firm, by which she was chartered, to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Bombay harbour, is a relevant fact.

(e.) The question is, whether rent was paid to A for certain land.

A letter from a deceased agent to A, saying that he had received the rent on A's account, and held it at A's orders, is a relevant fact.

(f.) The question is, whether A and B were legally married.

The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.

(g.) The question is, whether A, a person who cannot be found, wrote a letter on a certain day. The fact that a letter written by him is dated on that day, is relevant.

(h.) The question is, what was the cause of the wreck of a ship.

A protest made by the captain, whose attendance cannot be procured, is a relevant fact.

(i.) The question is, whether a given road is a public way.

A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.

(j.) The question is, what was the price of grain on a certain day in a particular market. A statement of the price made by a deceased banya in the ordinary course of his business, is a relevant fact.

(k.) The question is, whether A, who is dead, was the father of B.

A statement by A that H was his son, is a relevant fact.

(l.) The question is, what was the date of the birth of A.

A letter from A's deceased father to a friend announcing the birth of A on a given day, is a relevant fact.

(m.) The question is, whether, and when, A and B were married.

An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A at a given date, is a relevant fact.

(n.) A sues B for a libel expressed in a painted caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character. The remarks of a crowd of spectators on these points may be proved.

**33. Evidence given by a witness in a judicial proceeding, or before any person authorised by law to take it, is relevant for the purpose of proving the truth of the facts which it states in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense which, under the circumstances of the case, the Court considers unreasonable:**

Provided that the proceeding was between the same parties or their representatives in interest;

that the adverse party in the first proceeding had the right and opportunity to cross-examine;

that the questions in issue were substantially the same in the first as in the second proceeding.

*Explanation.*—A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

Evidence in a former judicial proceeding when relevant.

**STATEMENTS MADE UNDER SPECIAL CIRCUMSTANCES.**

**34. Entries in books of account, regularly kept in the course of business, are relevant whenever they refer to a matter into which the**

Court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

*Illustration.*

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

**35. An entry in any public or other official book, register, or record, stating a relevant fact and made by a public servant in the discharge of his official**

duty, or by any other person in performance of a duty specially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

**36. Statements of relevant facts made in published maps or charts generally offered for public sale, or in maps or plans**

made under the authority of Government, as to matters usually represented or stated in such maps, charts or plans, are themselves relevant facts.

**37. When the Court has to form an opinion as to the existence of any fact of a public nature, any statement of it, made in a recital contained in any Act of Parliament or in any Act**

of the Governor General of India in Council, or of the Governors in Council of Madras or Bombay, or of the Lieutenant-Governor in Council of Bengal, or in a notification of the Government appearing in the *Gazette of India*, or in the *Gazette* of any local Government, or in any printed paper purporting to be the *London Gazette* or the Government Gazette of any colony or possession of the Queen, is a relevant fact.

**38. When the Court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country and to contain any such law, and any report of a ruling of the Courts of such country contained in a book purporting to be a report of such rulings, is relevant.**

**HOW MUCH OF A STATEMENT IS TO BE PROVED.**

**39. When any statement of which evidence is given forms part of a longer statement or of a conversation or part of an isolated document, or is contained in a document which forms part**

of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the Court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

Statements in law-books.

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

**JUDGMENTS OF COURTS OF JUSTICE WHEN RELEVANT.**

**40.** The existence of any judgment, order or decree which, by law prevents any Court from taking cognizance of a suit or holding a trial, is a relevant fact when the question is whether such Court ought to take cognizance of such suit, or to hold such trial.

**41.** A final judgment, order or decree of a competent Court, in the exercise of probate, matrimonial, Admiralty or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person but absolutely, is relevant when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Such order, judgment or decree is conclusive proof that any legal character which it confers accrued at the time when such judgment, order or decree came into operation ;

that any legal character to which it declares any such person to be entitled accrued to that person at the time when such judgment declares it to have accrued to that person ;

that any legal character which it takes away from any such person ceased at the time from which such judgment declared that it had ceased or should cease ;

and that any thing to which it declares any person to be so entitled was the property of that person at the time from which such judgment declares that it had been or should be his property.

**42.** Judgments, orders or decrees other than those mentioned in section 41, are relevant if they relate to matters of a public nature relevant to the inquiry ; but such judgments, orders or decrees are not conclusive proof of that which they state.

*Illustration.*  
A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies. The existence of a decree in favor of the defendant, in a suit by A against C for a trespass in the same place, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

**43.** Judgments, orders or decrees, other than those mentioned in sections 40, 41, and 42, are irrelevant, unless the fact that such a judgment, order or decree existed, is relevant under some other provision of this Act.

*Illustrations.*  
(a.) A and B separately sue C for a libel which reflects upon each of them. C in each case says, that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither. A obtains a decree against C for damages, on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.  
(b.) A prosecutes B for adultery with C, A's wife. B denies that C is A's wife, but the Court convicts B of adultery. Afterwards, C is prosecuted for bigamy in marrying B during A's lifetime. C says that she never was B's wife. The judgment against B is irrelevant as against C.  
(c.) A prosecutes B for stealing a cow from him. B is convicted.

A afterwards sues C for the cow, which B had sold to him before his conviction. As between A and C, the judgment against B is irrelevant.

(d.) A has obtained a decree for the possession of land against H. C, B's son, murders A in consequence. The existence of the judgment is relevant, as showing motive for a crime.

**44.** Any party to a suit or other proceeding may show that any judgment, order or decree which is relevant under sections 40, 41, or 42, and which has been proved by the adverse party, and delivered by a Court not competent to deliver it, or was obtained by fraud or collusion.

Fraud, collusion, and incompetency of Court may be proved.

**OPINIONS OF THIRD PERSONS WHEN RELEVANT.**

**45.** When the Court has to form an opinion upon a point of foreign law, or of science or art, or as to identity of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science or art, are relevant facts.

Such persons are called experts.

*Illustrations*

(a.) The question is, whether the death of A was caused by poison.

The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died, are relevant.

(b.) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinion of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c.) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same or by different persons are relevant.

**46.** Facts not otherwise relevant are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

*Illustrations.*  
(a.) The question is, whether A was poisoned by a certain poison. The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.  
(b.) The question is, whether an obstruction to a harbour is caused by a certain sea wall. The fact that other harbours similarly situated in other respects, but where there were no such sea walls, began to be obstructed at about the same time, is relevant.

**47.** When the Court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person, is a relevant fact.

*Explanation.*—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.



*Illustration.*

The question is, whether a given letter is in the handwriting of A, merchant in London.

B is a merchant in Calcutta, who has written letters addressed to A and received letters purporting to be written by him, in B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted letters purporting to be written by A for the purpose of dealing with him thereon.

The opinions of B, C and D on the question whether the letter is in the handwriting of A are relevant, though neither C nor D ever saw A write.

**48.** When the Court has to form an opinion as to the existence of any general custom or right, the opinions, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Opinion as to existence of right or custom, when relevant.

*Explanation.*—The expression 'general custom or right,' includes customs or rights common to any considerable class of persons.

*Illustration.*

The right of the villagers of a particular village to use the water of a particular well is a general right within the meaning of this section.

**49.** When the Court has to form an opinion as to—

Opinions as to usages, tenets, &c., when relevant.

the usages and tenets of any body of men or family, the constitution and Government of any religious or charitable foundation, or the meaning of words or terms used in particular districts or by particular classes of people, the opinions of persons having special means of knowledge thereon, are relevant facts.

**50.** When the Court has to form an opinion as to the relationship of one person to another, the opinion expressed by conduct as to the existence of such relationship of any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Provided that such opinions shall not be sufficient to prove a marriage in proceedings under the Indian Divorce Act, or in prosecutions under sections 494, 495, 497, or 498 of the Indian Penal Code.

Opinion on relationship when relevant.

*Illustrations.*

(a.) The question is whether A and B were married. The fact that they were usually received and treated by their friends as husband and wife, is relevant.

(b.) The question is whether A was the legitimate son of B. The fact that A was always treated as such by members of the family, is relevant.

**51.** Whenever the opinion of any living person is relevant, the grounds on which such opinion is based are also relevant.

Grounds of opinion when relevant.

*Illustration.*

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

**CHARACTER WHEN RELEVANT.**

**52.** In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him, is irrelevant, except in so far as such character appears from facts otherwise relevant.

In civil cases, character to prove conduct imputed irrelevant.

In criminal cases, previous good character relevant.

**53.** In criminal proceedings, the fact that the person accused is of a good character, is relevant.

**54.** In criminal proceedings, the fact that the accused person has been previously convicted of any offence is relevant; but the fact that he has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Previous conviction in criminal trials relevant but not previous bad character, except in reply.

*Explanation.*—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

**55.** In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive, is relevant.

Character as affecting damages.

*Explanation.*—In sections 52, 53, 54 and 55, the word 'character' includes both reputation and disposition; but evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

**PART II.**

**ON PROOF.**

**CHAPTER III.—FACTS WHICH NEED NOT BE PROVED.**

No evidence required of relevant fact judicially noticed.

**56.** No fact of which the Court will take judicial notice need be proved.

Facts of which Court must take judicial notice.

**57.** The Court shall take judicial notice of the following facts:—

(1.) All laws or rules having the force of law now or heretofore in force or hereafter to be in force in any part of British India;

(2.) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by such Parliament to be judicially noticed:

(3.) Articles of War for Her Majesty's Army or Navy:

(4.) The course of proceeding of the said Parliament and of the Councils for the purposes of making Laws and Regulations established under the Indian Councils' Act, or any other law for the time being relating thereto:

*Explanation.*—The word 'Parliament' in clauses (2) and (4) includes the Parliaments of the United Kingdom of Great Britain, of England, of Scotland, and of Ireland.

(5.) The accession and the sign manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland:

(6.) All seals of which English Courts would take judicial notice. The seals of all the Courts of British India, and of all Courts out of British India, established by the authority of the Governor-General or any Local Government in Council: the seals of Courts of Admiralty and Maritime Jurisdiction and of Notaries public, and all seals which any person is authorized to use by any Act of Parliament or other Act of Regulation having force of law in British India:

(7.) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of British India, if the fact of their appointment to such



II. office is notified in the *Gazette of India*, or in the official Gazette of any Local Government :

(8.) The existence, title, and national flag of every State or Sovereign recognized by the British Crown

(9.) The divisions of time, the geographical divisions of the world and public festivals, fasts and holidays notified in the official Gazette

(10.) The territories under the dominion of the British Crown :

(11.) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons :

(12.) The names of the members and officers of the Court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, attorneys, proctors, vakils, pleaders and other persons authorized by law to appear or act before it :

(13.) The rule of the road.

In all these cases, and also on all matters of public history, literature, science or art, the Court may resort for its aid to appropriate books or documents of reference.

If the Court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

58. No fact need be proved in any proceeding

which the parties thereto or their agents agree to admit at the hearing, or which before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings : Provided that the Court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

#### CHAPTER IV.—OF ORAL EVIDENCE.

Proof of facts by oral evidence.

59. All facts, except the contents of documents may be proved by oral evidence.

Oral evidence must be direct.

60. Oral evidence must, in all cases, whatever, be direct ; That is to say—

If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw it.

If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard it.

If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived it by that sense or in that manner.

If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds :

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called

as a witness without an amount of delay or expense which the Court regards as unreasonable ;

Provided, also, that, if oral evidence refers to the existence or condition of any material thing other than a document, the Court may, if it thinks fit, require the production of such material thing for its inspection.

#### CHAPTER V.—OF DOCUMENTARY EVIDENCE.

61. The contents of documents may be proved  
Proof of contents of either by primary or by documents. secondary evidence.

62. Primary evidence means the document itself produced for the inspection of the Court.  
Primary evidence.

*Explanation 1.*—Where a document is executed in several parts, each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

*Explanation 2.*—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest ; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

#### *Illustration.*

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

63. Secondary evidence means and includes—  
Secondary evidence.

(1.) Certified copies given under the provisions hereinafter contained.

(2.) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies.

(3.) Copies made from or compared with the original.

(4.) Counterparts of documents as against the parts who did not execute them.

(5.) Oral accounts of the contents of a document given by some person who has himself seen it.

#### *Illustrations.*

(a.) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.

(b.) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.

(c.) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence ; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.

(d.) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

64. Documents must be proved by primary evidence except in the cases hereinafter mentioned.  
Proof of documents by primary evidence.

65. Secondary evidence may be given of the existence, condition, or contents of a document in the following cases :—  
Cases in which secondary evidence relating to documents may be given.

(a.) When the original is shown or appears to be in the possession or power of the person against whom the document is sought to be proved

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II. any person out of reach of or not subject to the process of the Court, or of any person legally bound to produce it, and when, after the notice mentioned in section 66, such person does not produce it.

(b.) When the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest.

(c.) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time.

(d.) When the original is of such a nature as not to be easily moveable.

(e.) When the original is a public document within the meaning of section 74.

(f.) When the original is a document of which a certified copy is permitted by this Act, or by any other law in force in British India, to be given in evidence.

(g.) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in Court, and the fact to be proved is the general result of the whole collection.

In cases (a), (c) and (d), any secondary evidence of the contents of the document is admissible.

In case (b), the written admission is admissible.

In cases (e) or (f), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (g), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

66. Secondary evidence of the contents of the documents referred to in section 65 (a) shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, such notice to produce it as is prescribed by law: and if no notice is prescribed by law, then such notice as the Court considers reasonable under the circumstances of the case:

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases:—

- (1.) When the document to be proved is itself a notice.
- (2.) When from the nature of the case, the adverse party must know that he will be required to produce it.
- (3.) When it appears or is proved that the adverse party has obtained possession of the original by fraud or force.
- (4.) When the adverse party or his agent has the original in Court.
- (5.) When the adverse party or his agent has admitted the loss of the document.

67. If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his

Proof of signature and handwriting of person alleged to have signed or written document produced.

68. If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the Court and capable of giving evidence.

Proof of execution of document required by law to be attested.

69. If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Proof where no attesting witness found.

70. The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Admission by party of execution.

71. If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof when attesting witness denies the execution.

72. An attested document not required by law to be attested may be proved as if it was unattested.

Proof of document not required by law to be attested.

73. In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the Court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

Comparison of hand-writings.

The Court may direct any person present in Court to write any words or figures for the purpose of enabling the Court to compare the words or figures so written with any words or figures alleged to have been written by such person.

PUBLIC DOCUMENTS.

74. The following documents are public documents:—

Public documents.

1. Documents forming the Acts, or records of the Acts—
  - (1) of the sovereign authority,
  - (2) of official bodies and tribunals, and
  - (3) of public officers, legislative, judicial and executive, whether of British India, or of any other part of Her Majesty's dominions, or of a foreign country.

Public records kept in British India of private documents.

75. All other documents are private.

Private documents.

76. Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at

Certified copies of public documents.

II. document or part thereof as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

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*Explanation.*—Any officer who by the ordinary course of official duty is authorised to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

77. Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Production of such copies.

78. The following public documents may be proved as follows.—

(1.) Acts, orders or notifications of the Executive Government of British India in any of its departments, or of any Local Government or any department of any Local Government,

by the records of the departments certified by the heads of those departments respectively,

or by any document purporting to be printed by order of any such Government:

The proceedings of the legislatures,

by the journals of those bodies respectively, or by published Acts or abstracts, or by copies purporting to be printed by order of Government:

(3.) Proclamations, orders or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government,

by copies or extracts contained in the *London Gazette* or purporting to be printed by the Queen's Printer:

(4.) The Acts of the executive or the proceedings of the legislature of a foreign country,

by journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or sovereign, or by a recognition thereof in some public Act of the Governor General of India in Council:

(5.) The proceedings of a municipal body in British India,

by a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body:

(6.) Public documents of any other class in a foreign country,

by the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British Consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

#### PRESUMPTIONS AS TO DOCUMENTS.

79. The Court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports

Presumption as to genuineness of certified copies.

to be certified by any officer in British India or by any officer in any Native State in alliance with Her Majesty who is duly authorised thereto by the Governor General in Council to be genuine: Provided that such paper is substantially in the form and purports to be executed in the manner directed by law in that behalf. The Court shall also presume that any officer by whom any such paper purports to be signed or certified held, when he signed it, the official character which he claims in such paper.

80. Whenever any document is produced before any Court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorised by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any Judge or Magistrate or by any such officer as aforesaid, the Court shall presume—

Presumptions on production of record of evidence.

that the document is genuine; that any statements as to the circumstances under which it was taken purporting to be made by the person signing it are true, and that such evidence, statement or confession was duly taken.

81. The Court shall presume the genuineness of every document purporting to be the *London Gazette*, or the *Gazette of India*, or the Government Gazette of any Local Government, or of any colony, dependency or possession of the British Crown, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's Printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

82. When any document is produced to any Court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any Court of Justice in England or Ireland without proof of the seal or stamp or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the Court shall presume that such seal, stamp or signature is genuine, and that the person signing it held at the time when he signed it the judicial or official character which he claims,

Presumption as to documents admissible in England without proof of seal or signature.

and the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

83. The Court shall presume that maps or plans purporting to be made by the authority of Government were so made, and are accurate; but maps or plans made for the purposes of any cause must be proved to be accurate.

84. The Court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country,

Proof of maps made for purposes of any cause.

Presumption as to collections of laws and reports of decisions.

II. and of every book purporting to contain reports  
 -Pre of decisions of the Courts of such country.  
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85. The Court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by a notary public, or any Court, Judge, Magistrate, British Consul or Vice-Consul, or representative of Her Majesty or of the Government of India, was so executed and authenticated.

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86. The Court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Government of India resident in such country to be the manner commonly in use in that country for the certification of copies of judicial records.

87. The Court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts and which is produced for its inspection, was written and published by the person, and at the time and place, by whom or at which it purports to have been written or published.

88. The Court may presume that a message forwarded from a telegraph office to the person to whom such message purports to be addressed corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the Court shall not make any presumption as to the person by whom such message was delivered for transmission.

89. The Court shall presume that every document called for and not produced after notice to produce was attested, stamped and executed in the manner required by law.

90. Where any document, purporting or proved to be thirty years old, is produced from any custody which the Court in the particular case considers proper, the Court may presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

*Explanation.*—Documents are said to be in proper custody if they are in the place in which and under the care of the person with whom they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to...

*Illustrations.*

- (a.) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.
- (b.) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.
- (c.) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.—OF THE EXCLUSION OF ORAL BY DOCUMENTARY EVIDENCE.

91. When the terms of a contract, or of a grant, or of any other disposition of property, have been reduced to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

*Exception 1.*—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

*Exception 2.*—Wills under the Indian Succession Act may be proved by the Probate.

*Explanation 1.*—This section applies equally to cases in which the contracts, grants or disposition of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

*Explanation 2.*—Where there are more originals than one, one original only need be proved.

*Explanation 3.*—The statement in any document whatever of a fact other than the facts referred to in this section, shall not preclude the admission of oral evidence of the same fact.

*Illustrations.*

- (a.) If a contract be contained in several letters, all the letters in which it is contained must be proved.
- (b.) If a contract is contained in a bill of exchange, the bill of exchange must be proved.
- (c.) If a bill of exchange is drawn in asst of three, one only need be proved.
- (d.) A contracts in writing with B for the delivery of indigo upon certain terms. The contract mentions the fact that B had paid A the price of other indigo contracted for verbally on another occasion. Oral evidence is offered that no payment was made for the other indigo. The evidence is admissible.
- (e.) A gives B a receipt for money paid by B. Oral evidence is offered of the payment. The evidence is admissible.

92. When the terms of any such contract, grant or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms:

*Proviso (1).*—Any fact may be proved which would invalidate any document, or which would

want of due execution, want of capacity in any contracting party, want or failure of consideration, or mistake in fact or law.

*Proviso (2).*—The existence of any separate oral agreement on any matter on which a document is silent and not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the Court shall have regard to the degree of formality of the document.

*Proviso (3).*—The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant or disposition of property, may be proved.

*Proviso (4).*—The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant or disposition of property, may be proved except in cases in which such contract, grant or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

*Proviso (5).*—Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved: Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

*Proviso (6).*—Any fact may be proved which shows in what manner the language of a document is related to existing facts.

*Illustrations.*

(a.) A policy of insurance is effected on goods "in ships from Calcutta to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy, cannot be proved.

(b.) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st March 1870. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st March, cannot be proved.

(c.) An estate called 'the Rampore tea estate' is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed, cannot be proved.

(d.) A enters into a contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.

(e.) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, as that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.

(f.) A orders goods of B by a letter in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.

(g.) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: 'Bought of A a horse for Rs. 500.' B may prove the verbal warranty.

(h.) A hires lodgings of B, and gives B a card on which is written—'Rooms, Rs. 200 a month.' A may prove a verbal agreement that these terms were to include partial board.

A hires lodgings of B for a year, and a regularly stamped agreement drawn up by an Attorney is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.

(i.) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount, A may prove this.

(j.) A and B make a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who gives A upon it. A may show the circumstances under which it was delivered.

93. When the language used in a document is, on its face, ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Exclusion of evidence to explain or amend ambiguous document.

*Illustrations.*

(a.) A agrees in writing to sell a horse to B for 'Rs. 1,000 or Rs. 1,500.'

Evidence cannot be given to show which price was to be given.

(b.) A deed contains blanks. Evidence cannot be given of fact which would show how they were meant to be filled.

94. When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Exclusion of evidence against application of document to existing facts.

A sells to B by deed 'my estate at Rampore containing 100 bigas.' A has an estate at Rampore containing 100 bigas. Evidence may not be given of the fact that the estate meant to be sold was one situated at a different place and of a different size.

95. When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a peculiar sense.

Evidence as to document unmeaning in reference to existing facts.

*Illustration.*

A sells to B by deed 'my house in Calcutta.' A had no house in Calcutta, but it appears that he had a house at Howrah, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Howrah.

96. When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one, of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Evidence as to application of language which can apply to one only of several persons.

*Illustrations.*

(a.) A agrees to sell to B for Rs. 1,000 "my white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(b.) A agrees to accompany B to Hyderabad. Evidence may be given of facts showing whether Hyderabad in the Deccan or Hyderabad in Seind was meant.

97. When the language used applies partly to one set of existing facts, and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Evidence as to application of language to one of two sets of facts to neither of which the whole correctly applies.

*Illustration.*

A agrees to sell to B 'my land at X' in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

98. Evidence may be given to show the meaning of illegible or not commonly intelligible characters, of foreign, obsolete, technical, local, and provincial expressions, of abbreviations and of words used in a peculiar sense.

Evidence as to meaning of illegible character, &c.

**PART II.**

Ch. 6.—Ex-  
 union of Oral A, a sculptor, agrees to sell to B 'all my models.' A has  
 Documents— both models and modelling tools. Evidence may be given to  
 Evidence, show which he meant to sell.  
 98.—100.

*Illustration.*

**99.** Persons who are not parties to a docu-  
 ment, or their representatives  
 Who may give evidence in interest, may give evidence  
 as to matter to which document relates. of any facts tending to show  
 a contemporaneous agree-  
 ment varying the term of the document.

*Illustration.*

A and B make a contract in writing that B shall sell A cer-  
 tain cotton, to be paid for on delivery. At the same time they  
 make an oral agreement that three months' credit shall be given  
 to A. This could not be shown as between A and B, but it  
 might be shown by C if it affected his interests.

**100.** Nothing in this chapter contained shall  
 be taken to affect any of the  
 Saving of provisions of provisions of the Indian  
 Indian Succession Act re- Succession Act (X of 1865)  
 lating to wills. as to the construction of wills.

**PART III.**

**PRODUCTION AND EFFECT OF EVIDENCE.**

**CHAPTER VII.—OF THE BURDEN OF PROOF.**

**101.** Whoever desires any Court to give judg-  
 ment as to any legal right or  
 Burden of proof. liability dependent on it  
 existence of facts which he asserts, must prove  
 that those facts exist. When a person is bound  
 to prove the existence of any fact, it is said that  
 the burden of proof lies on that person.

*Illustrations.*

(a.) A desires a Court to give judgment that B shall be  
 punished for a crime which A says B has committed.  
 A must prove that B has committed the crime.  
 (b.) A desires a Court to give judgment that he is entitled  
 to certain land in the possession of B by reason of facts which  
 he asserts and which B denies to be true.  
 A must prove the existence of those facts.

**102.** The burden of proof in a suit or proceed-  
 ing lies on that person who  
 General burden of proof. would fail if no evidence  
 at all were given on either side.

*Illustrations.*

(a.) A sues B for land of which B is in possession, and which,  
 as A asserts, was left to A by the will of C, B's father.  
 If no evidence were given on either side, B would be en-  
 titled to retain his possession.  
 Therefore the burden of proof is on A.  
 (b.) A sues B for money due on a bond.  
 The execution of the bond is not disputed, but B says that  
 it was obtained by fraud, which A denies.  
 If no evidence were given on either side, A would succeed,  
 as the bond is not disputed and the fraud is not proved.  
 Therefore the burden of proof is on B.

**103.** The burden of proof as to any particular  
 fact lies on that person who  
 Burden of proof as to wishes the Court to believe  
 particular fact. in its existence, unless it is  
 provided by any law that the proof of that fact  
 shall lie on any particular person.

*Illustration.*

(a.) A prosecutes B for theft, and wishes the Court to be-  
 lieve that B admitted the theft to C. A must prove the  
 admission.  
 B wishes the Court to believe that, at the time in question,  
 he was elsewhere. He must prove it.

**104.** The burden of proving any fact necessary  
 to be proved in order to  
 Burden of proving fact enable any person to give  
 to be proved to make evi- evidence of any other fact is  
 dence admissible. on the person who wishes to  
 give such evidence.

*Illustrations.*

(a.) A wishes to prove a dying declaration by B. A must  
 prove B's death.  
 (b.) A wishes to prove, by secondary evidence, the contents  
 of a lost document.  
 A must prove that the document has been lost.

**105.** When a person is accused of any offence,  
 the burden of proving the  
 Burden of establishing existence of circumstances  
 general exceptions. bringing the case within any  
 of the General Exceptions in the Indian Penal  
 Code, or within any special exception or proviso  
 contained in any other part of the same Code, or  
 in any law defining the offence, is upon him, and  
 the Court shall presume the absence of such cir-  
 cumstances.

*Illustrations.*

(a.) A, accused of murder, alleges that, by reason of un-  
 soundness of mind, he did not know the nature of the act.  
 The burden of proof is on A.  
 (b.) A, accused of murder, alleges that, by grave and sud-  
 den provocation, he was deprived of the power of self-control.  
 The burden of proof is on A.  
 (c.) Section 325 of the Penal Code provides that whoever,  
 except in the case provided for by section 335, voluntarily  
 causes grievous hurt, shall be subject to certain punishments.  
 A is charged with voluntarily causing hurt under section  
 325.  
 The burden of proving the circumstances, bringing the case  
 under section 335, lies on the prisoner.

**106.** When any fact is especially within the  
 knowledge of any person,  
 Burden of proving fact especially within know- the burden of proving that  
 ledge. fact is upon him.

*Illustration.*

(a.) When a person does an act with some intention other  
 than that which the character and circumstances of the act  
 suggest, the burden of proving that intention is upon him.  
 (b.) A is charged with travelling in a railway without  
 ticket, the burden of proving that he had a ticket is on him.

**107.** When the question is whether a man is  
 alive or dead, and it is  
 Burden of proof as to shown that he was alive  
 continuance of life. within thirty years, the bur-  
 den of proving that he is dead is on the person  
 who affirms it.

**108.** When the question is whether a man is  
 alive or dead, and it is proved  
 Burden of proof as to that he has not been heard  
 death. of for seven years by those  
 who would naturally have heard of him if he had  
 been alive, the burden of proving that he is alive  
 is on the person who affirms it.

**109.** When the question is whether persons  
 are partners, landlord and  
 Burden of proof as to 'tenant, or principal and  
 partnership, tenancy, and agent, and it has been shown  
 agency. that they have been acting  
 as such, the burden of proving that they do not  
 stand, or have ceased to stand, to each other in  
 those relationships respectively, is on the person  
 who affirms it.

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**110.** When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

**111.** When there is a question as to the good faith of a transaction between parties one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

#### Illustrations.

(a.) The good faith of a sale by client to an attorney is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the attorney.

(b.) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

**112.** The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten.

**113.** A notification in the *Gazette of India* that any portion of British territory has been ceded to any Native State, Prince or Ruler, shall be conclusive proof that a valid cession of such territory took place at the date mentioned in such notification.

**114.** The Court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct, and public and private business in their relation to the facts of the particular case.

#### Illustrations.

The Court may presume—

(a.) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.

(b.) That an accomplice is unworthy of credit, unless he is corroborated in material particulars.

(c.) That a bill of exchange accepted or endorsed, was accepted or endorsed, for good consideration.

(d.) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such things or states of things usually cease to exist, is still in existence.

(e.) That Judicial and official acts have been regularly performed.

(f.) That the common course of business has been followed in particular cases.

(g.) That evidence which could be and is not produced would, if produced, be unfavorable to the person who withholds it.

(h.) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavorable to him.

(i.) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged. But the Court shall also have regard to such facts as the following in considering whether such maxims do or do not apply to the particular case before them.

As to illustration (a)—A shop-keeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business.

As to illustration (b)—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (c)—A crime is committed by several persons. A, B and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating B, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (e)—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

As to illustration (d)—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course.

As to illustration (e)—A judicial act, the regularity of which is in question, was performed under exceptional circumstances.

As to illustration (f)—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances.

As to illustration (g)—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family.

As to illustration (h)—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause less to him in matters unconnected with the matter in relation to which it is asked.

As to illustration (i)—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

## CHAPTER VIII.—ESTOPPEL.

**115.** When one person has by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

#### Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it.

The land afterwards becomes the property of A, and A seeks to set aside the sale on the ground that, at the time of the sale, he had no title. He must not be allowed to prove his want of title.

**116.** No tenant of immoveable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immoveable property; and no person who came upon any immoveable property by the license of the person in possession thereof, shall be permitted to deny that such person had a title to such possession at the time when such license was given.

**117.** No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it, nor shall any bailee or licensee be permitted to deny that his bailor or licensor had, at the time when the bailment or license commenced, authority to make such bailment or grant such license.



**I. Explanation (1).**—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

**Explanation (2).**—If a bailee delivers the goods bailed to a person other than the bailor, he may prove that such person had a right to them as against the bailor.

**CHAPTER IX.—OF WITNESSES.**

**118.** All persons shall be competent to testify, unless the Court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

**Explanation.**—A lunatic is not incompetent to testify, unless he is prevented by his lunacy from understanding the questions put to him, and giving rational answers to them.

**119.** A witness who is unable to speak, may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court. Evidence so given shall be deemed to be oral evidence.

**120.** In all civil proceedings the parties to the suit, and the husband or wife of any party to the suit shall be competent witnesses. In criminal proceedings against any person, the husband or wife of such person, respectively, shall be a competent witness.

**121.** No Judge or Magistrate shall, except upon the special order of some Court to which he is subordinate, be compelled to answer any questions as to his own conduct in Court as such Judge or Magistrate, or as to anything which came to his knowledge in Court as such Judge or Magistrate; but he may be examined as to other matters which occurred in his presence whilst he was so acting.

*Illustrations.*

(a.) A, on his trial before the Court of Session, says that a deposition was improperly taken by B, the Magistrate. B cannot be compelled to answer questions as to this, except upon the special order of a superior Court.

(b.) A is accused before the Court of Session, of having given false evidence before B, a Magistrate. B cannot be asked what A said, except upon the special order of the superior Court.

(c.) A is accused before the Court of Session of attempting to murder a Police officer whilst on his trial before B, a Sessions Judge. B may be examined as to what occurred.

**122.** No person, who is or has been married, shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married, nor shall he be permitted to disclose any such communication, unless the person who made it or his representative in interest consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other.

**123.** No one shall be permitted to give any evidence derived from unpublished official records relating to any affairs of State, except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

**124.** No public officer shall be compelled to disclose communications made to him in official confidence, when he considers that the public interests would suffer by the disclosure.

**125.** No Magistrate or police officer shall be compelled to say whence he got any information as to the commission of any offence.

**126.** No barrister, attorney, pleader or vakil, at any time, shall be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such barrister, pleader, attorney or vakil, by or on behalf of his client, or to state the contents or condition of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course and for the purpose of such employment:

Provided that nothing in this section shall protect from disclosure—

(1) Any such communication made in furtherance of any criminal purpose

(2) Any fact observed by any barrister, pleader, attorney or vakil, in the course of his employment as such, showing that any crime or fraud has been committed since the commencement of his employment;

It is immaterial whether the attention of such barrister, attorney or vakil, was or was not directed to such fact by or on behalf of his client.

**Explanation.**—The obligation stated in this section continues after the employment has ceased.

*Illustrations.*

(a.) A, a client, says to B, an attorney,—‘I have committed forgery, and I wish you to defend me.

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(b.) A, a client, says to B, an attorney,—I wish to obtain possession of property by the use of a forged deed on which I request you to sue.

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(c.) A being charged with embezzlement retains B, an attorney, to defend him. In the course of the proceedings, B observes that an entry has been made in A's account-book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

**127.** The provisions of section 126 shall apply to interpreters, and the clerks or servants of barristers, pleaders, attorneys and vakils.



**128.** If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section 126; and if any party to a suit or proceeding calls any such barrister, attorney or vakil as a witness, he shall be deemed to have consented to such disclosure only if he questions such barrister, attorney, or vakil on matters which, but for such question, he would not be at liberty to disclose.

**129.** No one shall be compelled to disclose to the Court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the Court necessary to be known in order to explain any evidence which he has given, but no others.

**130.** No witness who is not a party to a suit shall be compelled to produce his title-deeds to any property or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

**131.** No one shall be compelled to produce documents in his possession which any other person would be entitled to refuse to produce if they were in his possession, unless such last-mentioned person consents to their production.

**132.** A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind:

Provided that no such answer, which a witness shall be compelled to give, shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

**133.** An accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

**134.** No particular number of witnesses shall in any case be required for the proof of any fact.

#### CHAPTER X.—OF THE EXAMINATION OF WITNESSES.

**135.** The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to Civil and Criminal Procedure respect-

ively, and, in the absence of any such law, by the discretion of the Court.

**136.** When either party proposes to give evidence of any fact, the Judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant, and the Judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first mentioned, unless the party undertakes to give proof of such fact and the Court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the Judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

#### Illustrations

(a.) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section thirty-two.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

(b.) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(c.) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The Court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(d.) It is proposed to prove a fact (A) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts (B, C and D) which must be shown to exist before the fact A can be regarded as the cause or effect of the fact in issue. The Court may either permit A to be proved before B, C or D is proved, or may require proof of B, C and D before permitting proof of A.

**137.** The examination of a witness by the party who calls him shall be called his examination-in-chief.

The examination of a witness by the adverse party shall be called his cross-examination.

The examination of a witness, subsequent to the cross-examination by the party who called the witness, shall be called his re-examination.

**138.** Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination, and if new matter is by permission of the Court introduced in re-examination, the adverse party may further cross-examine upon that matter.

III. **139.** A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

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Cross-examination of person called to produce a document.

Witnesses to character.

**140.** Witnesses to character may be cross-examined and re-examined.

**141.** Any question suggesting the answer which the person who puts it wishes or expects to receive, is called a leading question.

Leading questions.

**142.** Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief, or in a re-examination, except with the permission of the Court.

When they must not be asked.

The Court shall permit leading questions as to matters which are introductory or undisputed, or which have, in its opinion, been already sufficiently proved.

**143.** Leading questions may be asked in cross-examination.

When they may be asked.

**144.** Any witness may be asked, whilst under examination, whether any contract, grant or other disposition of property as to which he is giving evidence was not contained in a document; and if he says that it was, or if he is about to make any statement as to the contents of any document, which, in the opinion of the Court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Evidence as to matters in writing.

*Explanation.*—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

*Illustration.*

The question is, whether A assaulted B. C deposes that he heard A say to D—' B wrote a letter accusing me of theft, and I will be revenged on him.' This statement is relevant, as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

**145.** A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

Cross-examination as to previous statements in writing.

**146.** When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which

Questions lawful in cross-examination.

tend (1) to test his veracity, (2) to discover who he is and what is his position in life, or (3) to shake his credit by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

**147.** If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

When witness to be compelled to answer.

**148.** If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the Court shall have regard to the following considerations:—

Court to decide when question shall be asked and when witness compelled to answer.

(1.) Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(2.) Such questions are improper if the imputation which they convey relates to matters so remote in time or of such a character that the truth of the imputation would not affect or would affect in a slight degree the opinion of the Court as to the credibility of the witness on the matter to which he testifies.

(3.) Such questions are improper if there is a great disproportion between the importance of the imputation made against the witnesses' character and the importance of his evidence.

(4.) The Court may, if it sees fit, draw from the witnesses' refusal to answer the inference, that the answer if given would be unfavourable.

**149.** No such question, as is referred to in section 148, ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well-founded.

Question not to be asked without reasonable grounds.

*Illustrations.*

(a.) A barrister is instructed by an attorney or vakil that an important witness is a dacoit. This is a reasonable ground for asking the witness whether he is a dacoit.

(b.) A pleader is informed by a person in Court that an important witness is a dacoit. The informant on being questioned by the pleader gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a dacoit.

(c.) A witness, of whom nothing whatever is known, is asked at random whether he is a dacoit. There are here no reasonable grounds for the question.

III. (d.) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a dacoit.

150. If the Court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any barrister, pleader, vakil or attorney, report the circumstances of the case to the High Court or other authority to which such barrister, pleader, vakil or attorney is subject in the exercise of his profession.

Procedure of Court in case of question being asked without reasonable grounds.

151. The Court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the question before the Court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Indecent and scandalous questions.

152. The Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Questions intended to insult or annoy.

153. When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him; but if he answers falsely he may afterwards be charged with giving false evidence.

Exclusion of evidence to contradict answers to questions testing veracity.

*Exception 1.*—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

*Exception 2.*—If a witness is asked any question tending to impeach his impartiality and answers it by denying the facts suggested, he may be contradicted.

#### Illustrations.

(a.) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim. The evidence is inadmissible.

(b.) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(c.) A affirms that on a certain day he saw B at Lahore.

A is asked whether he himself was not on that day at Calcutta. He denies it.

Evidence is offered to show that A was on that day at Calcutta.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Lahore.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

(d.) A is asked whether his family has not had a blood feud with the family of B, against whom he gives evidence.

He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

154. The Court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Cross-examination by party producing witness.

155. The credit of a witness may be impeached in the following ways by the adverse party, or with the consent of the Court by the party who calls him :—

Impeaching credit of witness.

(1.) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit.

(2.) By proof that the witness has been bribed or has had the offer of a bribe, or has received any other corrupt inducement to give his evidence.

(3.) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted.

(4.) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

*Explanation.*—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief; but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

#### Illustrations.

(a.) A sues B for the price of goods sold and delivered to B. C says that he delivered the goods to B.

Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B.

The evidence is admissible.

(b.) A is indicted for the murder of B.

C says that B, when dying, declared that A had given B the wound of which he died.

Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence.

The evidence is admissible.

156. When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the Court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Corroborative facts are relevant.

#### Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

PART III.  
Ch. 10.—Ex-  
amination of  
Witnesses, ss.  
157—165.

PART III.  
Ch. 11.—Im-  
proper admis-  
sion and rejec-  
tion of evi-  
dence, s. 166.

**157.** In order to corroborate the testimony of a witness, any former statement made by such witness relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, may be proved.

**158.** A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transactions concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory.

The witness may also refer to any such writing made by any other person and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document: Provided the Court be satisfied that there is sufficient reason for the non-production of the original.

An expert may refresh his memory by reference to professional treatises.

**159.** A witness may also testify to facts mentioned in any such document as is mentioned in section 158, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

*Illustration.*

A book-keeper may testify to facts recorded by him in books regularly kept in the course of business if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

**160.** Any such writing as is mentioned in the last two sections must be produced and shown to the adverse party if he requires it, who may, if he pleases, cross-examine the witness thereupon.

**161.** A witness summoned to produce a document shall, if it is in his possession or power, bring it to Court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the Court.

The Court, if it see fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If, for such a purpose, it is necessary to cause any documents to be translated, the Court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence; and if the interpreter disobeys such direction, he shall be held to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

**162.** When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence if the party producing it requires him to do so.

**163.** When a party refuses to produce a document which he has had notice to produce, he cannot afterwards give the document as evidence without the consent of the other party or the order of the Court.

*Illustration.*

A sues B on an agreement and gives B notice to produce it. At the trial A calls for the document, and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

**164.** The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases in any form at any time of any witness or of the parties about any fact relevant or irrelevant; and may order the production of any document or thing: and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question:

Provided that the judgment must be based upon facts declared by this Act to be relevant, and duly proved.

Provided also that this section shall not authorize any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections 122, 123, 124, 125, 127, 128, 129, 130, or 131, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under sections 148 or 149; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.

**165.** In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses through or by leave of the Judge which the Judge himself might put and which he considers proper.

CHAPTER XI.—OF IMPROPER ADMISSION AND REJECTION OF EVIDENCE.

**166.** The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision; or that if the rejected evidence had been received, it ought not to have varied the decision.

## SCHEDULE.

Number and year.	TITLE.	Extent of repeal.	Number and year.	TITLE.	Extent of repeal.
Stat. 24, Geo. III, C. 57.	For the further regulation of the trial of persons accused of certain offences committed in the East Indies; for repealing so much of an Act made in the twenty-fourth year of the reign of his present Majesty (intituled an Act for the better regulation and management of the affairs of the East India Company, and of the British possessions in India, and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies), as requires the servants of the East India Company to deliver inventories of their estates and effects; for rendering the laws more effectual against persons unlawfully resorting to the East Indies; and for the more easy proof, in certain cases, of deeds and writings executed in Great Britain or India.	Section thirty-eight so far as it relates to Courts of Justice in the East Indies.	Stat. 14 & 15 Vic.	To amend the Law of Evidence.	Section eleven and so much of section nineteen as relates to British India.
			Act XV of 1852 ...	To amend the Law of Evidence.	The whole Act.
			Act XIX of 1853	To amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.	Section nineteen.
			Act II of 1855 ...	For the further improvement of the Law of Evidence.	The whole Act.
			Act XXV of 1861	For simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section two hundred and thirty-seven.
			Act I of 1868 ...	The General Clauses Act, 1868.	Section seven.

H. S. CUNNINGHAM,

*Offg. Secy. to the Council of the  
Govr. Genl. for making Laws and Regulations.*

## Government of Bengal.

## LEGISLATIVE DEPARTMENT.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 20th January 1872, and was referred to a Select Committee who are to report thereon after the 24th February next:—

## THE BENGAL MUNICIPALITIES BILL, 1872

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*A Bill to amend and consolidate the law relating to Municipalities.*

WHEREAS it is expedient to amend and consolidate the law relating to Municipalities within the territories subject to the government of the Lieutenant-Governor of Bengal, and to make better provision for the self-government of towns and places within the said territories, for the maintenance of police, for the conservancy and improvement of such towns and places, for the diffusion of education therein, and for other objects of utility calculated to promote the health, comfort, or convenience of the inhabitants of the said towns; It is enacted as follows:—

Short title.

1. This Act may be cited as the "Bengal Municipalities Act, 1872."

PART I.—PRELIMINARY.

Divisions of Act.

2. This Act shall be divided into thirteen several heads or parts:—

- the *first* relating to preliminary matters;
- the *second* relating to municipal authorities;
- the *third* relating to municipal taxation;
- the *fourth* relating to the mode of recovery of municipal taxes;
- the *fifth* relating to the municipal fund and its application.
- the *sixth* relating to the registration of births and deaths;
- the *seventh* relating to the municipal police;
- the *eighth* relating to the intervention by Government in municipal affairs.
- the *ninth* relating to various municipal regulations for conservancy and otherwise;
- the *tenth* relating to municipal markets;
- the *eleventh* relating to the jurisdiction of Commissioners in municipal and other cases;
- the *twelfth* relating to third class municipalities;
- the *thirteenth* relating to miscellaneous matters.

Context.

3. The following words and expressions in this Act shall have the several meanings hereby assigned to them, except where a different intention shall appear from the context, (that is to say)—

"Magistrate of the district" means the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

"Magistrate" means the officer exercising all or any of the powers of a Magistrate, and charged with the immediate executive administration in criminal matters in any sub-division of a district, within which any place to which this Act may be extended may be situated, by whatsoever designation such officer is called. In respect to any such place which is not situated within a sub-division of a district, the powers by this Act conferred on the Magistrate may be exercised by the Magistrate of the district or by a Joint-Magistrate.

"Sub-divisional officer" means the officer in executive charge of a sub-divisional district.

"Municipality" means any place to which this Act or part thereof shall have been extended. A Municipality created under this Act shall be distinguished as a first class Municipality, or as a second class Municipality, in manner as in the next succeeding section is provided. Any place to which Part XII of this Act shall have been extended shall be deemed to be a third class Municipality.

"The Commissioners" means the persons appointed or elected by the rate-payers to conduct the affairs of any Municipality under this Act, and shall include ex-officio Commissioners under this Act.

"House" includes any hut, shop, or warehouse.

"Place" includes any town, village, hamlet, suburb, bazaar, station, or tract of country.

"Land" includes fields, plantations, and gardens.

"Bazaar" includes any place of trade where there is a collection of shops or warehouses, and any place where a market is held.

"Road" means any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of way, together with such land (not being private property) whether covered or not by any pavement, verandah, or other erection or structure, as may be between the roadway and the main wall of any house or houses adjacent thereto; and also the roadway over any public bridge or causeway within the place; and the expression "in or near any road" designates any site within the place. Provided that nothing in this section shall be taken to interfere with any easement enjoyed by any person in respect of such land at the date of the passing of this Act.

"Owner" means the person for the time being receiving the rent of the land or premises, whether paid in money or in kind, or in charge of the thing in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the rent if such land or premises were let to a tenant. Provided that no person receiving the rent of land or premises as agent for another person shall be liable to make any outlay by this Act required to be made by the owner of such and or premises in excess of the amount of the funds, or of the value of the produce belonging to the owner which he may have in his possession; nor shall he be subject to any penalty if he can prove that he has made the outlay required to the extent of such funds.

"Official year" means the year beginning on the first day of April, or such other date as may hereafter be fixed by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*.

4. All the provisions of this Act, except those contained in Part XII, shall have effect in any place not being within the limits of the town of Calcutta and of the southern portion of Hastings as defined by Act V of 1868 (passed by the Lieutenant-Governor of Bengal in Council), to which the Lieutenant-Governor of Bengal may extend the same, and from such date as may by him be specified,

Limits of the operation of this Act.

Official year.

4. All the provisions of this Act, except those contained in Part XII, shall have effect in any place not being within the limits of the town of Calcutta and of the southern portion of Hastings as defined by Act V of 1868 (passed by the Lieutenant-Governor of Bengal in Council), to which the Lieutenant-Governor of Bengal may extend the same, and from such date as may by him be specified,

by notification in the *Calcutta Gazette*. Provided that every such notification shall specify such provisions of Parts IX and X of this Act as are thereby extended to such place, and all provisions contained in the two last mentioned parts as are not specially mentioned in the said notification shall be deemed to be of no force or effect whatever in the place to which such notification applies. From and after the date mentioned in the said notification such place shall be deemed and taken to be created a Municipality for the purposes of this Act; and it shall be lawful for the Lieutenant-Governor to define the limits of such Municipality, and from time to time to alter or amend such definition, and the Lieutenant-Governor shall declare at the time of extending the said Act to such place, whether the same shall, for the purposes of this Act, be a first class or a second class Municipality, and may at any time thereafter by notification alter the class. The Lieutenant-Governor may further, from time to time, by notification in the *Calcutta Gazette*, declare to be united for the purposes of this Act, any number of towns or villages or parts thereof; provided that no portion of this Act shall be extended to any village inhabited by persons more than one-half of whom may be employed in agriculture only, or dependent for support on lands so employed, or habitually exercising trades and occupations only for the use of persons so employed, except the provisions of Parts XII and XIII of this Act. All the provisions of Parts XII and XIII of this Act shall have effect in any place to which the same may be extended by the Lieutenant-Governor or by any officer empowered in that regard under Section 202 of this Act.

5. From and after the creation of any Municipality under the provisions of the next preceding section, the provisions of the Acts named in Schedule (A) hereto annexed shall cease to have effect therein, except as to any assessment made, or as to any act done, or as to any liability incurred, or as to any money due, or as to any proceedings theretofore commenced. Provided that the repeal by this Act of any enactment shall not affect any Act in which such enactment has been applied or referred to. And all references made to any of the Acts named in the said schedule in subsequent Acts, orders or contracts, shall be read, so far as the context will allow, as if made to this Act.

6. All lands, buildings, works, and hereditaments, utensils, materials, books, plans, maps, papers, effects, securities, and monies whether derived under the Acts mentioned in Schedule (A) appended to this Act, and other property, movable and immovable, of what nature or kind soever, and all interest therein, whether vested, contingent, or in remainder which shall, on the date on which this Act shall take effect in such town, be vested in, or held in trust for, the Commissioners or Committee appointed under any of the said Acts, who shall hereafter in this Act be designated the late Commissioners, or which would have been vested in, or held in trust for, such Commissioners but for the passing of this Act; and all such estate and interest of and in the same respectively as shall then be, or would have been in, or in trust for, the said late Commissioners or any of them, with all rights of way and other rights

and easements now used and enjoyed by the said Commissioners shall, on and from the date when this Act comes into operation in such town, be vested in the Commissioners under this Act and their successors; and all persons who shall then owe any money to the late Commissioners, or to any person on their behalf, shall pay the same to the Commissioners under this Act, or as they shall direct: and all monies which shall be then due, and owing by, or recoverable from, the late Commissioners, shall be paid by, or be recoverable from, the Commissioners; and all contracts, agreements, mortgages, bonds, covenants, and securities made or entered into before this Act comes into operation to, with, or in favor of, or by, or for, the said late Commissioners, or any of them, or any person on behalf of such late Commissioners; and all rights of action and suit arising out of contract or otherwise—shall take effect, and may be proceeded on and enforced, as far as circumstances will admit, in favor of, by, against, and with reference to the Commissioners under this Act in such manner as the same would have taken effect, and might have been proceeded on and enforced in favor of, by, against, and with reference to the said late Commissioners, or any of them, if this Act had not been passed.

7. No action, suit, prosecution, or other proceeding whatsoever, commenced or carried on either by or against the late Commissioners previously to the coming into operation of this Act, shall abate, or be discontinued, or prejudicially affected by this Act, but shall continue and take effect both in favor of and against the Commissioners, in the same manner in all respects as the same would have continued and taken effect in relation to the late Commissioners, or any of them, if this Act had not been passed: and all decrees and orders made, and all fines and penalties imposed and incurred, respectively, previously to the coming into operation of this Act, shall and may be enforced, levied, recovered, and proceeded for, and all administrative proceedings commenced previously to the coming into operation of this Act shall and may be continued, proceeded with, and completed in such or the like manner as if this Act had not been passed, the Commissioners under this Act being, in reference to the matters aforesaid, in all respects substituted for the late Commissioners.

## PART II.—MUNICIPAL AUTHORITIES.

### Chapter 1.

#### *Municipal Commissioners.*

8. In any Municipality created under Part I of this Act, the Lieutenant-Governor shall, if the same shall have been declared by him to be a first class Municipality, and the said Lieutenant-Governor or any officer whom the Lieutenant-Governor may authorize in that behalf shall, if the same shall have been declared by the said Lieutenant-Governor to be a second class Municipality, from time to time appoint or cause to be elected, in manner as hereinafter provided, not more than seven and not less than three persons to be Commissioners for carrying out in such Municipality the purposes of this Act.



9. No person shall be appointed a Commissioner or a Member of a Ward Committee under this Act in any Municipality, who does not either reside or hold land or buildings therein or within five miles from any part of the limits thereof: provided also that when the mode of municipal taxation to be adopted therein shall have once been determined, no person shall be appointed therein a Commissioner or member of a Ward Committee who does not pay municipal taxes to the Commissioners thereof. Subject to the provisions of Section 12 every person so appointed shall continue in office three years, or until his successor shall have been appointed, and shall be eligible for re-appointment. The Lieutenant-Governor may from

time to time accept the resignation of any such Commissioners or Commissioner, or may remove any such Commissioners or Commissioner for misconduct or neglect of duty, add to their number, and fill up vacancies occurring among them.

10. In addition to the Commissioners to be appointed or elected as aforesaid, the Magistrate of a district and the Magistrate in charge of a sub-division of a district, shall be ex-officio Commissioners of every Municipality situated within their respective jurisdictions, and it shall further be competent to the Lieutenant-Governor to appoint as a Commissioner of any such Municipality any officer in the service of Government holding a salaried office in the district in which the same is situate: provided that not more than one-third of the whole number of Commissioners shall be persons holding salaried offices in the service of Government, unless such persons be elected to be Commissioners under any of the provisions in this Act contained.

11. If at any time it shall appear to the Lieutenant-Governor of Bengal to be advisable that a certain number of the Commissioners of any Municipality shall be elected by the rate-payers, it shall be competent to the said Lieutenant-Governor to take measures for the election of such Commissioners by the rate-payers, subject to such rules in regard to qualification, election, and discharge, as he may think fit. Subject to the provisions of Section 12 the persons so elected shall continue in office for the term of three years, or until their successors have been elected, and shall be eligible for re-election. The Lieutenant-Governor may from time to time accept the resignation of any of the Commissioners so elected, or may remove any of such Commissioners for misconduct or neglect of duty, and may provide for filling up vacancies by election.

12. When Municipal Commissioners or any Ward Committee shall be for the first time appointed or elected in any Municipality, such number of the members thereof as the Commissioner of the Division may determine, and being not more than one-third of the whole, shall retire at the end of one year, and another equal number at the end of two years, and the rest at the end of three years, to be computed from the first day of the official year next following the date of the appointment or election of such Commissioners or Committee. The members who shall retire at the end of the first and

second years respectively shall be decided by lot. But the ex-officio members appointed under Section 10 of this Act shall not be liable to retirement under this Section. Any person appointed or elected to a vacancy caused by the withdrawal, or removal, or death of another member shall fill such vacancy for the unexpired remainder of the term for which the outgoing member, may have been elected or appointed. The Chairman shall keep a roll in which the names of the Commissioners shall be entered in order of seniority according to the dates of their appointment or election. In case of two or more Commissioners being appointed or elected on the same day, the Chairman shall decide the order of seniority between them.

13. The Magistrate of a district, or the Magistrate in charge of a sub-division, if delegated by the Magistrate for the purpose, shall be ex-officio Chairman of the Commissioners for any Municipality situate within the district or sub-division under his charge. The Commissioners shall elect their own Vice-Chairman, who shall hold office for one year from the date of his election, and who shall be eligible for re-election at the end of such year.

14. The Commissioners shall have and use a common seal, and shall have their names engraved thereon in legible characters in the English language, and also in the vernacular language of the district. All contracts entered into in respect of any sum exceeding twenty rupees shall be in writing, and shall be sealed with the common seal of the Commissioners, and on their behalf, in the presence of at least two of the Commissioners, one of whom shall be the Chairman, or in the absence of the Chairman, the Vice-Chairman, who shall certify the same by affixing their signatures as witnesses at the foot of the instruments. All such contracts shall be varied or discharged in a similar manner.

15. The Commissioners shall sue and be sued in the name of their Chairman by the description of "The Chairman of the Commissioners of," and in such name so described, they shall be competent to hold property, movable and immovable, to them and their successors as a body corporate, and to convey the same and to enter into all necessary contracts for the purposes of this Act.

## CHAPTER 2.

### *Property and Contracts of the Commissioners.*

16. All public streets in any Municipality (not being private property) existing at the time this Act comes into operation, or which shall afterwards be made, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in and belong to the Commissioners and their successors. But it shall be competent to Government from time to time, by notification, to exclude any road or street from the operation of this Act, and to cancel such notification wholly or in part.



17. It shall be lawful for the Commissioners to agree with the person or persons in whom the property in any street is vested, to take over the property therein, and after such agreement to declare, by notice in writing put up in any part of such street, that the same has become a public street. Thereupon such street shall vest in the Commissioners and their successors, and shall thenceforth be repaired and kept up out of the Municipal Fund.

18. All or any hospitals, dispensaries, schools, rest-houses, markets, tanks, and wells, not being private property, or the property of a religious institution or society, and all medicines, furniture, and other articles appurtenant thereto, not being private property, which at the time this Act comes into operation in any town, shall be found therein, may, by notification of the Lieutenant-Governor, be vested in the Commissioners, and thereupon all endowments or funds belonging to such hospitals, dispensaries, schools, or rest-houses shall be transferred to and vested in the Commissioners as trustees, to hold and apply the same to the purposes to which such endowments and funds were lawfully applicable at the time of such transfer. Provided always that no such notification shall be issued until one month after the intention to transfer such property shall have been notified in English and in the vernacular language of the district in such manner as the Lieutenant-Governor shall from time to time direct.

19. The Commissioners may agree with the owners of any land for the purchase thereof for the purposes of this Act, and may sell any land not required for such purposes either together or in parcels, and the proceeds of such sale shall be applied for the purposes of this Act.

20. When the Commissioners may be unable to agree with the owner of any land for the purchase thereof, the Lieutenant-Governor of Bengal may, upon representation of the Commissioners, and after such enquiry as may be thought proper, declare that the land is needed for a public purpose, and may order proceedings for obtaining possession of the same for the Government, and for determining the compensation to be paid to the parties interested, according to any law now or hereafter to be in force for the acquisition of land for public purposes. On payment by the Commissioners of the compensation awarded, such land shall vest in them for the purposes of this Act.

### CHAPTER 3.

#### *Their mode of transacting business.*

21. The Commissioners shall keep an office where they shall meet for the transaction of business at least twice in every month, and as often as a meeting shall be called by the Chairman or Vice-Chairman, and all questions which may come before them at any meeting shall be decided by a majority.

22. The Chairman, or, in his absence, the Vice-Chairman, shall preside at every such meeting, and in the absence of both the Chairman and Vice-Chairman, the Commissioners shall choose some one of their number to preside. In cases of equality of votes the President shall have a casting vote.

23. No business shall be transacted at a meeting unless at least four Commissioners be present.

24. In any case of emergency, the Chairman, or, in his absence, the Vice-Chairman, shall exercise all the powers vested by this Act in the Commissioners.

Provided that it shall not be lawful for the Chairman or the Vice-Chairman to exercise any power which it is by this Act expressly declared shall be exercised by the Commissioners at a meeting. Any Chairman or Vice-Chairman acting under this section shall inform the Commissioners thereof at the next meeting held thereafter.

25. The Chairman shall from time to time appoint all such overseers, clerks, and subordinate officers and servants as he may think necessary and proper to assist in the execution of this Act, and may from time to time remove any of such persons and appoint others in their places. And out of the Municipal Fund he shall pay, or cause to be paid, such salaries to the said persons respectively, as may from time to time be determined by the Commissioners at a meeting; or, in case of absence on leave, such portion thereof as may appear to the Commissioners to be reasonable. He may, with the sanction of the Commissioners, make such rules as he may think fit as to the manner in which, and as to the persons by whom, all duties connected with the collection of the tax or the preparation of the assessment, shall be performed, provided such rules be in all respects consistent with the provisions in this Act contained. Provided that no salary amounting to more than one hundred and fifty rupees a month shall be assigned to any officer or clerk by Municipal Commissioners under this Act without the sanction of the Commissioner of the Division. He shall also take from every collector of Municipal taxes, duties, or tolls, such security for the sums collected by him as he may think proper.

### CHAPTER 4.

#### *Ward Committees.*

26. It shall be lawful for the Magistrate, on the recommendation of the Commissioners at a meeting, to divide any Municipality into wards, and thereupon there shall be appointed for each ward not less than three persons qualified to be Commissioners, whether such persons be or be not Commissioners for the time being, to be members of the Ward Committee, and the said Magistrate may define the limits of the ward for which any Ward Committee may be appointed or elected. All question regarding the removal, resignation, and filling up vacancies among the members of Ward Committees shall be settled by the Commissioner at a meeting.

**27.** A Ward Committee shall exercise, within the limits of their ward, as defined by the Magistrate, all or any of the powers of Commissioners described in Sections 25, 52, 53, 61 to 68 inclusive, 113, 115, and in such sections of Part IX of this Act as shall be in force within the municipality, which the Commissioners at a meeting shall have delegated to them. Sections 21, 22, and 24 of the Act shall, as far as may be convenient, be applicable to Ward Committees.

**28.** The Chairman of each Ward Committee shall be appointed by the man of Ward Committees. Chairman of the Commissioners, and each Ward Committee may, if it see fit, elect their own Vice-Chairman from among their own number.

CHAPTER 5.

*General Provisions.*

**29.** No Commissioner or member of a Ward Committee shall be personally liable for any contract made, or expense incurred by or on behalf of the Commissioners, but the funds, from time to time in the hands of the Commissioners, shall be liable for, and chargeable with, all contracts and expenses duly incurred as aforesaid. Every Commissioner or member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners, to which he shall have been a party, and he shall be liable to be sued for the same.

**30.** No Commissioner or member of a Ward Committee, or servant of the Commissioners or Committee, shall be interested, directly or indirectly, in any contract made with the Commissioners. And if any such person be so interested, he shall thereby become incapable of continuing in office or employment, and shall be liable to a fine not exceeding five hundred Rupees. Provided always that no person by being a shareholder in, or member of, any incorporated or registered company, shall be disqualified from acting as a Commissioner or member of a Ward Committee by reason of any contract entered into between such company and the Commissioners. Nevertheless, it shall not be lawful for such shareholder or member to act as a Commissioner or member of a Ward Committee in any matter relating to any contract entered into between the Commissioners and such company.

PART III.—MUNICIPAL TAXATION.

CHAPTER I.

*Power of the Commissioners to impose Taxes, Duties, and Tolls.*

**31.** It shall be lawful for the Commissioners of any Municipality at a meeting to impose, within the limits of such Municipality, any one or more of the following taxes, duties, and tolls, at such rate as the Commissioners shall see fit, not exceeding the maximum in any case hereinafter mentioned and prescribed:—But no tax duty or toll imposed by the Commissioners under this section shall

be levied until the sanction of the Lieutenant-Governor shall have been obtained to such levy:—

(a)—An annual tax on persons residing in or owning property in the Municipality, according to the circumstances and the property to be protected of the persons liable to pay the same. Provided that no person who resides outside the limits of the Municipality shall be assessed according to his circumstances, but only in regard to the property which he possesses within the Municipality; and that the average annual tax on each holding shall not exceed Rs. 4 in Municipalities of the first class, and Rs. 2 in Municipalities of the second class.

(b)—A tax not exceeding 7½ per cent. on the annual value of houses, buildings, and lands situated within the limits of the Municipality exceeding Rs. 6 per annum, to be paid by the owners thereof.

(c)—A tax on carriages, horses, and elephants, kept or used within the limits of the Municipality; and a fee on the registration of carts and other vehicles.

(d)—A tax on trades and callings carried on and exercised within the said limits.

(e)—A tax on processions, and any public ceremonies not exclusively religious, and requiring the attention of the police, and performed within the said limits.

(f)—Duties on articles entering the limits of the Municipality, or dues on articles sold at markets or hâts, according to a table of rates sanctioned by the Lieutenant-Governor, and subject to such rules and exceptions as the Lieutenant-Governor shall direct.

(g) Tolls on vehicles and beasts of burden entering the limits of the Municipality, according to a scale sanctioned by the Lieutenant-Governor; and tolls on ferries within the said limits.

CHAPTER 2.

*Taxes on persons.*

**32.** When it shall have been determined that an annual tax on persons according to their circumstances and property shall be imposed under this Act in any Municipality, the Commissioners or the Ward Committee shall prepare an assessment in respect thereof upon the several persons liable to be assessed within the Municipality or Ward for which such Commissioners or Committee shall be appointed, and shall prepare a list which shall specify every parcel of land, house, or other holding on account of the occupation of which any person is liable to be assessed, the name of the person liable to be assessed in respect of each such holding, the trade, business, or other description of such person, and the amount payable quarterly by such person. It shall be competent to the Commissioners or to a Ward Committee or to the Magistrate to omit from the list prepared under this section any person who may by them or him be deemed too poor to be assessed to the tax leviable under this Chapter.

**33.** *The Commissioners or the Ward Committee shall, if the Commissioners so decide, instead of preparing a new assessment for any year, revise and amend the assessment then in force.*

Existing assessment may be revised.

**34.** *When any assessment shall have been prepared, or shall have been revised and amended by any Ward Committee, such Ward Committee shall forthwith forward to the Commissioners the list containing the same, and such Commissioners shall examine, and, if necessary, amend and settle it.*

Commissioners to examine assessment of Ward Committee.

**35.** *When an assessment shall have been prepared or revised and amended directly by any Commissioners, and not by a Ward Committee, such Commissioners shall forward to the Magistrate a list containing the same, and the Magistrate shall examine, and, if necessary, amend and settle it.*

Magistrate may amend and settle assessment as made or revised by the Commissioners.

**36.** *When the assessment in any Municipality shall have been so made and settled as provided by the preceding sections, the Magistrate shall sign the list, and shall cause one copy thereof, together with a notification in the form in Schedule (B) to this Act annexed, or to the like effect, and written in the language of the province in which such Municipality is situate, to be put up in some conspicuous place therein or in the division thereof for which such assessment has been made; and a written copy of the said list to be deposited in his own office. So soon as the copies of the list shall have been so hung up and deposited, public proclamation shall be made throughout such Municipality by beat of a drum notifying that such copies have been so hung up and deposited, and that the copy so deposited in the Magistrate's office is open to inspection.*

Assessment to be published.

**37.** *Unless and until revised and amended as herein is provided, every assessment, as settled under Section 34 or Section 35, shall be valid for three years, and until a new assessment shall be made. In case the occupant of any property included in any assessment shall be changed before a new assessment be made, the new occupant shall be liable in respect of such property for any portion of the amount so assessed which shall have become payable during his occupation; and after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupant.*

Assessment to stand good for three years.

Change of occupation before a new assessment.

**38.** *Whenever the period for which any assessment is valid, as provided in Section 37 of this Act, shall be about to expire, notwithstanding anything hereinbefore contained, it shall be lawful for the Magistrate, instead of requiring any Commissioners or Ward Committee to prepare a new assessment, or to revise and amend the assessment then in force, to adopt the said assessment as the assessment for the year next following.*

Power to adopt old assessment.

**39.** *If no new assessment be made and published before the expiration of the first three months of any year, for which no assessment valid under the provisions of Section 37 shall be in force, the assessment which was in force at the close of the preceding year shall be deemed to be the assessment for the current year.*

Old assessment to be continued if new not made.

**40.** *As soon as possible after an assessment shall have been adopted under Section 38, or shall have taken effect for the current year under the last preceding section, the Magistrate shall, in the manner provided in Section 36 for giving public notice that copies of the list of assessment have been hung up and deposited, give public notice that the assessment in force at the close of the preceding year will continue to have effect during the current year, but it shall not be necessary to hang up fresh copies of such list; and every person whose assessment may be so continued shall be at liberty to appeal against such assessment as if it were a new assessment made upon him.*

Notice of adoption of old assessment to be given.

**41.** *Any person who shall have been assessed by any Commissioners, of whom the Magistrate has not been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property, or his liability to be assessed, may appeal on unstamped paper to such Commissioners at a meeting; and in case such Commissioners shall not grant the prayer of such appeal, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary, by examination of the appellant on oath or solemn affirmation or otherwise, may confirm the assessment or amend the same. In case the Magistrate confirm the assessment, he may order that the appellant shall pay such reasonable costs as may have been incurred in the proceedings on his appeal. The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other court. Provided that no appeal shall be received after the expiration of one month from the time of the notification of the assessment prescribed by Sections 36 or 40 or of the notification of the substitution of the name of an occupier under Section 37, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.*

Appeal from assessment made by Commissioners.

Limitation of appeal.

**42.** *Any person who shall have been assessed by Commissioners of whom the Magistrate has been appointed a member, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may apply to the Commissioners for a review of the assessment so far as regards himself; and with regard to such applications, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41,*

Appeal against assessment when Magistrate a member of committee.

and the orders passed by the Commissioners on such application shall have the same effect and finality as orders passed by the Magistrate under the said section. Applications under this section to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under Section 41.

**43.** Any person who shall have been assessed by a Ward Committee, and who shall be dissatisfied with his assessment, or who shall dispute his occupation of any property or his liability to be assessed, may appeal to the Commissioners. And with regard to such appeals, the Commissioners at a meeting shall proceed as the Magistrate is directed to proceed in Section 41, and the orders passed by the Commissioners at a meeting on such appeals shall have the same effect and finality as orders passed by the Magistrate under the said section. Appeals to the Commissioners at a meeting shall be subject to the same limitation of time as appeals to the Magistrate under the said section.

**44.** It shall be lawful for the Magistrate at any time to require any Commissioners or Ward Committee, as the case may be, to make an assessment on account of the occupation of any house which may have been constructed, or any house or other holding which may have become liable to assessment after the general assessment which may then be in force shall have been made, or which may have been by mistake or accident omitted from such assessment. Notice of the amount assessed in accordance with such requisition shall be given to the person so assessed, who may appeal or apply against such assessment according to the provisions of Sections 41, 42, or 43, within one month after the service of such notice.

**45.** It shall be lawful for any person upon whom any assessment shall have been made, who shall, during the period for which such assessment is valid have ceased to occupy any property in respect to which he may have been assessed, or whose property to be protected, and circumstances may have changed during the period aforesaid, to apply on unstamped paper to the Commissioners; and in case such Commissioners shall not grant the prayer of such application, such Commissioners shall submit the decision of the matter to the Magistrate, and the Magistrate, after making such inquiries as he may deem necessary by examination of the applicant on oath or solemn affirmation, or otherwise, may amend the assessment of such applicant as to him shall appear just, or may confirm the same; and in case he shall confirm the said assessment, may order that the applicant shall pay such reasonable costs as may have been incurred by reason of such application. The decision of such Magistrate upon such application shall be final.

**46.** The Commissioner of the division, with the sanction of the Government, may at any time direct the Magistrate to revise, or to cause to be revised by the Commissioners or Ward Committee,

the assessment of any Municipality, specifying the reasons which, in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise, and if necessary amend the same, or cause it to be revised and amended.

CHAPTER 3.

*Taxes on houses.*

**47.** When it shall be determined that a tax on the annual value of houses, buildings, and lands shall be imposed in any Municipality, such tax shall be paid by the owners of such houses, buildings, and lands by quarterly instalments, except as hereinafter provided.

**48.** The gross annual rent at which the houses, buildings, and lands liable to the tax may be reasonably expected to be let, shall be deemed to be the annual value of such houses, buildings, and lands, and such value shall accordingly be fixed by the Commissioners from year to year, commencing from the date on which this Act shall have come into operation.

**49.** Whenever any house or building belongs to one owner, and the ground on which the same stands, and which is usually occupied therewith, belongs to another, it shall be lawful for the Municipal Commissioners to assess such house or building and ground together at one consolidated rate. The amount so assessed shall be payable by the owner of the house or building, who shall thereafter be entitled to deduct from the rent which he pays for the ground, such proportion of the tax so paid by him as is equal to the proportion which his rent bears to the annual value of the whole property assessed.

**50.** If the sum due on account of any tax from the owner of any house, building or land remains unpaid after the notice of demand has been duly served, and such owner be not resident within the place, or the place of abode of such owner be unknown, the Municipal Commissioners may demand the amount from the occupier for the time being of such house, building, or land, and on non-payment thereof, may recover the same by distress and sale of any goods and chattels found on the premises, and whenever such tax shall be paid by or recovered from such occupier, he may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him. Provided that no arrear of rate, which has remained due from the owner of any house, building, or land for more than one year, shall be so recovered from the occupier thereof. Provided also that if the tax so deducted is a consolidated tax payable by the owner of a house or building under the next preceding section, the same shall, after such deduction, be deemed to have been paid by such

owner within the meaning of the last mentioned section.

51. The Commissioners shall, at a meeting to be held as soon as may be after their appointment, assess or determine the rate of such annual tax to be levied from the date on which this Act may come into operation till the expiration of the current year, and at a meeting not less than fifteen days before the expiration of each year, shall determine the rate of such tax for the ensuing year.

52. The Commissioners may require the respective owners or occupiers of the houses, buildings, and lands to furnish them with returns of the measurements and of the rent or annual value thereof, and they, or any person appointed by them for that purpose, at any time between sun-rise and sun-set, may enter, inspect and measure any such houses, buildings or lands, after having given forty-eight hours' previous notice of their intention to the occupier thereof. When the valuation of the houses, buildings, and lands, shall have been completed, the Commissioners shall cause lists containing the valuation and assessment to be made out, and shall give public notice thereof, and of the place where the lists or copies thereof may be inspected; and every person claiming to be the owner or occupier of property included in the assessment, or the agent of such person, shall be at liberty to inspect such lists, and to make extracts therefrom, without the payment of any fee.

53. The Commissioners shall at the same time give public notice of a day and hour, not being less than fifteen days from the publication of such notice, when they will proceed to revise the said valuation and assessment; and in all cases in which any property is for the first time valued, or the valuation is increased, shall give special notice thereof to the owners or occupiers of such property. All appeals against such valuation and assessment shall be made at or before the time fixed in the notice.

54. After the appeals have been inquired into, and after the revision of the valuation and assessment has been completed, the amendments made in the lists shall be authenticated by the signature of not less than three of the Commissioners, who shall at the same time certify under their signatures that no valid objection has been made to the valuation and assessment in the said lists, except in the cases in which amendments have been made as shown 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 for which the assessment shall be made. Provided always that the Chairman or Vice-Chairman may at any time amend the said lists by inserting therein the name of any person whose name ought to be so

inserted, or by inserting any property liable to the tax, after giving notice to such person as may be interested in the making of the amendment, of a day not being less than fifteen days from the date of the service of such notice, when such amendment is to be made, or by striking out any property not liable to the tax, or reducing the amount of the tax, without notice; and in all cases in which any property is inserted as liable to the tax, the amendment shall be considered to have been made at the expiration of fifteen days from the time when the person interested first received notice thereof; and any person interested in such amendment may appeal to the said Commissioners by application in writing left at their office three days before the day fixed in the notice of such amendment.

55. It shall not be necessary to prepare new lists, or to determine the rate of the tax every year, but the Commissioners may adopt the valuation and assessment contained in the lists for the preceding year (with such alteration as may in particular cases be deemed necessary), as the valuation and assessment for the year following. Provided that public notice of such valuation and assessment shall be given in the manner prescribed in Section 53 of this Act.

56. Appeals against any tax assessed under this Act shall be heard and determined by not less than three Commissioners and their adjudication, and the assessment by the Commissioners of any tax when no appeal is made as hereinbefore provided, shall be final; and no person shall contest any assessment in any other manner than by appeal as hereinbefore provided.

57. When any house shall have been vacant for sixty or more consecutive days during any year, the Commissioners shall remit so much of the tax of that year as may be proportionate to the number of days the said house may have remained unoccupied; provided that the owner of such house, or his agent, shall have given to the Commissioners notice in writing of the vacancy thereof, and that the amount of tax to be remitted shall be calculated from the date of the delivery of such notice.

#### CHAPTER 4.

##### *Taxes on carriages and wheeled vehicles.*

58. When it shall be determined that a tax on carriages, horses, and elephants shall be imposed in any Municipality, the Commissioners shall declare at what rates, not exceeding the rates given in Schedule (C) to this Act annexed, such tax shall be imposed on all carriages, horses, and elephants kept within the limits of such place; and thereupon such tax shall be payable quarterly. Provided that this section shall not apply to, or include, gun-carriages, or ordnance carts or wagons; cavalry horses or horses of the mounted police; horses belonging to officers

doing regimental duty, at the rate of one horse for each officer; vehicles, horses, or elephants belonging to the Government; vehicles and horses kept for sale, and not used for any other purpose, if kept by *bond fide* dealers.

59. Every person who may have owned or had charge of any carriage, horse, or elephant, kept within such place for any number of days in any quarter, shall be liable to the whole tax for that quarter; but if a carriage shall have been under repair for the whole quarter, no tax shall be leviable in respect of such carriage for that quarter.

Ownership for any number of days in a quarter creates liability to the tax for the whole quarter.

Exemption of carriages under repair.

60. Whenever the owner of the carriage, horse, or elephant, let out for hire, and kept for the time being in premises situated within any place shall not reside in such place, the carriage, horse, or elephant shall be recoverable from the person in whose premises it is for the time being kept.

Carriage, &c., let for hire within any defined place, although owned by persons not residing therein, liable to the tax.

61. The Commissioners at their discretion may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such person, in lieu of the rates specified in the schedule.

Commissioners may compound with livery stable-keepers.

62. The Commissioners shall from time to time cause to be prepared and entered, in distinct columns, in a book to be kept by the Commissioners, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax thereon.

List of persons liable to tax to be prepared.

63. In order to enable the Commissioners to have such list prepared, the Commissioners, or any officer authorized by them, may send to all persons supposed to be liable to the payment of the tax, a schedule to be filled up with such information respecting the carriages and animals kept by them as the Commissioners may judge necessary for the assessment of the tax. The schedule shall be filled up in writing, and signed and dated and returned to the office of the Commissioners by every person to whom it is sent, whether or not liable to the payment of the tax.

Returns may be required for purpose of making list.

64. The Commissioners may summon any person supposed to be liable to the payment of the tax, or any servant of such person, and may examine such person or his servant as to the number and description of the carriages and animals in respect of which such person is liable to be assessed, and such person or his servant shall answer such questions as may be put to him by the Commissioners.

Power to summon persons liable to tax.

65. Any person who may dispute his liability to the payment of such tax, or the amount of any such assessment, may appeal to the Commissioners: provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Appeal against assessment may be made to Commissioners.

Proviso.

66. Appeals against any such assessment shall be heard and determined by not less than three Commissioners, and their adjudication upon every such appeal shall be final, and no person shall contest any assessment so made in any other manner than by appeal to the Commissioners as hereinbefore provided.

Commissioners' decision final.

*Registration of wheeled vehicles.*

67. It shall be lawful for the Commissioners of any Municipality at a meeting, with the sanction in writing of the Lieutenant-Governor first obtained, to declare and direct, by notification published in such manner as the Lieutenant-Governor may order, that every cart, hackery, and other wheeled vehicle without springs kept and used within, or let for hire within or without such place, and used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct. Provided that this section shall not apply to, or include carts, hackeries, or other such vehicles as aforesaid kept at more than two miles distance from the said place and used only temporarily or casually in the place, or to carts, hackeries, or other wheeled vehicles without springs, the property of Government or of the Commissioners.

Registration and number of hackeries, &c.

68. The registration of carts, hackeries, and other vehicles under the last preceding section shall be made, and the numbers assigned half-yearly, upon such days as the Commissioners shall notify, and such fee as they shall fix, not exceeding one rupee, shall be paid for each registration. Any person becoming possessed, between the first day of January and the first day of July, or between the first day of July and the first day of January of any such cart, hackery, or other vehicle which has not been registered for the then current half-year, shall, within a week of becoming so possessed, register the same, and the Commissioners shall grant registration in any such case, on payment of a fee for the unexpired portion of the current half-year, calculated at the rate of the fee to be fixed as aforesaid. When any registered cart, hackery, or other vehicle is transferred within any half-year it shall be registered anew in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Fee for registration.

69. Whoever owns or keeps any cart, hackery, or other wheeled vehicle without springs, required under the provisions of this Act to be registered, without having caused

Penalty for not registering a cart or hackery.

the same to be registered under the last preceding section, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the usual registration fee, and the Magistrate may seize and detain the vehicle. If the vehicle seized be not claimed, and the fine be not paid within ten days, such vehicle, together with the animals seized with it (if any), may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and to the costs and charges incurred on account of the seizure, detention, and sale, and the surplus (if any), if not claimed by the owner or the person keeping such cart, hackery, or other vehicle within a further period of twenty days, shall become vested in the Commissioners, and be employed for the purposes of this Act.

#### CHAPTER 5.

##### *Taxes on trades and callings.*

**70.** When it shall be determined that a tax on trades and callings shall be imposed in any town, such determination shall be notified, in such manner as the Lieutenant-Governor may direct, and from the 1st day of April next following such notification, every person who shall within the town exercise any of the professions, trades, or callings specified in Schedule (D) to this Act annexed shall take out a license, and shall pay for the same an annual fee not exceeding such sum as in the said schedule is mentioned. The table of fees leviable under this chapter shall be fixed from time to time by the Commissioners, subject to the confirmation of the Lieutenant-Governor.

**71.** Every license under the next preceding section shall be granted by the Commissioners, or by some person duly authorized by them in that behalf, and shall specify the date of the grant thereof, the true name of the person to whom the license is granted, and the sum paid for such license.

**72.** Every license shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such license which shall be granted before the 1st day of January next following the notification shall expire on that day, and every such license which shall be granted upon or at any time after that day, shall expire on the 31st day of December next after the day of the granting thereof.

**73.** Every person to whom such license shall be granted, and who shall be desirous of continuing to exercise his profession, trade, or calling after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same from year to year so long as he shall desire to continue such profession, trade, or calling.

**74.** The Chairman, or in a first class municipality a sub-committee of the Commissioners, shall determine under which of the classes mentioned in the Schedule (D) to this Act annexed every person to whom a license may be granted shall be assessed. The Commissioners at a meeting shall from time to time declare what are to be considered bazaars, hâts, or public markets, within the meaning of this Act.

**75.** As soon as may be after the first day of September in every year, the Chairman shall prepare a list of the persons licensed under this Act, which list shall state the profession, trade, or calling of each of the persons therein named, the class under which he is assessed, and the sum paid by him in respect of his license, and such list shall be filed in the office of the said Commissioners, and be open to public inspection at all reasonable times.

**76.** If at any time after three months have elapsed from the day of the date of the said notification, any person within the said limits shall exercise his profession, trade, or calling without having duly taken out a license as required by Section 69, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding three times the amount which, in the judgment of such Magistrate, would have been payable by such person in respect of a license duly taken out as aforesaid.

**77.** Any person required by Section 69 to take out a license, who shall, without reasonable excuse, neglect or refuse to produce and show his license when required so to do by an officer duly empowered in writing by the Commissioners to make such requisition shall, on conviction before a Magistrate, be liable to a penalty not exceeding one hundred Rupees.

#### CHAPTER 6.

##### *Taxes on processions, &c.*

**78.** When it shall have been determined that a tax shall be levied in any Municipality on processions and any public ceremonies not exclusively religious, such determination shall be duly notified, and from the date of such notification no person shall organise or conduct a procession or public ceremony within the limits of such Municipality without first taking out a license from the Commissioners. Licenses under this section shall be granted at the following rates namely:—

	Rate of license.
License for a procession or ceremony whereat elephants are to be used, or fire-works are to be displayed, or guns fired ...	100 Rs. for each day.
License for a procession or ceremony whereat more than two hundred persons are to attend ...	50
License for a procession or ceremony whereat more than fifty and not more than two hundred persons are to attend ...	10
License for a procession at which less than fifty people are to attend ...	3



**79.** Any person who may organize or conduct a procession within the limits of such Municipality without first obtaining a license, shall be liable, on conviction before a Magistrate, to a fine not exceeding three times the amount of the license fee payable in respect thereof under the next preceding section. Any police officer above the grade of constable may call upon the conductor or organizer of a procession to produce his license, and if the license be not produced, he shall report the circumstances to the Commissioners or to the Magistrate; but he shall not arrest any one or stop the procession, unless he is unable to ascertain the name and address of the organizer of the procession. In the case of processions connected with marriage or betrothal the nearest adult male relative, or the guardians of the bride and bridegroom, or of the betrothed parties, shall, unless the contrary be proved, be deemed to have organized or conducted the procession.

CHAPTER 7.

*Duties on articles.*

**80.** When it shall have been determined that duties shall be levied on articles entering within the limits of any Municipality, the Commissioners shall prepare and submit for the Lieutenant-Governor's approval a schedule of proposed rates for the levy of such duties, and shall prepare and submit as aforesaid bye-laws which shall provide for the collection and realization of such duties, for penalties for non-payment, and for exempting all through traffic from taxation, and for refunding the duty levied on duty-paid goods which are taken out of the municipal limits. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws: provided that no duty shall be levied on any article at a rate exceeding two per centum on the average value of such article. The rates and bye-laws for any Municipality shall, when finally approved, be published in such Municipality in such manner as the Lieutenant-Governor may direct.

**81.** When it shall have been determined that market dues shall be levied upon the sale of goods at any periodical market within the limits of any Municipality, the Commissioners shall prepare and submit a schedule of rates for the levy of such dues, and shall prepare and submit bye-law for the collection and realization of such dues and for penalties for non-payment. It shall be lawful for the Lieutenant-Governor to modify and to approve such rates and bye-laws, provided that such dues shall in no case exceed one quarter of an anna in every rupee of the price for which such goods may be sold.

**82.** It shall be lawful for the Commissioners, with the sanction of the Lieutenant-Governor, to lease out for any term not exceeding three years, the collection of duties or dues under the two next preceding sections. Such lease shall be subject in all respects to the rates and bye-laws passed under the said sections.

CHAPTER 8.

*Tolls.*

**83.** When it shall have been determined that Municipal Funds shall be raised by tolls on ferries within the limits of a Muni-

cipality the Commissioners shall notify the ferry or ferries at which such tolls shall be levied; and shall also notify such rates of tolls as the Lieutenant-Governor may from time to time sanction. A table of tolls, written or printed, in the English and native languages, shall be hung up in some conspicuous place near every ferry so as to be easily read by all persons crossing at the ferries.

**84.** Every toll-keeper or ferry lessee who shall neglect to hang up and keep in good order and repair such table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding ten Rupees.

**85.** Every toll-keeper or ferry lessee who shall ask or take any toll other than the lawful toll, or who shall without due cause delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding fifty Rupees.

**86.** Every person crossing at any such public ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any toll-keeper or any of his assistants in any way in the execution of their duty under this Act; and every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any public ferry, or who shall maliciously remove, alter, destroy, or damage any table of tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding fifty Rupees over and above the value of the damage, if any, which he has done.

**87.** The Commissioners may make rules, subject to confirmation by the Lieutenant-Governor, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any public ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the ferry-boats in good order, and otherwise for the due discharge of their duty by all tindals, toll-keepers, and other persons employed at any public ferry: and any tindal, toll-keeper, or other person infringing or disobeying any such rule, shall be liable to a penalty not exceeding twenty Rupees, and also to make good any loss or damage caused thereby, the amount of which shall be summarily ascertained by the Magistrate, within whose jurisdiction the offence was committed, and such amount may be recovered as any penalty under this Act may be recovered.

**88.** Every person who shall convey for hire any passenger, animal, cart, carriage, or goods, across any arm of the sea, creek, or river within the provinces subject to the Lieutenant-Governor to any point or place on the opposite bank or coast within a distance of three miles on either sides above or below any public ferry, without the special license of the Magistrate of the district in which the ferry is situated, shall be liable to a penalty not exceeding fifty Rupees. Provided that nothing in

Penalty for organising procession without license.

Penalty for neglecting to put up a table of tolls.

Extortion or misconduct by toll-keeper.

Duties on articles entering Municipal limits.

Refusal to pay toll, &c.

Market dues on sale of goods.

Bye-laws for regulating ferry-boats, &c., to be made by Commissioners.

Power to lease the same.

Carrying for hire within three miles of a ferry without license of Magistrate.

Table of tolls.

Proviso.



this section shall subject to such penalty any person who shall specially let for hire his boat for the conveyance of any other person or his family or goods across any creek or arm of the sea within the said settlement.

89. The Commissioners may appoint at any ferry managed under this Act toll-keepers, and may collect the tolls through such toll-keepers, or they may grant a lease of any such ferry for any period not exceeding three years.

90. It shall be lawful for the Lieutenant-Governor to make over to the Commissioners any existing ferry within the limits of the Municipality, and such ferry shall thenceforward be subject to the provisions of this Act.

91. When it shall have been determined that tolls shall be levied on vehicles and beasts of burden entering any town, the Commissioners shall submit to the Lieutenant-Governor a table of rates and rules for the levy of such tolls; and the Lieutenant-Governor may modify or approve such tables and rules. The rules and rates, so modified or approved, shall not take effect until one month after they shall have been duly notified. Provided that the rates shall in no case exceed the rates laid down in Schedule (E) appended to this Act.

92. The tolls or rates determined as in the next preceding section shall be levied upon all carriages, carts, and animals entering the municipal limits; and the Commissioners may construct toll-bars, gates, and gate-keepers' stations, and may place the collection of such tolls under the management of such persons as may appear to them proper, or may lease out the same for any period not exceeding three years, and shall frame bye-laws in manner hereinafter provided for the guidance of such toll collectors; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would attach to them if employed in the collection of any assessment or tax under this Act. Provided that this section shall not apply to carriages, carts, and animals licensed or registered by the Commissioners; provided also that no more than one payment of toll shall be demanded for, and in respect of, any carriage, cart, or animal in any one period of twenty-four hours from midnight to midnight.

93. In case of non-payment of any such toll on demand, the officer appointed or duly authorized to collect the same may seize any carriage or animal on which it is chargeable, or any part of its burden of sufficient value to defray the toll. If any toll, together with the cost arising from such seizure and custody, remains undischarged for forty-eight hours, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale. Any balance that may remain shall be returned, on demand, if made within twelve months, to the owner of the property, and

if unclaimed after such period, shall be credited to the Municipal Fund. After seizure of the property as aforesaid, the Commissioners shall forthwith issue a notice in writing that, after the expiration of two days, exclusive of Sunday, they will sell at such place as they may state in the notice the property by auction. Provided that if at any time before the sale has actually begun the person whose property has been seized shall tender to the Commissioners, or other officer appointed by them, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

94. No tolls shall be paid for the passage of troops on their march, military stores, or of military or Government stores, or of military or police officers on duty, or of any person or property in their custody, or of conservancy carts or other such vehicles belonging to the Commissioners; but no other exemption from payment of the tolls levied under this Act shall be allowed.

95. It shall be lawful for the Commissioners to compound with persons living outside the Municipal limits for a sum to be paid annually or half-yearly, in lieu of all tolls payable under the provisions of this Act in respect of carriages, carts, or animals entering the municipal limits; and the Commissioners shall issue licenses for such carriages, carts, or animals; and while such licenses shall remain in force, such carriages, carts, and animals shall be exempt from all tolls as aforesaid upon entering the municipal limits. Provided always that such composition shall include all the carriages, carts, and animals possessed by the person compounding.

96. In all cases of resistance to the lawful authority of the toll-collectors, all police officers shall be bound to assist the toll collectors when required; and for that purpose shall have the same power which they have in the exercise of their ordinary police duties.

97. Every person other than persons appointed or duly authorized to collect the tolls under this Act, who shall levy or demand any toll, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act, seize or sell any property, knowing such seizure and sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be deemed to have committed the offence of cheating or extortion, as the case may be, and shall be liable to such punishment as is prescribed for those offences respectively by the Indian Penal Code.

98. A table of the tolls authorized to be taken at any toll-gate or station, legibly written or painted in English words and figures, and in the vernacular language or languages of the district, shall be put up in a conspicuous place near such gate or station.

**PART IV.—MODE OF RECOVERY OF MUNICIPAL TAXES.**

**99.** Every tax collector shall prepare from the lists hereinbefore mentioned a register which shall contain the names of all persons assessed, the property in respect of the occupation of which the assessment in each case is made, and the amount payable quarterly by each person in the Municipality or division, or portion of a Municipality in which the duties of such tax collector are to be performed; and every such list shall be attested by the Chairman.

**100.** Every tax to be payable under this Act shall be payable by four equal quarterly instalments. The instalment of tax on account of any quarter shall be due on the first day of the month in the said quarter.

**101.** When any sum is due on account of any tax leviable under this Act, the Chairman shall, unless otherwise specially provided in this Act, cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the property or thing for which the charge is made. If the bill be in respect of the tax upon carriages, horses, and elephants, it shall contain a notice of the time within which an appeal against such tax may be preferred.

**102.** For all sums collected on account of any tax under this Act, a receipt shall be given signed by the tax collector or by some other officer who may have been specially authorized by the Magistrate to grant such receipts.

**103.** The Tax Collector or other officer appointed on that behalf shall remit, in such manner and at such times as the Magistrate shall direct, all sums of money collected either by himself or by any one of his establishment, and the Magistrate, or some other officer authorized on that behalf, shall give the tax collector a receipt for every sum of money so remitted. The Magistrate shall also cause all such sums of money to be credited to the Municipal Fund.

**104.** If any bill which may have been presented in pursuance of this Act be not paid by the person liable to pay the same within ten days from the presentation thereof, the Magistrate may cause to be served upon such person a notice of demand in the Form (A) in Schedule F annexed to this Act, or to the like effect; and if such person shall not, within ten days from the service of notice of such demand, pay the sum due, together with a fee of two annas as costs for the service of the notice of demand, or show to the Magistrate sufficient cause for non-payment of the same, the amount of the arrear due, with costs on the scale in the Form (B) in Schedule F set forth, which shall include those of serving the notice of demand, may be levied by distress and sale of any goods and chattels belonging to the defaulter which may be found within the Municipality, or

of any goods and chattels whatever which may be found on the premises in respect of the occupation of which such defaulter is liable to such tax.

**105.** Every warrant of distraint and sale under the last preceding section shall be issued by the Magistrate, and shall be in the Form (C) in Schedule F set forth. The officer charged with the execution of the warrant of distress shall make an inventory of all goods and chattels seized under the Magistrate's warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof, by beat of drum, in the town or division thereof in which the property is situated and by serving on the defaulter a notice in the Form (D) in Schedule F. If the arrear be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Magistrate, the goods and chattels seized shall be sold by public outcry at the time and place specified, in the most public manner possible; and the proceeds shall be applied in discharge of the arrears and the costs, and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure. The tax collector or other officer appointed on that behalf under this Act shall make a return of all such sales to the Magistrate in the Form (E) specified in Schedule F; and the costs upon every such proceeding shall be such as are mentioned and set forth in Form (B) in Schedule F annexed to this Act.

**106.** If no sufficient goods or chattels belonging to a defaulter or being upon the premises in respect of the occupation of which the tax is due can be found within the Municipality in which the premises are situate, the Magistrate on being satisfied thereof, and of the existence of an arrear, may issue his warrant for the distress and sale of any goods and chattels belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any goods and chattels belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall back the warrant so issued, and cause it to be executed and the amount (if levied) to be remitted to the Magistrate issuing the warrant.

**107.** All goods and chattels, except tools or instruments of trade, which may be found upon any premises in respect of the occupation of which an arrear is due, shall be liable to be distrained for the recovery of such arrear. If the goods and chattels belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels from any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same. Provided that no arrear of tax which has remained due for more than three calendar months shall be recovered by distress and sale of the goods and chattels of any person, other than the defaulter himself, who did not reside on the premises in respect of which such tax was imposed at the time when such arrear became due.

**108.** Every tax collector and other servants appointed for, or employed in, the performance of any duties connected with the assessment or collection of the tax under this Act, is prohibited from bidding for or purchasing any property at such sales as aforesaid. Any person purchasing property in contravention of this section shall be liable, upon conviction before a Magistrate, to a penalty not exceeding fifty Rupees, and the sale shall be quashed and the property declared liable to resale.

**109.** The Magistrate shall cause a regular account to be kept of all distresses levied and sales made for the realization of arrears under this Act.

**110.** Whoever conceals, removes, or disposes of any property belonging to the person who is liable for any amount of tax, for the purpose of avoiding a distress under the provisions of this Act, shall be considered to have concealed, removed, or disposed of such property fraudulently.

#### PART V.—MUNICIPAL FUND AND ITS APPLICATION.

**111.** All monies, rents, and profits received by the Commissioners by virtue of this or any other Act, and all fines, fees, and penalties paid or levied under this Act, and all other monies which, under sanction of Government, may be transferred to such Commissioners, shall constitute a fund, which shall be called the Municipal Fund, and shall, together with all property of every nature or kind which may become vested in the said Commissioners, be under their control, and shall be held by them and their successors in trust for the purposes of this Act.

**112.** The Commissioners shall set apart annually out of the Municipal Fund a sum sufficient for the maintenance of police officers appointed or employed under Act V of 1861, or any other Act which may for the time being be in force for the regulation of the police within the territories subject to the Lieutenant-Governor of Bengal or any part thereof; provided that the number of police officers shall be determined in manner as hereinafter provided.

**113.** The Municipal Fund, after a sum has been set apart as in the manner provided by the next preceding section, may, subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe, be applicable within the towns in which it is raised, to the following purposes, that is to say—

(1)—The construction, repair, and maintenance, of streets and bridges.

(2)—Works of public utility calculated to promote the health, comfort, or convenience of the townspeople; including the supply of water, expenses of lighting of streets, the construction, repair, and maintenance of hospitals, dispensaries, lunatic asylums, rest-houses, tanks, wells, and markets; also the payment of all charges connected with the objects for which such buildings were constructed, the training and employment of medical practitioners and vaccinators, the sanitary inspections, the registration of births and deaths, the cleansing of

tanks or wells, and the application of the Indian Contagious Diseases Act.

(3)—The diffusion of education, and with this view, the construction and repair of school-houses, the establishment and maintenance of schools either wholly or by means of grants-in-aid, the inspection of schools and training of teachers.

(4)—The support or relief of the poor in times of exceptional distress and scarcity.

**114.** It shall be competent to the Commissioners, with the sanction or upon the direction of the Lieutenant-Governor, to contribute a portion of the Municipal Funds towards the expenses incurred in any other Municipality under this Act, or in any district or sub-division under the District Road Cess Act 1871 passed by the Lieutenant-Governor of Bengal in Council, where such expenditure is incurred for any of the purposes described in the last preceding section, and is calculated to benefit the inhabitants of the contributing town, or to relieve exceptional distress in the neighbourhood; provided always that, where such contribution has not been originally recommended by the Commissioners, it shall not be obligatory upon them until the proposal to make such contribution shall have been submitted to them by the Lieutenant-Governor, and they shall have had the opportunity of offering their opinions thereon.

**115.** It shall be competent to the Lieutenant-Governor to appoint, from time to time, such officers as may be required for the purpose of inspecting or superintending the operations of the Municipalities created by this Act, and to assign to them such salaries as the Lieutenant-Governor shall think reasonable; and the expense incurred by reason of such appointments shall be defrayed in rateable proportions out of the funds of the several Municipalities established under this Act. And the said Lieutenant-Governor may direct that the municipalities in any district or division shall pay such sum as he may consider reasonable towards the cost of clerks or other establishment maintained in the office of the Collector or Commissioner for purposes of supervision under this Act.

**116.** The Commissioners shall consider and pass at a meeting, a statement or estimate showing the probable receipts, and the expenditure which it is proposed by the Commissioners to incur during the year commencing on the first day of April then next, and the items in respect of which it is proposed to incur such expenditure, and may also consider and pass a supplemental estimate providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised in the official year then current for the purposes of this Act.

**117.** Copies of the aggregate estimates for any Municipality which shall have been passed under the provisions of the next preceding Section, and if necessary, translations thereof into the vernacular of the district, shall be lodged in the offices of the Magistrate of the district and of the Magistrate, and at some convenient place within such Municipality. During fourteen days after such estimates shall have been so lodged in the said offices, of which due notice shall be

publicly given, such estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times and seasons by any rate-payer of such town who may desire to inspect the same.

**118.** As soon as is practicable, after the expiration of the said fourteen days, the Magistrate shall transmit to the Magistrate of the district the said estimates with any remarks or objections thereupon which may have been recorded by himself or by the Municipal Commissioners at a meeting. The Magistrate of the district shall transmit to the Commissioner of the Division the said estimates, together with any remarks or objections made by the Magistrate or the Municipal Commissioners, and his own opinion thereon.

**119.** The Commissioner of the division shall sanction, if unobjectionable, any estimate forwarded under the next preceding section. If he see any objection to such estimate he may record his objection: and he shall have power to remit for reconsideration the estimate of any Municipality made under this Part which may have been voted by less than two-thirds of the Commissioners of such Municipality.

**120.** The Commissioners shall, at such time or times, and in such form as the Lieutenant-Governor shall direct, furnish an annual report of their proceedings and statements in detail of all the works executed by them, and of all sums received and expended by them. All the municipal accounts shall be audited by such person and in such manner as the Lieutenant-Governor shall direct. The annual report shall be published in the *Calcutta Gazette*.

**121.** All sums collected under this Act, and all funds appropriated by Government for the purposes of this Act, shall be paid into the nearest Government treasury of the district, or, with the sanction of Government, into any Bank or branch Bank, or Native Banker established in or near to the Municipality, and shall be credited to an account to be called the Municipal Fund of the Municipality where they have been raised, provided always that it shall be competent to the Commissioners, with the sanction of Government, to invest any sums not required for immediate use either in the Government Savings Bank or in Government securities, or in any other form of security which may be approved of by Government.

**122.** All orders for payment of money from the Municipal Fund shall be signed by the Chairman or, in his absence, by the Vice-Chairman, or, in the absence of the Vice-Chairman, by any two of the Commissioners.

**123.** Within one month after the commencement of each year, the Magistrate shall cause to be prepared accounts of the receipts and expenditure of the Municipal Fund during the previous year;

Municipal Commissioners for the space of one month, and shall cause copies of such accounts and of any remarks made thereon by the Municipal Commissioners to be forwarded to the Magistrate of the district, who shall forward the same to the Commissioner of the Division.

**PART VI.—REGISTRATION OF BIRTHS AND DEATH.**

**124.** It shall be lawful for the Commissioners to keep in their office a register of all births and deaths within the Municipality, and for this purpose they shall divide the Municipality into such and so many districts as they shall think fit, and for every such district they shall appoint a person to be Registrar of births and deaths within such district.

**125.** Every Registrar shall dwell within the district of which he is Registrar, and shall cause his name, with the addition of Registrar for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his own dwelling-house; and the Commissioners shall cause to be printed and published a list, containing the name and place of abode of every Registrar in the town.

**126.** The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place within the Municipality according to the forms prescribed in Schedules (G) and (H) to this Act annexed, and the pages of such book shall be numbered progressively from the beginning to the end.

**127.** Every Registrar shall inform himself carefully of every birth and of every death which shall happen in his district after the first day of September, and shall learn and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms in the said Schedules (G) and (H), respectively, touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

**128.** The father or mother of every child born within the Municipality, or in case of the death, illness, absence, or inability of the father and mother, the occupier of the house or tenement in which such child shall have been born, shall, within one month next after the day of every such birth, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child. Any person whose duty it shall be to give information to a Registrar under this section, who shall refuse or neglect to give such information, shall be liable to a penalty not exceeding one hundred Rupees.

**129.** Some one of the persons present at the death, or in attendance during the last illness, of every person dying within the Municipality, or, in case of the death, illness, inability, or default of all such persons, the occupier of the house or tenement, or if the occupier be the person who shall have died, some inmate of the house or tenement in which such death shall have happened, shall, within eight days next after the day of such death, give information to the Registrar of the district, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person: Any person who shall refuse or neglect to give any information which it is his duty to give under this section, shall be liable to a penalty not exceeding one hundred Rupees.

**130.** Every person by whom the information contained in any register of births or deaths under this Act shall have been given, shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it.

#### PART VII.—MUNICIPAL POLICE.

**131.** At such time or times, and in such form as the Lieutenant-Governor shall direct, the Commissioners at a meeting shall prepare a statement of the police force required for their Municipality, and such statement, when passed at a meeting of the Commissioners shall be forwarded to the Lieutenant-Governor through the Magistrate to the Commissioner of the division, who shall either himself sanction or amend the statement, or shall forward it to the Lieutenant-Governor for sanction or amendment, according as the said Lieutenant-Governor may, in each case from time to time, direct who shall sanction or amend such statement. The police force, according to the statement finally approved by the Lieutenant-Governor, shall be the police force of the Municipality for the year next ensuing, and its cost shall be incorporated on the estimates of expenditure to be prepared under this Act.

**132.** When the strength and the cost and distribution of the police of any Municipality shall have been settled under the next foregoing section, no alteration shall be made in such strength or cost or distribution of costs, save on the recommendation of the Commissioners and with the sanction of the Lieutenant-Governor of Bengal, or of the Commissioner of the division in cases where the Lieutenant-Governor may have delegated to the Commissioner powers under this section.

**133.** The Commissioners or a sub-committee of the Commissioners nominated for that purpose shall control, appoint, and dismiss or suspend the members of the town police force; provided that no police officer above the rank of constable shall be dismissed or suspended without the sanction of the magistrate of the district; and provided that all the acts of a sub-committee under this section shall be liable to revision by the Commissioners at a meeting.

**134.** No police officer, who forms part of the strength of the Municipal police, shall be liable to serve beyond the limits of the Municipality, save in execution of duties imposed on him by his employment as a police officer of such Municipality.

**135.** As soon as possible after the close of each month the District Superintendent of Police shall, as regards each Municipality, present to the Magistrate, in whose jurisdiction such Municipality may be situated, a bill showing the actual expenses incurred during the preceding month in the payment of the said force, and the contingent expenses thereof; and the said Magistrate, on being satisfied that the bill is substantially in accordance with the estimate for such town, shall cause the amount of such bill to be paid to the District Superintendent from the Municipal Fund.

**136.** The total amount which shall be chargeable to the Municipal Fund for the cost of any police force which may be sanctioned by the Government for employment within any town, including the contingent expenses of such force, shall not exceed the average rate of one rupee and eight annas per annum for each house in such town, provided that the number of police officers appointed shall not be greater than one superior officer for every fifteen constables, and one constable for every fifty houses.

#### PART VIII.—INTERVENTION BY THE GOVERNMENT.

**137.** If the Commissioners of any Municipality fail to effect the necessary repairs and maintenance of roads, or to pay for the police of the town, it shall be lawful for the Commissioner of the Division in which such Municipality is situated to convene a Committee consisting of the district sub-divisional Magistrate, the executive engineer of the division, the civil surgeon, and two members nominated by the said Commissioner; and such Committee shall inquire into and report upon the state of such Municipality. And the Lieutenant-Governor may on the report of such Committee call upon the Commissioners, by requisition in writing signed by him and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Act, and thereupon if the Commissioners neglect for the space of three months then next ensuing to comply with the said requisition, the Lieutenant-Governor may direct the Magistrate to raise the necessary funds under the provisions of this Act and carry out in all respects the purposes thereof.

**138.** When it shall appear to the Lieutenant-Governor in regard to any first class Municipality, or to such officer as he may delegate authority under this section in regard to any second class Municipality, either that due provision is not made for the construction and maintenance in the municipal limits of any district road passing through such limits, and that hinderance to the traffic of the country is caused thereby, or that reasonable elementary education is not available at a fair cost for children of the residents it shall be lawful for

Information of death to be given.

Police paid under Act not to be employed beyond town.

Person giving information to sign the register.

Strength of the force.

Maximum amount chargeable on account of police.

Administration of Municipality may be transferred to Magistrate if Commissioners fail to maintain roads and pay for police.

Alteration therein.

Appointment of police.

Or if Commissioners fail to maintain district roads or provide means of elementary education.

the Lieutenant-Governor, or such delegated officer as aforesaid, to call upon the Commissioners to repair or maintain such roads, or to provide such means of elementary education as may seem to the Lieutenant-Governor fit; and in case they shall not within three months make due provision for the same, to authorize the Magistrate to collect and apply to these purposes any of the municipal taxes hereinbefore authorized to be imposed.

**139.** It shall be lawful for the Lieutenant-Governor to direct the Commissioners of any Municipality to contribute the whole or, a part of the cost of any elementary school established within such municipality, provided that in no case shall the contribution made under this section for any one year exceed one-sixth part of the balance of the Municipal Fund available, after the cost of police has been met, for carrying out the purposes of this Act. An elementary school shall be deemed to be a vernacular school or a school with a vernacular department, provided that the fee for each vernacular scholar at such school be not more than one anna per month.

**PART IX.—MUNICIPAL REGULATIONS.**

**CHAPTER I.**

*Duties of Commissioners, &c.*

**140.** The provisions of this and the next succeeding Part shall not have force in any Municipality until they shall have been specially extended thereto, and it shall be lawful for the Lieutenant-Governor of Bengal to extend any or all of the sections in this Part to any Municipality created under this Act, and the said Lieutenant-Governor shall have power to withdraw any Municipality from the operation of all or any of the sections of this Part.

**141.** The Commissioners may cause a name to be given to any road and affixed in such place or places as they may think fit, and may also cause a number to be affixed to every house in every road for the purpose of identifying such house; and the Commissioners at a meeting may cause such names and numbers to be altered.

**142.** The Commissioners shall provide all cattle, carts, and implements required for the removal of night-soil, dung, and other filth, and shall, from time to time, appoint or provide places convenient for the deposit of such night-soil, dung, and other filth, and for keeping all cattle, carts, and implements, required for the removal thereof, and for other purposes of conservancy.

**143.** It shall be the duty of the occupier of every house within the limits of any Municipality to remove from his premises all night-soil, dung, and other filth into carts provided by the Commissioners for the purpose of carrying away the same, and at such times and in such manner as the Commissioners may direct. Provided that

away the said night-soil, dung, or other filth, it shall be open to him to do so in conformity with the provisions of Section 146 of this Act.

**144.** All dirt, ashes, rubbish, sewage, soil, dung, and filth, collected by the Commissioners from the roads, houses, privies, sewers, and cess-pools, shall be held to be the property of the said Commissioners, who shall have power to sell and dispose of the same; and the money arising from the sale thereof shall form part of the Municipal Fund.

**145.** The Commissioners may cause any number of movable or fixed dust boxes, or other convenient receptacles wherein dust and rubbish may be temporarily deposited until removed and carried away, to be provided and placed in convenient situations, and may require the occupiers of houses in roads to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles.

**146.** The Commissioners shall from time to time fix the hours within which it shall be lawful to remove night-soil or other such offensive matter, and the manner in which such night-soil or other offensive matter shall be removed.

**147.** The Commissioners, or any officer appointed by them for that purpose, may inspect all privies, drains, and cess-pools within any Municipality at any time between sunrise and sun-set, after six hours' notice in writing to the occupier of any premises in which such privies, drains, or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he think fit for the purpose of preventing or removing any nuisance arising from such privies, drains, or cess-pools.

**148.** All public streams, channels, water-courses, tanks, reservoirs, springs, and wells in any town shall, for the purposes of this Act, be under the direction and control of the Commissioners.

**149.** The Commissioners shall have power to set apart a sufficient number of convenient tanks, or parts of rivers, streams, or channels, not being private property, for the inhabitants to bathe in, and also to set apart tanks or other places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

**150.** It shall be lawful for the Commissioners to require, by notice in writing, the owner of any premises to cleanse any private tank, and to drain off and remove any waste or stagnant water within any such premises which may appear to be injurious to health or offensive to the neighbourhood; and if such owner refuse or neglect to comply with such requisition during eight days from the service thereof, the Commissioners, their officers, and workmen, may enter such premises, and do all such necessary acts for all or any of the purposes aforesaid as they shall think fit; and the

All rubbish collected to be the property of Municipal Commissioners.

Dust boxes in streets

Removal of night-soil.

Inspection of drains, privies, and cess-pools.

All public streams, &c., to be under direction and control of the Commissioners.

Power to require unwholesome tanks on private premises to be cleansed or drained.

Limits of the operation of this Part.

Names of streets and numbers of houses.

Places of deposit for filth.

Occupiers of houses to remove night-soil, &c., to carts of Commissioners.

Proviso.



owner of such premises so making default, and shall be recoverable as a debt due to the Commissioners.

**151.** Whenever any lands or premises being private property or within any private enclosure, appear to the Commissioners to be, by reason of thick or noxious vegetation or want of drainage, in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Commissioners to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation or drain such premises, and if he do not within one week after such notice begin to cut, clear, and remove such vegetation, or to drain such land, and do not complete such work with the due diligence, the Commissioners, their officers and workmen, may after forty-eight hours' notice, enter into the said premises, and do all necessary acts for the purpose aforesaid as they shall think fit, and the expense incurred thereby shall be paid by the owner or occupier of such premises, and shall be recoverable as a debt due to the Commissioners.

**152.** The Commissioners may, from time to time, as they see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or not.

#### CHAPTER 2.

##### *Penalties.*

**153.** Whoever wilfully removes, obliterates, or destroys any name or number affixed under section 141 of this Act, or under the provisions of any Act hereby repealed, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 20.

**154.** Whoever commits any nuisance, or deposits, or permits his servants to deposit any dust, dirt, dung, ashes, garden, kitchen, or stable refuse or filth of any kind, or any animal matter, or any broken glass or earthenware, broken brick, mortar, or other rubbish, in any road or on the pavement or verandah of any house, or on any ground between the house and the road, or any public quay, jetty, or landing place, or on any part of a river bank, whether above or below high water-mark, except in such places and in such manner and at such hours as shall be fixed by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**155.** Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any road or public highway; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such road or highway, shall be liable to a fine not exceeding ten Rupees.

**156.** Whoever, being the occupier of a house within the limits of any Municipality, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in or upon the roof of any out-house, or in any yard or ground attached to, and occupied by the occupier of such house, shall be liable to a penalty not exceeding ten Rupees for each offence.

**157.** Whoever, being the owner or occupier of any house, building, or land within any Municipality, whether tenantable or otherwise, suffers the same to be in a filthy or unwholesome state, shall be liable to a penalty not exceeding ten Rupees, and to a further penalty not exceeding ten Rupees for every day after conviction for such offence during which the offence is continued.

**158.** It shall also be lawful for the Commissioners to grant to such persons and for such period as they think fit, licenses to keep privies for public accommodation, subject to such conditions as may be necessary for the preservation of public health and decency. Any such person holding such license, and failing to observe the conditions prescribed in such license, shall be liable to a fine not exceeding fifty Rupees. Provided that it shall be lawful for the Commissioners, at any time, on giving one month's notice in writing, to cancel any license granted under this section.

**159.** Whoever throws or puts, or permits his servants to throw or put any earth, dirt, or other filth, rubbish, or night-soil into any sewer not specially appropriated for such purpose by the Commissioners, shall be liable to a penalty not exceeding ten Rupees for each offence.

**160.** Whoever, except as permitted by the Commissioners, bathes in any public stream, channel, water-course, tank, reservoir, spring, or well, or in any other manner fouls the water thereof, shall be liable to a fine not exceeding ten Rupees for each offence.

**161.** Whoever being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any road or public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees, and to a fine not exceeding three Rupees for every day after conviction for such offences during which the offence is continued.

#### CHAPTER 3.

##### *Conservancy works.*

**162.** The Commissioners shall provide and maintain, in sufficient numbers and in proper situations, common privies and urinals, and shall cause the same to be kept in proper order and to be daily cleansed.

**163.** It shall be lawful for the Commissioners to prescribe the form or construction of privy which the owner or occupier of any house or building within the limits of the Municipality may have on his premises; and such owner or occupier shall have such privy shut out by a wall or fence from the view of persons passing by or residing in the neighbourhood; and any such owner or occupier having a privy constructed in a form different from that prescribed by the Commissioners, or failing to shut it out from public view in the manner hereinbefore directed, shall be liable to a fine not exceeding ten Rupees, and to a further fine not exceeding ten Rupees a day for each day of default or breach of the provisions of this section after written notice duly given by the Commissioners to such owner or occupier.

**164.** All public sewers, drains, and other works for conservancy existing in any Municipality at the time this Act comes into operation, or which may afterwards be made, shall be under the direction and control of the Commissioners.

**165.** All public sewers, or other works for the improvement, or the conservancy hereafter required in any Municipality shall be constructed under the direction of the Commissioners, who shall be empowered to purchase any land necessary for such purpose from funds at their disposal; or such land shall, if necessary, be taken under the sanction of Government, under the provisions of any Act heretofore passed, or which shall hereafter be passed, for the acquisition of land for public purposes.

**166.** All branch drains, and all privies and cess-pools within any town, shall be under the survey and control of the Commissioners, and shall be repaired and made efficient at the cost of the owners of the lands and buildings to which the same belong. If any such owner neglect, during eight days after notice in writing, to repair and make the same efficient in such manner as may be required by the Commissioners, the Commissioners shall cause such drain, privy, or cess-pool to be made efficient, or, if necessary, removed, and the expense of such removal or repair shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

**167.** If any such drain, privy, or cess-pool is constructed, after the passing of this Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, re-builds, or unstops any drain, privy, or cess-pool, which has been ordered by them to be demolished or stopped up, or not to be made, every person so doing shall be liable to a penalty not exceeding fifty Rupees. And the Commissioners may cause such drain, privy, or cess-pool to be removed, or may cause such amendment or alteration to be made therein as they think fit; and the expense thereof shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, re-built, or unstopped, and shall be recoverable as a debt due to the Commissioners.

CHAPTER 4.

*Obstructions in the road.*

**168.** Whoever builds any wall or erects or sets up any fence, rail, post or other obstruction or encroachment, in any road or public highway, or in or over any open drain, sewer, or aqueduct along the side of any such road or highway, shall be liable to a fine not exceeding one hundred Rupees: and the Commissioners shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as a debt due to the Commissioners.

**169.** Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any road or public highway, without the consent in writing of the Commissioners, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

**170.** The Commissioners may give notice in writing to the owner or occupier of any house or building as aforesaid, to remove or alter any projection, encroachment, or obstruction, which after this Act shall have taken effect, shall be erected or placed against or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road or public highway, or obstructs, or projects or encroaches into or upon, any uncovered aqueduct, drain, or sewer in such road or highway; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred Rupees; and the Commissioners in such case may remove or alter such projection, encroachment, or obstruction; and the expense of such removal or alteration shall be paid by the owner or occupier so making default, and shall be recoverable as a debt due to the Commissioners.

**171.** The Commissioners may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building in any road or public highway before this Act shall have been extended to the place, to be removed or altered, as they shall think fit; provided that notice be given of such intended removal or alteration to the occupier of the house or building against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

**172.** Whenever any house or building, part of which projects beyond the regular line of a road or public highway or beyond the front of the house or building on either

Sewers and drains, &c., under control of the Commissioners.

Sewers, &c., to be constructed under the direction of the Commissioners.

Branch drains, privies, &c., under control of Commissioners.

Penalty for making drains, &c., contrary to Commissioners' orders.

Future obstructions in highway.

Taking up pavements.

Projections from houses erected in future to be removed.

Removal of existing projection from houses.

Notice of removal.

Compensation when to be made.

Houses projecting beyond line of highway, when taken down to be set back.



side thereof, shall be taken down in order to be re-built or altered, the Commissioners may require the same to be set back to, or towards the line of the road or highway, or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of such house or building for any damage he may thereby sustain.

**173.** The Commissioners may give notice to the owner or occupier of any land to cut and trim any hedges or trees which overhang any road or public highway, so as to obstruct the passage; and in the event of such notice not being complied with within eight days from the date of service thereof, the Commissioners may cause the said hedges or trees to be cut and trimmed in the manner required; and the expense incurred by the Commissioners in respect thereof shall be paid by the owner or occupier, and shall be recoverable as a debt due to the Commissioners.

**174.** It shall be lawful for the Commissioners, by a by-law to be made in manner hereinafter provided, to direct that the external roof and walls of huts or other buildings about to be erected or renewed in or near any road or public highway shall not be made of grass, leaves, mats, or other such inflammable materials.

**175.** No person intending to build or take down, alter, or repair any building, shall deposit any building materials or make a hole in or near any public highway, without the permission of the Commissioners, and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure; and shall cause the same to be sufficiently lighted during the night: and whoever so deposits materials or so makes a hole without such permission, or fails to fence or enclose and cause to be lighted such materials or hole, or remove such materials or fill up or otherwise make secure such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Commissioners.

**176.** If any house or other building, tank, well, or hole or other place, whether on public or private ground be, for want of sufficient repair or protection, dangerous to human beings, the Commissioners shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier of the premises, if any, and shall also cause notice to be put on some conspicuous part of such premises, requiring the owner, or occupier, if any, forthwith to take down, secure, repair, or protect such building, tank, well, or hole, or other dangerous place; and if such owner or occupier do not, within three days after such notice, begin to comply with the requisition, and do not carry on the work to the satisfaction of the Commissioners, they may

cause the same to be taken down, secured, repaired, or protected, so as to prevent danger therefrom; and the expense of such work shall be paid by the owner or occupier of such property so making default, and shall be recoverable as a debt due to the Commissioners.

**177.** If, in any road any house, building or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state or likely to fall, or in any way dangerous, they shall forthwith give notice in writing to the owner, if he be known and resident within the limits of their jurisdiction, and also to the occupier thereof, if any, requiring such owner or occupier to take down or secure the same within a fixed time; and in default the Commissioners shall cause such repairs to be made or such buildings to be removed; and the expense thereby incurred shall be paid by the owner of the premises so making default, and shall be recoverable as a debt due to the Commissioners.

**178.** Whenever, under the provisions of this Act, any work is required by the Commissioners to be executed, or any alterations or improvements to be made in any building, premises, or place, and such work, alterations, or improvements are executed by the occupier of such house, place, or premises, or by the Commissioners, at his expense, the cost thereof may be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction. Provided always, that in case the occupier has a beneficial interest in such building, premises, or place, he shall deduct or recover such sum only as will bear the same proportion to the entire cost of such work, alteration, or improvement, as the value of the owner's interest bears to the value of the joint interest of him and the occupier. And provided also, that in case the rents issuing out of any such building, premises, or place belong to more persons than one, who are entitled to the same, either as being joint proprietors of such building, premises, or place, or as having intermediate and other interests therein, the cost of any work, alteration, or improvement as aforesaid payable by the owner, shall be borne by such persons in proportion to their respective interests, and any one or more of such persons, who may have been compelled to pay more than a just proportion in the first instance, shall have like remedies against the others, for enforcing contribution by them, as are hereby given to the occupier as against the owner.

**179.** The materials of any such house, building, wall, or other structure or any part of the same which may be pulled down as provided in Section 176, may be sold by the Commissioners, and the proceeds of such sale applied to the payment of the expenses incurred. Any overplus of such sale shall on demand be restored to the owner of such house, building, or wall, and if unclaimed shall, after the lapse of twelve months, be carried to the credit of the Municipal Fund.

CHAPTER 5.

*Regulation of certain offensive trades and of Burial and Burning Grounds.*

180. Within such limits as may for the purposes of this section be fixed by the Commissioners, no premises shall be newly used except under license from the Commissioners, for any of the following purposes, namely, for melting tallow, for boiling offal or blood, or as a soap house, oil-boiling house, dyeing house, tannery, brick pottery or lime kiln, or other manufactory or place of business from which offensive or unwholesome smells arise, or as a yard or depôt for hay, straw, wood, or coal; and whoever without a license uses any such premises for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence, during which the said offence is continued.

Penalty for establishing certain offensive and dangerous trades within limits to be fixed by the Commissioners.

181. No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant Governor of Bengal, without a license from the Commissioners; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

No burial or burning place henceforth to be formed without leave of Government, or of Commissioners.

182. If, upon the evidence of competent persons, it shall appear to the Commissioners that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance and is available, the Commissioners, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground, and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

Commissioners may order certain burial or burning places to be closed.

CHAPTER 6.

*Vaccination and Inoculation.*

183. In any Municipality where the Lieutenant-Governor may consider that proper and sufficient arrangements have been made for the vaccination or inoculation with the cow-pox of the inhabitants thereof, the practice of inoculation shall be prohibited with effect from such date as may be notified by the Lieutenant-Governor at the time of the extension of this Chapter to such Municipality.

Operation of this chapter.

184. Any person who shall thereafter produce, or attempt to produce, in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing im-

Penalty for inoculating or otherwise producing small-pox.

pregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

185. If any person having been inoculated with the small-pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the town of Calcutta, or any other town or place to which such provision shall then be applicable, before the elapse of forty days from the date of such inoculation, or without a certificate from a qualified medical officer, stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred Rupees, or to both.

Penalty for entering into any place, subject to this Act, without a proper certificate, before forty days from date of inoculation.

186. Whenever a Magistrate shall sentence an offender to fine under this Chapter, it shall be lawful for such Magistrate to award any portion not exceeding one-half of such fine to the person on whose information such offender has been convicted.

Mode of procedure.

PART X.—MUNICIPAL MARKETS.

187. It shall be lawful for the Municipal Commissioners to grant licenses for the use of any place as a market for the sale of meat, fish, fruit and vegetables within the Municipality.

Power to grant licenses for markets.

188. Every license to be granted under the provisions of this Act shall be in force until the next ensuing the day therein named for the commencement thereof, and the said Municipal Commissioners shall grant such license whenever it shall be certified to them in writing, under the hand of the Vice-Chairman of the Municipal Commissioners, that such place is fit to be used as a market.

Duration of license, and terms on which granted.

189. The Vice-Chairman, upon the application in writing of the owner of any such place, shall certify under the preceding section, unless such place be defective as a market in drainage, ventilation, water-supply, or proper width of paths and ways therein.

Vice-Chairman bound to certify fit places.

190. Whoever wilfully or negligently permits any place within the limits aforesaid to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall, unless such place shall have been used as a market for the sale of similar articles at the time of the passing of this Act, be liable to a penalty not exceeding two hundred Rupees; and shall also be liable to a further penalty not exceeding fifty Rupees for every day during which the said offence shall be continued.

Penalty on permitting unauthorized places to be used as markets.

191. Whenever three convictions under the provisions of the next preceding section shall have been pronounced in respect of the same place, it shall be lawful for the

Power to close unlicensed places.

Magistrate, on the application of the Municipal Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale, meat, fish, fruit, or vegetables in any place which shall have been so closed shall be liable for each offence to a fine which may extend to ten Rupees.

**192.** The owner or lessee of every place within the limits aforesaid at the time of the passing of this Act used as a market for the sale of meat, fish, fruit, or vegetables, shall, within six months of the passing of this Act, register, or cause to be registered, the same in a book to be kept for that purpose by the Municipal Commissioners at their office, in which shall be stated the name of the owner thereof, and of the lessee, the extent and boundary of the market, and the description of articles sold therein.

**193.** Such registration shall be made on the application in writing of the owner or lessee, or some one of the owners or lessees thereof, and every such application shall contain the particulars hereinbefore required to be set out in the registration.

**194.** Every transfer of interest in any such market as last aforesaid shall be in like manner registered within two months after the date of transfer.

**195.** Any market which, or the transfer of which, shall not be duly registered under the preceding sections shall be deemed to be a place not used as a market at the time of the passing of this Act.

**196.** The Municipal Commissioners may from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places within the said town for the purpose of being used as municipal markets, and may charge such rents, tolls and fees as to them may seem fit for the use of or right to expose goods for sale in such markets, and for the use of shops, stalls and standings therein.

**197.** All such rents, tolls, and fees which shall be imposed shall be recoverable by the Municipal Commissioners from the persons liable to pay the same, as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provision of this Act.

**198.** It shall be lawful for the Commissioners to make bye-laws for the establishment and publication of a price-current by measure, weight, or tale of the articles sold in Municipal markets under this Act, and for prescribing the mode of sale of such articles.

**199.** It shall be lawful for the Municipal Commissioners to expel from any such market any person who or whose servants may be convicted of disobeying any such bye-law, and to prevent such person by himself or his servants

further carrying on any trade or business in such market, or occupying stalls or shops therein, and to determine any lease or tenure which such person may have in any such stall or shop.

#### PART XI.—JURISDICTION OF COMMISSIONERS IN MUNICIPAL AND OTHER CASES.

**200.** It shall be lawful for the Lieutenant-Governor to direct that any two or more Commissioners of any Municipality may exercise within the limits of such Municipality the powers of a Magistrate in respect of all or any of the offences under the following provisions of this Act, namely, Sections 69, 76, 77, 79, 84, 85, 86, 87, 88, 97, 117, 118, all the sections of Parts IX and X, and the rules and bye-laws which may be framed under any Section of this Act, and also in respect of all offences named in the Penal Code which may be triable under the Criminal Procedure Code by a subordinate magistrate of the first class. When such direction shall have been notified in the *Calcutta Gazette*, then any person accused of an offence, or liable to a penalty under or in pursuance of the above-mentioned provisions of this Act, shall be tried by a bench of not less than two Commissioners sitting together. With respect to any matter which may, under this section, be transferred to the jurisdiction of the Commissioners, the powers, duties, and authority of the Magistrate shall cease. Provided that if the Commissioners, or a bench of the Commissioners, refuse or omit to act under this section, the Magistrate may, with the sanction of the Commissioner of the Division, resume for such time as he may seem fit the functions transferred to the Commissioners under this section. It shall be competent to the Lieutenant-Governor to amend, modify, or recall any direction notified under this section. In case of difference of opinion between the members of a bench of Commissioners, the opinion of the majority shall prevail; when the numbers are equally divided, the opinion of the senior Commissioner shall prevail. The provisions of this section shall not be held to affect the appellate jurisdiction of the Magistrate of the district, under Chapter XXX of the Code of Criminal Procedure, or the powers of supervision vested in the Magistrate of the district by section 434 of the same Code.

**201.** It shall be lawful for the Commissioners at a meeting to make bye-laws for regulating the rotation in which, and the place at which, the Commissioners shall sit to decide cases under the next foregoing section, and to assign from the Municipal Fund salaries to clerks and other servants who may be appointed by the Commissioners to serve in the courts of benches of Commissioners sitting under the next preceding section.

#### PART XII.

##### THIRD CLASS MUNICIPALITIES.

**202.** It shall be lawful for the Lieutenant-Governor to extend the provisions of this and the next succeeding Part to any place not being a I or II Class Municipality, and it shall be lawful for the Lieutenant-Governor to delegate the power of extending the said provisions to such officers as he may see

fit. After such extension shall have been notified the Magistrate of the district may by a writing under his hand and seal appoint not less three and not more than five persons to be a punchayet in such place. Provided that no punchayet shall be appointed for any place in which there shall be less than sixty houses, and provided that no punchayet shall be appointed in any place, until a Magistrate shall, in personal communication with some of the residents of such town, have explained to them the general duties of a punchayet.

**203.** If two or more places containing together not less than eighty houses are so situate that some house in one of such places is situate within one mile of some house in each of the others, it shall be lawful for the Magistrate to form such places into a union, and for the purposes of this part such union shall be deemed to be a village.

**204.** It shall be lawful for the Magistrate of the district to permit or cause the election of a punchayet, under such rules as the Lieutenant-Governor may from time to time prescribe for any place, instead of appointing such punchayet under section 201 of this Act. The Magistrate of the district shall have power to accept resignations and to fill up vacancies in punchayets either by election or by appointment. Every member of a punchayet shall hold office until a successor be elected or appointed. But no person shall be eligible for membership of the punchayet of any place, unless he is a resident in such place, or the proprietor or holder of land therein or his local agent, provided that such proprietor or local agent shall not be eligible for membership unless he be resident within one mile from some part of such place.

**205.** Whenever the majority in number of the adult male residents in any place or in two or more places so situate as in section 202 is set forth shall by a writing signed by them apply to the Magistrate of the district for the appointment of a punchayet in such place or places, it shall be lawful for him to appoint a punchayet under this Part in such place or places without regard to the number of houses therein contained, and all the provisions of this Part shall apply to such punchayet and to such place or places.

**206.** It shall be lawful for the Magistrate of the district to declare by a writing under his hand and seal what shall be the limits of any Municipality constituted under this Part. But in any case where no such declaration is made, the limits of a Municipality under this Part shall be taken to be the boundaries of the area of the village or villages which constitute such Municipality.

**207.** It shall be lawful for the punchayet of any Municipality constituted under this Part to impose within the limits of such Municipality the tax described at section 31 clause (a) of this Act, provided that the average annual tax on each holding shall not exceed one rupee.

**208.** The assessment to the tax imposed under the next foregoing section shall be made by the punchayet, subject as far as may be to the provisions

of sections 32, 33, 34, 35, 36, 37, 38, 39 and 40 of Part III, Chapter 2 of this Act in respect to Commissioners, provided that it shall not be necessary to send any list or notice of assessment under this part anywhere outside the place for which the assessments may be framed; and provided that any person dissatisfied with his assessment may appeal orally or in writing to the punchayet, who shall consider and decide finally on such appeal; and also that the Magistrate may call for the list of assessment of any village, and that he shall call for such list on the application of ten tax-payers of such villages, and may pass such orders on any such list as he may think fit.

**209.** Every punchayet shall appoint one of their number to receive and collect the tax, and to grant receipts for the same and to keep the accounts thereof, and it shall be lawful for the punchayet to permit the person so appointed to retain any sum not exceeding six per cent. of the amount collected by him to re-pay the costs of such collection.

**210.** The collecting member of the punchayet shall collect the tax due every quarter, following, as near as may be, the procedure laid down in sections 99, 100, 102, 104, 105, and 107 of Part IV of this Act, provided that the collecting member shall himself do all which must be done by the tax collector or by the Magistrate under the above-mentioned sections; and provided that the collecting member be not bound to make use of the forms prescribed in these sections, so long as any warrant of distress issued for tax due under this Part shall be in writing, and shall be under the hand of the collecting member.

**211.** Any person against whom distress may issue under the next foregoing section may, if he dispute his liability to the arrear demanded of him, apply to the Magistrate either orally or in writing, and the Magistrate, after hearing the applicant's statement and making such enquiry as he may see fit, shall pass such order as he may deem proper on the application.

**212.** The proceeds of the tax levied under this part, together with any fines realized under this Act, and any other sum which may become applicable for the purposes of this Act, shall constitute a fund which shall be called "The Village Fund;" and such fund shall be applicable to the payment of chowkedars and the balance after payment of chowkedars shall be applicable to the supply of drinking water to the residents or to their cattle, to simple conservancy operations, and to the support of *patshahas* or village schools.

**213.** The punchayet of any place shall be bound to appoint such persons to be chowkedars as they may deem fit, and to assign them salaries out of the Village Fund; provided that not more than one chowkeedar be appointed to every sixty houses, and that the salary of a chowkeedar be not less than three rupees a month, subject to reduction on account of the revenue due on any *chakran* lands enjoyed by such chowkeedar.

**214.** On the appointment of any chowkeedar the punchayet shall give to him a certificate signed by them of such his appointment, specifying therein the rate of salary at which he has been appointed, and he shall within seven days produce such certificate at the police station within the limits of which his village may be situate, and the officer in charge of such station shall cause the particulars of such certificate to be registered in a book to be kept in such station for the purpose of such registration, and shall report the same to the Magistrate.

**215.** It shall be lawful for the Magistrate if he see fit to dismiss any chowkeedar for misconduct or neglect of duty, and the punchayet shall thereupon appoint a successor. It shall be lawful for the punchayet to dismiss or fine to the extent of one month's salary any chowkeedar for neglect of duty or misconduct, provided that such chowkeedar may within sixty days appeal to the Magistrate against such dismissal or fine, and the Magistrate shall thereon make such enquiry and pass such order as he may see fit.

**216.** Every chowkeedar appointed under the provisions of this Part shall perform the following duties :

(1) He shall give immediate information to the officer in charge of the police station within the limits of which the village is situate of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in the final section of this Part which may be committed within the village of which he is chowkeedar, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

(2) He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in the final section of this Part.

(3) He shall observe, and from time to time report to the officer in charge of the police station within the limits of which the village may be situate, the movements of all bad characters in such village.

(4) He shall report to the officer in charge of such police station the arrival of suspicious characters in the neighbourhood.

(5) He shall present himself at such station twice in each week, if such station be within two miles of the village, and if it be more remote once in each week, or once in each fortnight as the Magistrate may direct.

(6) He shall supply any local information which the Magistrate or any officer of police may require.

(7) He shall obey the orders of the punchayet in regard to keeping watch in the village and other matters connected with his duties as chowkeedar.

**217.** Whenever the chowkeedar may arrest any person, such chowkeedar shall forthwith take the person so arrested to the police station within the limits of which such village is situate, provided that if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

**218.** The punchayet shall exercise a general control over the chowkeedars, and every member of such punchayet who may know or be informed of the commission within the village of any offence specified in the final section of this Part shall forthwith cause the same to be reported by the chowkeedar to the officer in charge of the police station within the limits of which the village may be situate, and on failure of the chowkeedar, such member shall himself report the same to such officer.

**219.** Every chowkeedar shall receive, month by month, the full amount of his salary from the member of the punchayet appointed to collect the tax.

**220.** Whenever the salary of any month shall not be paid in full to any chowkeedar on or before the 15th of the month following, such chowkeedar may apply to the Magistrate, who shall call upon the punchayet within ten days to show cause why they should not pay the amount due to such chowkeedar, and the Magistrate after hearing the punchayet shall pass such order as he may deem fit directing the punchayet or any member thereof to pay the chowkeedar's salary, or directing distraint of the property of the punchayet or any member thereof to the amount of the arrear due to the chowkeedar.

**221.** All powers vested in the punchayet for the appointment and dismissal of chowkeedars and for fixing the number of chowkeedars to be appointed and the rate of their pay, and for making and levying the assessments hereinbefore directed to be made, may be exercised by the Magistrate or any person whom the Magistrate may by any writing under his hand authorise on that behalf, in case the punchayet shall, for fifteen days after a notice from the Magistrate to exercise such powers or any of them, refuse or neglect to exercise the same, and the Magistrate shall be bound to enquire into any matter concerning the due observance of the provisions of this part in any village whenever ten adult tax-payers may make a representation to the effect that the punchayet's proceedings require supervision or amendment.

**222.** The punchayet shall be bound to affix once in every quarter on a conspicuous place in the village, or in each village of their circuit, an account of the receipts and expenditure of the quarter next preceding. Any ten adult tax-payers of the village may, if the accounts are not published, or if they are dissatisfied with such accounts, make a representation to the Magistrate who shall be bound to supervise the same.

**223.** It shall be lawful for the Lieutenant-Governor to invest all or any of the members of a punchayet with powers described in Section 200 of this Act so far as the same are applicable. Two or more of the members so invested may thereafter sit together under such bye-laws as to rotation, days of sitting, and place of sitting, as the Magistrate may from time to time prescribe, and so sitting shall have jurisdiction within the limits of their municipality. All the provisions of the said section with respect to Commissioners shall apply to members of a punchayet invested with powers as aforesaid so far as the said provisions are or may be applicable.

Jurisdiction of a punchayet.

**PART XIII.**

**MISCELLANEOUS.**

**224.** Every bill, notice, schedule, summons, or notice of demand, regarding any assessment, rate, or tax or any money due in respect of the same may be served personally upon the person to whom the same is assessed, or be left at his usual place of abode with some adult male member or servant of his family, or if it cannot be so served, may be put up on some conspicuous part of such place of abode, and shall thereby be deemed to be duly served.

Service of notice.

Provided that, if the place of abode of the owner of any house, building, or land in respect of which a rate is assessed be unknown, or if the owner of any such house, building, or land be not resident within the limits of the place, every such bill, notice, summons, or notice of demand, shall be deemed to have been duly served, if put up on some conspicuous part of the house, building, or land in respect of which the rate is assessed.

Proviso.

**225.** No assessment, and no charge or demand of a rate or tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to the rate or tax, or any mistake in the amount of assessment, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any court of justice.

Assessment not to be impeached if the directions of the Act are in substance complied with.

**226.** No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction.

Distress not unlawful for want of form.

**227.** Instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any rates, taxes, expenses, or charges, recoverable under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Commissioners may bring suit instead of distraining, or on failure of distress.

**228.** The Commissioners 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 Commissioners, their officers or servants, under this Act.

Power to make compensation out of the Municipal Fund.

**229.** It shall be lawful for the Commissioners to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter-mentioned, for regulating the time and mode of collecting the rates and taxes mentioned in this Act, for regulating the conduct of persons employed by them, for the management of all matters connected with conservancy, and for carrying out all the purposes of this Act; and to affix fines as penalties for the infringement of such bye-laws. Provided that no bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a bye-law shall exceed twenty Rupees, and that in case of a continuing infringement no fine shall exceed five Rupees for every day after notice from the Commissioners of such infringement.

Commissioners empowered to make bye-laws.

**230.** No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

Confirmation and publication of bye-law.

**231.** All bye-laws, when the same shall have been duly confirmed and published, shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

Bye-laws until repealed altered, to be of like effect as if inserted in this Act.

**232.** No action shall be brought against the Commissioners, or against a punchayet, or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after

No action to be brought against the Commissioners, their officers, until after one month's notice of cause of action.

at the office of the Commissioners or affixed at some conspicuous place in the village of such punchayet, or at the place of abode of such person, explicitly stating the cause of action and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given, shall before such action is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

**233.** The Commissioners may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund, and no charge of an offence under this Act shall be instituted without the order or consent of the

No charge to be instituted under this Act without consent of Commissioners.

Commissioners, and no such charge shall be instituted except within three months next after the commission of such offence. Any prosecution under this section shall be instituted before any Magistrate having jurisdiction under the provisions of Chapter XV of the Criminal Procedure Code. The procedure of the above-mentioned code shall apply to all trials of offences under this Act.

property in the said Municipality pursuant to the Bengal Municipalities Act, 1872, for the purpose of maintaining the conservancy for such Municipality and carrying out the other provisions.

**234.** All the proceedings of the Magistrate of the district, or of a Magistrate under this Act, or of the Municipal Commissioners, except as otherwise specially provided, shall be subject to the control and revision of the Commissioner of the division; and all the proceedings of the Commissioner of the division shall be subject to the control of the Lieutenant-Governor of Bengal.

Property occupied.	Name of occupant.	Profession or business.	Amount of quarterly assessment.
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Proceedings of Magistrate of district and Commissioner of division respectively, subject to control of Lieutenant-Governor.

**SCHEDULE A.**  
(Referred to in Section 5.)  
**ACTS REPEALED.**

Number of Act.	Title
Act XXVI of 1850	To enable improvements to be made in towns.
Act XX of 1856	To make better provision for the appointment and maintenance of police chowkeers in cities, towns, stations, suburbs, and bazaars in the Presidency of Fort William in Bengal.
Act XXI of 1857	To make better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah.
Act XII of 1858	For raising funds for making and repairing roads in the suburbs of Calcutta and the station of Howrah.
Act III (B.C.) of 1864, or District Municipal Improvement Act.	For the appointment of Municipal Commissioners in towns and other places in the provinces under the control of the Lieutenant-Governor of Bengal, and to make better provision for conservancy, improvement, and watching thereof, and for the levying of rates and taxes thereon.
Act IV (B.C.) of 1865	For the prohibition of the practice of inoculation in the town and suburbs of Calcutta and in towns to which Act III of 1864 has been or shall hereafter be extended.
Act VI (B.C.) of 1867	For the better regulation of the police in towns and municipalities in the territories under the control of the Lieutenant-Governor of Bengal.
Act VII (B.C.) of 1867	For amending Act III of 1864.
Act II (B.C.) of 1868	For amending the District Municipal Improvement Act.
Act VI (B.C.) of 1868, or District Towns Act, 1868.	For providing for the better regulation of the police in towns under the control of the Lieutenant-Governor of Bengal, and for the conservancy and improvement thereof.

Whereas the above assessment has been duly made pursuant to the Bengal Municipalities Act, 1872, and has been revised and settled by me, the undersigned Magistrate of \_\_\_\_\_, the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity to the Tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the first day of ( ) and every subsequent payment on or before the first day of ( ) the first day of ( ), and the first day ( ), or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as allowed by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
Magistrate of \_\_\_\_\_

**SCHEDULE C.—(REFERRED TO IN SECTION 58.)**  
**Tax on Carriages, Horses, and Elephants.**

	Rs.	p.	quarter.
For every 4-wheeled carriage on springs drawn by two horses	...	4	8
For every 4-wheeled carriage on springs drawn by one horse or pony, or a pair of ponies under thirteen hands	...	1	8
For every 4-wheeled carriage without springs	...	1	8
For every 2-wheeled carriage on springs	...	2	4
For every 2-wheeled carriage without springs, drawn by a horse, pony, or mule	...	0	12
For every horse	...	2	4
For every pony under thirteen hands or mule	...	0	12
For every elephant	...	6	0
Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.			

**SCHEDULE D.**

(Referred to in Section 70.)

**License on Professions, Trades, and Callings.**

**CLASS I.**

	Yearly.
	Rs.
Every Joint-Stock Company ...	100

**SCHEDULE B (referred to in section 36).**

**NOTICE OF ASSESSMENT.**

An assessment made for [here describe the Municipality for which the assessment is made] upon the several occupiers of houses and other



**CLASS II.**

Every Merchant, Banker, Shroff, Banian, }  
 wholesale Trader, and Commission }  
 Agent, and every practising Surgeon, }  
 Physician, Dentist, Architect, Civil }  
 Engineer, Barrister, Attorney, Proctor, }  
 Notary Public, and Pleader of the }  
 High Court } 50  
 Every owner or farmer of a hât or bazaar.  
 Every owner of Cotton, Jute, Hide, or  
 other Screws and every Auctioneer ... }

**CLASS III.**

Every Broker or Daloll employed in the }  
 wholesale transfer or purchase of Im- }  
 ports or Exports, or in the sale of }  
 Government Securities, Shares, and Bills }  
 of Exchange, or in procuring Freight. }  
 Every Practising Licentiate of Medicine, }  
 Apothecary, and Veterinary Surgeon... }  
 Every keeper of a Spirit-shop, Punch- }  
 house or Billiard room, wholesal }  
 Tobacco or Jute Depôt ... }  
 Every Hotel-keeper, Boarding House- }  
 keeper, Shop-keeper, Manufacturer or }  
 Trader, whose shop or place of business }  
 is assessed under Section at more }  
 than 250 or less than 100 Rupees a }  
 month }  
 Every Pawn-broker, and every person }  
 having a shop or place of business }  
 registered under Section ... }  
 Every Pleader, Mooktear, or Law Agent, }  
 not included in Class II. ... }

**CLASS IV.**

Every Hotel-keeper, Boarding and Lodg- }  
 ing House-keeper, Shop-keeper, Manu- }  
 facturer or Trader, whose shop or place }  
 of business is kept in a brick-house, but }  
 not included in Class II. or Class III. }  
 Every keeper of a permanent stall at a }  
 daily public market or in a chouk ... }  
 Every Poddar or Money-changer ... }  
 Every Hakeem, Koberaj, and Native }  
 Doctor, not included in any other Class }

**CLASS V.**

Every keeper of a shop not included in }  
 any other Class, and every Daloll not }  
 included in Class III.... }  
 Every Pedlar, Hawker, Box-wallah, }  
 and keeper of a shop at a periodical }  
 market or hât ... }

**CLASS VI.**

All other itinerant dealers and keepers of }  
 stalls at periodical markets or hâts ... }

**NOTE.**—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations at the discretion of the Chairman or of the sub-committee as the case may be, and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered to be payment by the firm.

(REFERRED TO IN SECTION 91.)

*Maximum rates of tolls payable on entering the municipal limits.*

	Rs.	As.	P.
On every four-wheeled carriage on springs ...	0	8	0
Ditto two-wheeled ditto ...	0	4	0
On every cart, hackery on springs, or cart drawn by men, buffaloes, bullocks, horses, ponies, asses, or mules laden ...	0	4	0
Ditto ditto not laden ...	0	2	0
On every buffalo or bullock laden ...	0	1	0
Ditto horse laden or ridden ...	0	2	0
Ditto ditto not laden or ridden ...	0	1	0
Ditto pony or ass laden or ridden ...	0	1	0
Ditto elephant ditto ...	1	0	0
Ditto camel ...	0	4	0

**SCHEDULE F.**

**FORM A.**—(REFERRED TO IN SECTION 104.)

*Notice of Demand.*

*Municipality of ( )*  
 To \_\_\_\_\_ of \_\_\_\_\_  
 Take notice that the sum of Rs. \_\_\_\_\_ being the amount of assessment due from you to the Fund of the said Municipality is hereby demanded from you, and that if you do not, within ten days, pay the same with two annas as the cost of this notice into the office of \_\_\_\_\_, the same with costs will be levied by distress and sale of your goods and chattels.

(Sd.)

*Magistrate of*

**FORM B.**—(REFERRED TO IN SECTIONS 104 and 105.)

*Table of Fees payable upon distraints under this Act.*

Sums distrained for	Fee.	
	Rs.	As.
Under 1 Rupee ...	0	4
1 and under 5 Rupees ...	0	8
5 " 10 " ...	1	0
10 " 15 " ...	1	8
15 " 20 " ...	2	0
20 " 25 " ...	2	8
25 " 30 " ...	3	0
30 " 35 " ...	3	8
35 " 40 " ...	4	0
40 " 45 " ...	4	8
45 " 50 " ...	5	0
50 " 60 " ...	6	0
60 " 80 " ...	7	8
80 " 100 " ...	9	0
Above 100 " ...	10	0

The above charge includes all expenses including the service of notice of demand, except when persons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

**FORM C.**—(REFERRED TO IN SECTION 105.)

*Warrant of Distraint.*

To (here insert the name of the officer charged with the execution of the warrant.)





SCHEDULE H.—(referred to in Sections 115 and 116.)

18 .

Deaths in the Municipality of

No.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of Death.	Signature, description, and residence of informant.	When registered.	Signature of Registrar.

STATEMENT OF OBJECTS AND REASONS.

THERE are at present four different laws, besides several amending Acts, under which municipalities in Bengal are administered. The present Bill has been framed with the view of consolidating these different enactments into a single law. Opportunity has been taken to enlarge the powers of Municipal Commissioners; to lay less municipal work and responsibility on the shoulders of Magistrates; to make Municipal Commissioners elective; and in other ways to afford more scope for municipal self-government. The Bill provides for three classes of municipalities; in two classes the governing body will be Municipal Commissioners, while the rural townships in the third class will be administered by punchayets. Municipal Commissioners will have power to adopt one or more of the ordinary forms of Indian municipal taxation, but for punchayets only one form of local taxation will be available. Municipal funds will be devoted to police and to ordinary municipal purposes; and it is proposed to permit of their expenditure

on the maintenance of education and on the relief of exceptional distress. Village funds in third class Municipalities shall, it is proposed, be applicable to the payment of chowkeydars, to the maintenance of *patshalas* or rural schools, and to the supply of drinking water. Power is taken for Government, or its officers to intervene in cases where Municipal Commissioners or a punchayet may fail to maintain sufficient police, or where elementary education may not be available at reasonable cost. Provision is made for members of municipal bodies sitting for the trial of petty offences committed within the limits of their townships.

In respect of nuisances, of conservancy, of vaccination, of town markets, and such like matters, the Bill adopts the provisions of existing Municipal Acts.

C. BERNARD.

The 9th December 1871.

HERBERT COWELL,  
Asst. Secy. to the Govt. of Bengal,  
Legislative Dept.

THE following Bill was read in the Council of the Lieutenant-Governor of Bengal for the purpose of making Laws and Regulations on the 27th January 1872, and was referred to a Select Committee, who are to report thereon within a fortnight:—

*A Bill to amend the Calcutta Port Improvement Act, being Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council.*

WHEREAS it is expedient to give to the Commissioners for making improvements in the port of Calcutta a like indemnity to that which is given to the East India Company by Section LXI of Act XXII of 1855; It is hereby enacted as follows:—

1. The said Commissioners shall not be answerable for any act or default of any Master Attendant, Harbour Master, or other Conservator of the said port, or of any Deputy or Assistant of the said officers, or of any person acting under the authority or directions of any such officer or assistant, done within the limits of the said port; nor for any damage or injury sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other thing belonging to the said Commissioners within the said port which may be used by such vessel. Provided that nothing in this section shall protect the said Commissioners from an action in respect of any act done by or under the express order or sanction of the said Commissioners.

2. This Act shall be read with and taken as part of Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council.

#### STATEMENT OF OBJECTS AND REASONS.

BEFORE the new Port Trust was created in 1870, Government managed the Port of Calcutta and enjoyed an indemnity in respect of the acts of its harbour officers and of damage resulting from defects in its moorings, hawsers, or other appliances. It is deemed by the Chamber of Commerce and by the Government better for the trade of Calcutta that the Port Commissioners should enjoy a similar indemnity. If they do not obtain this indemnity, they will have to maintain high port dues to cover their possible liabilities. The present Bill proposes to grant the Port Commissioners the required indemnity.

C. BERNARD.

*The 27th January 1872.*

HERBERT COWELL,  
Asst. Secy. to the Govt. of Bengal,  
Legislative Department

#### Orders by the Lieutenant-Governor of Bengal.

Revenue and General Departments.

No. 302R.

#### APPOINTMENTS.

*The 20th February 1872.*—Moonashee Myjooddeen Ahmed to officiate temporarily as a Deputy Collector of Settlements in Midnapore, under the orders of Mr. James Catrall Price. He is vested with the powers of a Collector under Regulations VI. of 1822 and IX. of 1825.

*The 24th February 1872.*—Mr. William Macpherson to be a Magistrate and Collector of the First Grade.

Mr. James Monro to be Magistrate and Collector of Jessore, in the Second Grade, but to continue to officiate as a Magistrate and Collector of the First Grade.

Mr. William Kemble to be a Joint-Magistrate and Deputy Collector of the First Grade.

Mr. Joseph Samuel Armstrong to be a Joint-Magistrate and Deputy Collector of the Second Grade, but to continue to officiate as a Joint-Magistrate and Deputy Collector of the First Grade.

Mr. Villiers Thomas Taylor to be Magistrate and Collector of Bhaugulpore, in the First Grade.

Mr. Alexander Smith, on furlough, to be Senior Superintendent of Survey.

Mr. Henry Thoby Prinsep to be Magistrate and Collector of Pooree, but to continue to officiate as District and Sessions Judge of Hooghly, until further orders.

Mr. Anthony Benn Falcon to be a Magistrate and Collector of the Second Grade, and to be Magistrate and Collector of Bogra.

The above eight appointments will take effect from the 1st instant.

Mr. Stuart Colvin Bayley, Officiating Commissioner of Chittagong, to officiate as Commissioner of Revenue and Circuit of the Patna Division, during the absence, on leave, of Mr. Richard Palmer Jenkins, or until further orders.

Moulvie Syed Mahomed Israil, Deputy Magistrate and Deputy Collector of Sylhet, on leave, is transferred to Mymensing.

Mr. Warren Hastings D'Oyly to officiate, in the Second Grade, as Magistrate and Deputy Collector of Howrah, as a temporary arrangement.

#### LEAVE OF ABSENCE.

*The 21st February 1872.*—Mr. Godfrey John Bective Tuite Dalton, Officiating Joint-Magistrate and Deputy Collector of Bhaugulpore, is allowed furlough for two years, under Sections II and III of the Covenanted Service Absentee Rules.

Mr. Henry Fillerup Campbell, Sub-Deputy Opium Agent of Futtehpore, is allowed leave of absence for one year, under paragraph 12, Clause 2 of the Uncovenanted Service Absentee Rules, together with fourteen days' preparatory leave from the 17th April next.

*The 26th February 1872.*—Mr. Robert Douglas Hare, Extra Assistant Commissioner, Maunbhoon, for two months, under Section XIX. of the Covenanted Service Leave Rules.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

The following Notification issued by the Government of India, in the Home Department, is republished for general information:—

No. 920.—*Proclamation.*—*The 23rd February 1872.*—Whereas the death of the RIGHT HON'BLE THE EARL OF MAYO, K.P., C.M.S.I., has caused a vacancy in the office of Governor General of India; and whereas it has been provided by the 50th Section of the Act 24 & 25 Vic., Cap. 67, that "if any vacancy shall happen in the office of Governor General of India when no provisional successor shall be in India to supply such vacancy, then, and in every such case, the Governor of the Presidency of Fort St. George, or the Governor of the Presidency of Bombay, who shall have been first appointed to the office of Governor by Her Majesty, shall

hold and execute the said office of Governor General of India, and Governor of the Presidency of Fort William in Bengal, until a successor shall arrive or until some person in India shall be duly appointed thereto; and whereas there is not in India any provisional successor to supply the vacancy in the office of Governor General of India, it is hereby proclaimed that His Excellency THE RIGHT HON'BLE FRANCIS BARON NAPIER OF MERCHISTOUN, K.T., Governor of the Presidency of Fort St. George, has this day assumed the office of Viceroy and Governor General of India and Governor of the Presidency of Fort William in Bengal.

HIS EXCELLENCY BARON NAPIER OF MERCHISTOUN, K.T., has this day taken the oath and his seat in His Excellency's Council under a salute of twenty-one guns from the Ramparts of Fort William.

The following Orders issued by the Government of India, in the Home Department, are republished for general information:—

No. 917.—Fort William, the 23rd February 1872.—*Notification.—Public.*—The foot note attached to Clause II of the Rules relating to the employment of Military Officers in the Civil and Political Departments, published in the Notification of this Department, No. 3101, dated 5th October 1864, is hereby cancelled.

No. 95.—Fort William, the 19th February 1872.—*Education.*—Under Section 12 of Act II of 1857, the Acting Governor General in Council authorizes the affiliation in Arts, up to the standard of the First Arts Examination, of the Metropolitan Institution, Calcutta, to the Calcutta University, with effect from the 1st ultimo.

The following Order issued by the Government of India, in the Military Department, is republished for general information:—

No. 184.—Fort William, the 23rd February 1872.—With reference to clause 4, paragraph 3, of the circular letter published in G. G. O. No. 274, dated 23rd March 1861, regarding the custody and condition of arms issued to Volunteer Corps in India, His Excellency the Governor General in Council is pleased to direct the addition to the above clause of the following rules as applicable to India:—

That in the event of a Commandant resigning command, an immediate report is to be made to Government of the name of his successor. With this report is to be forwarded a new receipt for the arms and accoutrements issued by Government to the Corps. Unless this Notification and new receipt is received, the Officer who signed the original receipt will still be held responsible for the condition of the arms; and should any on inspection be found injured or missing, steps will be taken to recover the amount from the signor of the original receipt.

All arms and accoutrements issued to Volunteer Corps are to be inspected twice a year by an Officer deputed for this duty.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

NOTIFICATION.

The 23rd February 1872.—It is hereby notified that under the provisions of Section 5 of the Indian Registration Act VIII. of 1871, the Lieutenant-Governor has been pleased to form the following sub-districts in the district of Noakhali:—

A new sub-district, with Head-Quarters at Lakhipurah, shall comprise the Thannahs of Lakhipurah and Ramganj.

Another new sub-district, with Head-Quarters at Amirgaon, shall include the Thannahs of Amirgaon and Bamui.

This notification shall take effect on and from the 1st March 1872.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

The 20th February 1872.—Under the provisions of Section 83, Act V (B.C.) of 1870, (An Act to appoint Commissioners for making improvements in the Port of Calcutta), the following Bye-laws for landing and delivery of goods at the jetties, as proposed by the Commissioners, are published for general information:—

SECTION 2.

LANDING AND DELIVERY OF GOODS AT THE JETTIES

BYE-LAWS.

1. The allotment of jetties shall be entirely at the discretion of the Commissioners, but as a general rule, vessels shall be accommodated in the order of their arrival off the jetties. Vessels discharging or loading at the jetties shall move from one jetty to another when ordered.

2. Masters of vessels about to discharge at the jetties, shall not break bulk until a copy of the manifest, or the Master's copies of the bills of lading have been deposited in the jetty office. The copies of the bills of lading, if deposited, shall be returned after discharge of the inward cargo.

3. Ships lying at the jetties shall not discharge cargo into boats if such cargo is to be subsequently landed on the Calcutta bank of the river, between Chitpore Canal and Tolly's Nullah.

4. Packages of cargo shall be slung in the hatchway, and under no circumstances whatever shall the cranes be employed in breaking out cargo or removing it from under the combings.

5. Single packages over three tons shall not be hoisted until the correct weight shall have been ascertained; and when packages weighing more than three tons are being hoisted, the Superintendent of the cranes shall invariably be present.

6. Masters of vessels shall furnish special notice to the shed officers before landing packages containing articles liable to ignition or explosion, or which are otherwise dangerous.

7. Packages shall not be opened for appraisal except in the presence of the consignee or his representative, and under an application to the shed officer from the appraiser endorsed on the bill of entry.

8. No person shall remove from the wharf any goods other than those covered by the customs bill of entry and the jetty challan. In the event of any person removing goods not covered by such documents, the Commissioners may detain any goods of such person until all questions connected with the erroneous removal shall have been adjusted, and all monies due to the Commissioners paid.

9. Smoking, and the use of any unprotected fire or light, in any office, shed, or warehouse within the jetty enclosure, is strictly prohibited.

Smoking prohibited under penalty.

10. Excepting persons passing to and from ships lying at the jetties, no person shall be allowed inside the jetty enclosure after twilight.

Persons not to remain in the jetties after twilight.

11. No person, unless duly permitted by the Commissioners, shall take inside the jetty premises carpenters' tools, or other instruments used, for opening cases, and no cooper shall be allowed to work in the sheds without a license from the Commissioners.

Carpenters' tools not to be taken into the compound without permission.

12. Any person committing an infringement of any of the foregoing bye-laws, shall be liable for the first offence to a fine not exceeding Rs. 100, and for a continuance of that offence after notice shall have been given him by the Commissioners of his having committed the offence, to a further fine of Rs. 50 per day.

Penalty for non-observance of bye-laws.

13. Goods landed at the jetties shall only be delivered on production of the bills of lading, accompanied by a delivery order from the Master or Agents of the vessel, and no delivery orders, unsupported by the bills of lading, will be accepted.

Bills of lading to be produced before delivery.

14. When discharging iron, drainage pipes, or other goods, which from their want of description or want of proper distinguishing marks, there will be difficulty in delivering correctly to consignees, the Master of the vessel shall separate before landing, or in course of landing, the various marks and consignments, failing which the Commissioners will refuse to receive the goods.

Consignments of metals to be kept separate.

15. Packages containing jewellery, precious stones, or specie shall be taken delivery of by consignees direct from the jetties as soon as they are landed, as the Commissioners undertake no risk in respect of such packages.

Specie to be taken delivery of direct from the jetties.

16. All goods trans-shipped from one vessel to another without being landed, and without the assistance of the jetty cranes, are exempted from all charges, provided notice of trans-shipment is given by consignees or vessel's agents to the jetty superintendent immediately after the vessel hauls alongside a jetty to discharge. If goods for trans-shipment are landed on the jetties, they will be allowed to remain in the sheds free of wharf-rent for five clear running days.

Trans-shipment of goods.

17. The Commissioners shall not be responsible for damage by chafage, salt-water or oil, nor for any damage done in course of landing, except such damage as may be caused by carelessness on the part of the Commissioners' servants or failure in the jetty appliances, nor for any loss resulting from fire in the jetty sheds or enclosure.

Limits of Commissioners' responsibility for damages sustained.

18. Masters of vessels shall be responsible for the proper slinging of cargo, and directing the crane drivers when discharging or loading.

Commissioners not responsible in the matter of slinging cargo.

19. The special sanction of the Commissioners shall be necessary to work the jetties before and after regular hours, and on Sundays and authorized holidays, and no overtime work shall be performed by any of the servants of the Commissioners, without permission. In order to facilitate the discharge of vessels, they will be allowed to work on holidays, so long as accommodation can be conveniently provided for cargo in the jetty sheds, on payment of double jetty hire, and the usual overtime fees to the establishments employed.

Restrictions to working jetties with respect to time.

20. The sanctioned holidays recognised by the Commissioners shall be—

New year's day	...	...	1 day.
Sree Puchoomy	...	...	1 "
Good Friday	...	...	1 "
Queen's Birth-day	...	...	1 "
Doorga and Luckhee Poojah	...	...	12 "
Kally Poojah	...	...	1 "
Juggodhatree Poojah	...	...	1 "
Christmas	...	...	2 ..

20 days.

21. Working hours shall be from 7 A.M. to 4 P.M. All fees for overtime work, and for working on holidays, shall be regulated by the sanctioned pay of each employé. The rule shall be one-and-a-half hour's pay for one hour's work—working days being calculated at 26 days in the month—and for holidays or part of a holiday, one day's pay. All fees for overtime work shall be paid to the Commissioners.

Working hours.

22. Two clear days, exclusive of Sundays and the holidays recognized by the Commissioners, shall be allowed to consignees for the removal of goods from the jetty-sheds.

Time allowed for removal of goods.

23. Consignees applying for delivery of goods shall fill up the jetty challan showing the quantities, weights or measurements, and the landing charges payable thereon. This form, accompanied by the Custom House bill of entry, shall be presented at the office of the Commissioners, where the amount of the landing charges will be received, and a receipt granted in original and duplicate if required. The jetty challan, accompanied by the bill of lading and a delivery order from the Master or Agents of the vessel, shall then be handed to the shed officer, who will examine the document, and on being satisfied that they are in order, will grant delivery and authorise the gate officer to pass the goods.

Procedure for delivery.

24. The opening of any package for appraisal, without the condition of the package being previously questioned, shall be considered as delivery of the goods by the Commissioners to the consignee, and no claim for damage subsequently discovered shall be admitted.

Opening of a package, its condition not being questioned.

25. Permission to consignees from the Collector of Customs to open packages shall be countersigned by the superintendent of the jetties, and the opening of such packages without their condition being questioned shall be considered as delivery by the Commissioners, and no claim for damage subsequently discovered shall be admitted.

Permission of Collector of Customs to open packages to be countersigned by the jetty superintendent.

26. Packages which have been opened for appraisement, or by permission of the Collector of Customs, shall lie at the risk and expense of the owner, consignee, or agent.

Packages opened for appraisement and left unprotected.

27. Damaged goods for which a claim is brought against the ship shall not be charged wharf-rent until the fourth day after landing, provided notice of survey is given to the jetty superintendent within forty-eight hours after the goods have been received from the ship.

Damaged goods to be detained.

28. Goods taken delivery of but not removed from the jetty compound, shall lie at the risk of the owner, consignee, or agent.

Goods taken delivery of and left in the jetty compound.

H. L. DAMPIER,  
Secy. to the Govt. of Bengal.

Judicial and Political Departments.

No. 273J.

APPOINTMENTS.

The 16th February 1872.—Baboo Mohendro-nath Hazra to officiate in charge of the office of District Superintendent of Police, Midnapore, during the absence, on leave, of Mr. William Parry Davis, or until further orders.

The 23rd February 1872.—Mr. Henry Cockburn Richardson to officiate temporarily as District and Sessions Judge of Bhaugulpore, from the date on which Mr. Henry Roberts Madocks may make over charge to him.

Mr. Samuel Wauchope, C.B., is appointed to officiate as Commissioner of Police for the town of Calcutta and its Suburbs as a special and temporary arrangement, the Commissioner being relieved of his Police duties, except so far as concerns the conservancy of the town and any other arrangements necessarily connected with the office of Chairman of the Justices held by him. Mr. Wauchope is vested with the powers of a Magistrate of Police, Calcutta, under Section 6, Act IV (B.C.) of 1866, and Act XXI of 1864, and also with the powers of a Magistrate under the Criminal Procedure Code in the District of the 24-Pergunnahs, to be exercised within the limits of the Suburbs of Calcutta as defined by the Notification issued on the 17th October 1867, under the provisions of Section 1, Act II. (B.C.) of 1866.

Lord Henry Ulick Browne is appointed to officiate as Chairman of the Justices for the town of Calcutta, and Commissioner of Police for that town and its Suburbs.

appointment of Mr. S. Wauchope, C.B., to perform most of the duties of the latter office, during the absence, on leave, of Mr. Stuart Saunders Hogg, or until further orders. Lord Ulick Browne is also appointed to be a Municipal Commissioner for the Suburbs of Calcutta.

The 24th February 1872.—Mr John Mangles Lewis to officiate as Additional Judge of Hooghly, as a temporary arrangement, in consequence of the departure of Mr. S. Wauchope, C.B.

Mr. Edward Grey, officiating District and Sessions Judge of Moorsshedabad, to be District and Sessions Judge of that District, with effect from the 1st instant.

Mr Edward Drummond to be District and Sessions Judge of Purneah, with effect from the 1st instant, but to continue to officiate, until further orders, as District and Sessions Judge of Tirhoot.

Mr. Henry Muspratt to officiate as District and Sessions Judge of Rungpore, during the absence, on duty, of Mr. Henry Cockburn Richardson, or until further orders.

Mr. Charles Edward Bernard to officiate as Secretary to the Government of Bengal, until the return from leave of Mr. Augustus Rivers Thompson, or until further orders.

Mr. Thomas Gnyther Charles to be a Municipal Commissioner for the town of Durbhungah.

The 26th February 1872.—Mr. Arthur Levien to officiate as Additional Judge of Chittagong and Dacca, during the absence, on leave, of Mr. Henry Bruce Simson, or until further orders.

The Sub-Assistant Surgeons in charge of the Charitable Dispensaries at the following Stations are appointed to be ex-officio Medical Examiners of Laborers, under Section 22, Act II. (B.C.) of 1870, viz:—

Rajmehal.  
Baraset.  
Satkhira.  
Serajgunge.  
Cutwa.  
Durbhanga  
Sectamurhee.  
Palamow.  
Sherghotty.  
Kandi.  
Mudhoobance.  
Sasserain.  
Jehanabad.

LEAVE OF ABSENCE.

The 16th February 1872.—Mr. William Parry Davis, District Superintendent of Police, Midnapore, for six weeks, from the 17th instant, or any other date on which he made over charge, under Financial Notification No. 3622, dated the 22nd December 1865.

The 23rd February 1872.—Mr. Henry Roberts Madocks, Judge of Bhaugulpore, is allowed subsidiary leave of absence for a period not exceeding thirty days, from the 1st proximo, or any other date on which he may be relieved, preparatory to proceeding to Europe on furlough, embarking at Bombay.

Mr. Henry Bruce

the 1st proximo, under Section XIX. of the Covenanted Service Absentee Rules, subject to making the declaration required by Financial Notification No. 3463, dated 30th December 1871.

#### NOTIFICATIONS.

*The 19th February 1872.*—Her Majesty's Secretary of State for the Colonies has appointed Mr. H. A. Firth, Second Sub-Agent of Immigration in British Guiana, to be Emigration Agent for that Colony at Calcutta, *vice* Mr. W. J. Jeffrey, deceased.

*The 22nd February 1872.*—The orders of the 16th ultimo appointing Sub-Assistant Surgeon Aubinash Chunder Banerjee to have temporary Medical charge of the Sub-division of Cutwa, and of the Charitable Dispensary at that place, are cancelled.

*The 24th February 1872.*—The Lieutenant-Governor is pleased to accept the resignation tendered by Mr. Augustus Rivers Thompson of his seat in the Council of the Lieutenant-Governor of Bengal, for the purpose of making laws and regulations in the Bengal Division of the Presidency of Fort William.

The leave granted to Bahoo Uday Chand Dutt, Civil Medical Officer of Noakhally, under orders of the 22nd ultimo, is cancelled at his own request.

A. MACKENZIE,

*Junior Secy to the Govt. of Bengal.*

#### NOTIFICATION.

*The 22nd February 1872.*—The following shall be the boundaries of Thannahs Mushruk, Bussuntpoor (late Tajpoor), Chupra, and Pursa, in Zillah Sarun, in lieu of those described in the Notification of the 10th June 1865, at page 1068 of the *Calcutta Gazette* of the 14th idem :—

##### *Thannah Mushruk.*

The northern and eastern boundaries shall be the same as described in the Notification of the 10th June 1865.

The southern boundary shall also remain unaltered from the village of Molnapoor to that of Oosuree Kulan (detached). Thence—

The south-western and western boundary shall pass along the limits of the following villages, *viz.* Oosuree Kulan (detached), Oosuree Khoord, Byreea, Beckhura, Durwa, Dumra Beersowlee, Pursowlee, Shampoer, Gmurabeea, Shumspoor, Semuree, Sonowlee, Dhowree Gopal, Buhecara, Bahrampoorgopee or Gopee, Bishoopoora, Buhwarce, and Jungowlee; whence along the limits of Pergunnahs Goa and Murhul, up to the village of Salehpoor.

##### *Thannah Bussuntpoor (late Tajpoor).*

The northern and western boundaries shall accord with those of the sub-division from the village of Tilma Khoord to that of Pursahurnatund. Whence—

The southern boundary shall run along the limits of the following villages, *viz.* Pursahurna-

Bugowra Khas Nankar Bundobusttechat, Mudaree Chuk, Julalpoor, Debec Boozoorg Mai Jungul, Pand-ypoora Akrowlee, Sudowlee, Bulwan, Surcea, Hurpoorzoianar, Khanpoora, Sookhtcea, Dharpoor, Buhadoorpoor, Mukhidoompoor, Meerjumeela, Mirzapoor, Rajahpoor, Budurzumeen, Russoolpoor, Meetumpoora, Gopalpoor, Meerhat, Bunkutpoor, Chuk Moonda, Mahmudpoor, Usli-o-Bluwanceenugur Dakhli, Ramputty Khas, Rampoorputtydeegur, and Buhecara Mafee. Thence—

The eastern and north-eastern boundary shall be conterminous with the western boundary of Thannah Mushruk.

*Note*—The Police Station of Tajpoore has been removed from Tajpoore to Bussuntpoor.

##### *Thannah Chupra.*

On the north and north-east the boundary shall be conterminous with that of Thannahs Bussuntpoor and Mushruk, from the village of Dyalpoor to that of Khubsee; whence it shall pass along the villages of Khubsee, Bhutwuleca, and Pecrowta; then along the limit of Pergunnah Ball to the village of Shalpoor; whence along the following villages, *viz.* Putra, Moteerajpoor, Oodheca, Kewance, &c, Singhee Khoord-Bazeedpoor, Munkee or Singeeboozoorg, &c, Beecheepoor, Mitheepoor, &c., and Burecarpoor Kudua; and thence again along the limit of Pergunnah Ball to the village of Ramgudha. Whence—

On the east the boundary shall pass along the village of Mirzapoor, and then along the limits of Pergunnahs Ball and Cheraud to the Ganges River.

On the south, the boundary shall accord with that of the zillah.

On the west, the boundary shall be conterminous with the eastern limit of Thannah Maujhee, from the village of Bhudpai Boozoorg, on the Gogra River, up to Dyalpoor.

*Note.*—The Thannah of Goldingunge has been amalgamated with Thannah Chupra, and is now an-outpost of the latter.

##### *Thannah Pursa.*

On the north, by Thannah Mushruk.

On the north-east and east, by the zillah boundary.

On the south, by Thannah Deegwara.

On the south-west and west, by Thannah Chupra.

*Note.*—In the above description all villages and pergunnahs named as situated on the boundaries of thannahs are included in the limits of thannahs to which reference is being made.

A. MACKENZIE,

*Junior Secy. to the Govt. of Bengal.*

#### NOTIFICATION.

*The 22nd February 1872.*—The Lieutenant-Governor is pleased to confirm the adoption by the Municipal Commissioners of Midnapore of the following additional Bye-laws :—

lights of the town on a dark night shall cause such carriage, cart, or vehicle to be lighted.

Penalty for infringement not exceeding Rs. 2."

"30A. Every owner, occupier, or farmer of any bazar, hât or market shall, within fourteen days after receipt of notice from Commissioners, provide such latrines and urinals as in the opinion of the Commissioners may be necessary to secure the health and cleanliness of the bazar, hât or market aforesaid.

Penalty for infringement, Rs. 20; penalty for continued infringement after notice, Rs. 5 daily."

A. MACKENZIE,

Junior Secy. to the Govt. of Bengal.

The following Order issued by the Government of India, in the Home Department, is republished for general information:—

No. 831.—Fort William, the 20th February 1872.—*Notification.—Public.*—The Acting Governor General in Council is pleased to permit Sir Charles Parry Hobhouse, Baronet, to resign Her Majesty's Bengal Service from the 27th December last.

The following Order issued by the Government of India, in the Military Department, is republished for general information:—

No. 168.—Fort William, the 20th February 1872.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Surgeon-Major Joseph Fayrer, M.D., C.S.I., of the Medical Department (Honorary Physician to Her Majesty), Professor of Surgery, Medical College, Calcutta, and ex-officio First Surgeon, College Hospital,—for two years, under the Regulations of 1868.

This cancels G. G. O. No. 39 of 1872.

A. MACKENZIE,

Junior Secy. to the Govt. of Bengal.

DECLARATION.

The 10th February 1872.—Whereas it appears to the Lieutenant-Governor of Bengal that land is required to be taken by Government at the public expense, for a public purpose, viz., for straightening King's road at Pheelkanah, Gowalaparah, in the town of Howrah, Pergunnah Paikan, Zillah Hooghly, it is hereby declared that, for the above purpose, a piece of land measuring, more or less, 2½ cottahs of standard measurement, bounded on the north and east by King's road; on the south by Pitamber Banerjee's tank; and on the west by Ramdhan Mall's house, is required within the aforesaid town of Howrah.

This Declaration is made, under the provisions of Section 6 of Act X of 1870, to all whom it may concern.

DECLARATION.

The 22nd February 1872.—Whereas it appears to the Lieutenant-Governor of Bengal that land is needed to be taken up by the Government at the public expense, for a public purpose, viz., for a site for the erection of a public latrine, it is hereby declared that, for the above purpose, a plot of land is required, measuring about eight cottahs, more or less, situated in Mohulla Bajaprotappore within the municipal limits of the town of Burdwan, and bounded as follows: *North*, by a tank, the property of Baboo Omachurn Set; *South*, by paddy land, the property of Baboo Bindaban Chunder Roy; *East*, by the land of Baboo Omachurn Set; *West*, by the houses of Bancessur Moodce and others.

This Declaration is made, under the provisions of Section 6 of Act X. of 1870, to all whom it may concern.

A. MACKENZIE,

Junior Secy. to the Govt. of Bengal.

Public Works Department,—Bengal.

ESTABLISHMENT.

No. 76.

The 20th February 1872.

*Transfer.*—Moonshee Golam Ahmed, Overseer, Third Grade, from the Cuttack to the Ramghur Division.

No. 77.

*Notifications.*—Mr. J. R. K. Williams, Local Assistant Engineer, Second Grade, joined the Sylhet Division on the 21st January 1872, afternoon.

No. 78.

Mr. R. O'Flaherty, Engineer Apprentice, joined the Circular and Eastern Canals' Division on return from privilege leave on the 5th February 1872, afternoon.

No. 79.

The 21st February 1872.

*Transfer.*—Sub-Conductor W. J. Herdman, Supervisor, First Grade, from the Gya to the Ramghur Division.

No. 80.

The 22nd February 1872.



First Presidency Division, for three months, on Medical Certificate, under Sections 11 and 20 of the revised Uncovenanted Service Absentee Regulations.

No. 81.

*Appointment.*—Mr. H. E. Medlicott, Probationary Accountant, Fourth Grade, attached to the Central Office of Accounts, Bengal, to officiate as Divisional Accountant of the First Presidency Division, during the absence of Baboo Chunder Nath Banerjee, or until further orders.

No. 82.

*The 23rd February 1872.*

*Resignation.*—Mr. I. Kalberer, Temporary Accountant, Fourth Grade, attached to the Central Office of Accounts, Bengal, resigned his appointment with effect from the 10th November 1871.

No. 83.

*Appointment.*—Mr. A. Kalberer is appointed as an Accountant, Fourth Grade, on probation, and posted to the Central Office of Accounts, Bengal, with effect from the 11th November 1871.

No. 84.

*The 24th February 1872.*

*Notification.*—Mr. F. Bond, Executive Engineer, First Grade, assumed charge of the Cuttack Division on the 12th February 1872, afternoon.

No. 85.

*The 26th February 1872.*

*Transfer.*—Baboo Poran Chunder Sain, Supervisor, Second Grade, from the Circular and Eastern Canals to the Dinapore Division.

No. 86.

*Notification.*—The transfer of Baboo Dinonath Roy, Overseer, First Grade, from the Dum-Dum to the Behar Circle, notified in the orders No. 70, dated 17th February 1872, is cancelled.

H. LEONARD, C E.,  
*Offg. Secy. to the Govt. of Bengal,*  
P. W. D.

Irrigation.

ESTABLISHMENT.

NOTIFICATION.

No. 50.

*The 26th February 1872.*

*Transfer.*—Mr. E. J. Oneill, Sub-Engineer, Third Grade, from the Mahanuddy to the Byturnee Division.

No. 51.

*Appointments.*—The undermentioned men are, with the approval of the Governor-General in Council, appointed to the Irrigation Branch of the Public Works Department, Bengal, in the grades specified opposite their names:—

Mr. H. Herd, as Temporary Sub-Engineer, Third Grade.

Mr. H. Draper, as Temporary Supervisor, First Grade.

Mr. T. Phillips, as Temporary Supervisor, First Grade.

*Posting.*—Baboo Kallydoss Bhuttacharjee, Overseer, First Grade, to the Byturnee Division, which he joined on the forenoon of the 5th February 1872.

G. A. SEARLE, *Lieut.-Col., S.C.,*

*For Offg. Joint-Secy. to the Govt. of Bengal,*  
*in the P. W. D., Irrigation Branch.*

High Court Notices.

Circular Orders by the High Court of Judicature at Fort William in Bengal.

No. 6663.

From A. MACKENZIE, Esq., Junior Secy. to the Govt. of Bengal, to the Registrar of the High Court, (dated Fort William, the 28th December 1871.)

WITH reference to your letter No. 3953, dated 18th instant, and previous correspondence on the subject, I am directed to say that, concurring in the views expressed by the

JUDICIAL DEPARTMENT.  
*Judicial.*

Hon'ble Judges of the High Court, the Lieutenant-Governor is pleased to lay down, as a general rule, that when the entertainment of an Additional Moonsiff is sanctioned, the District Judge will be at liberty, without reference to Government, to entertain for him an establishment on the same scale as that of other Moonsiffs, it being understood that the District Judges will always study economy and reduce the establishment according to their discretion, if advisable, in particular instances.

**CIRCULAR MEMO. No. 2.**

*Dated Calcutta, the 24th January 1872.*

HIGH COURT, &c.,  
CIVIL SIDE.  
Present:  
The Hon'ble Louis S. Jackson,  
One of the Judges of the Court.

Forwarded for the information and guidance of all District Judges subordinate to the High Court.

By order of the High Court,  
F. B. PEACOCK,  
Registrar.

**No. 4.**

To all Civil Authorities, Lower Provinces,—(dated Calcutta, the 5th February 1872.)

It has come to the knowledge of the Court that it is the practice in some districts for Moonsiffs to report, for the sanction of the Judge, orders passed by them directing local inquiries and to await such sanction before the inquiry is begun. The Court desires to point out that no such practice is enjoined by Circular Order No. 25, dated 25th August 1870. On the contrary, it is therein distinctly stated that the responsibility of ordering an inquiry under Section 180 of the Code of Civil Procedure, rests entirely with the Court before which the suit is pending.

2. The intention of Rule II of the above Circular which requires Subordinate Civil Courts issuing a commission of inquiry to submit a copy of the same to the Zillah Judge, was to afford the Zillah Judge an opportunity of satisfying himself that the general directions given in Rule I had been properly attended to, and not as in any way necessitating the Judge's sanction to the local or other inquiry before it could be commenced.

By order of the High Court,  
F. B. PEACOCK,  
Registrar.

**No. 5.**

To all District Judges and Judicial Commissioners,—(dated Calcutta, the 6th February 1872.)

Doubts having arisen as to the intention of the words "6th Column" in paragraph 12 of Circular Order No. 32, dated the 8th November 1870, the Court is pleased to declare that the column intended is the 6th of the narrow columns of Statement B. 10, namely, the column superscribed "Decrees partially executed."

HIGH COURT, &c.,  
CIVIL SIDE.  
Present:  
The Hon'ble Sir R. Couch, Kt.,  
Chief Justice.  
The Hon'ble G. Loch,  
Louis S. Jackson,  
Judges of the Court.

2. It was intended that that column should contain the cases in which execution was not complete; but was also not pending. It was meant to include both those in which there had been partial execution, and those in which no execution had resulted, though the proceedings had come to an end for the time being.

By order of the High Court,  
F. B. PEACOCK,  
Registrar.

**Departmental Notices.**

**Notification.**

BABOO CHUNDER NARAIN SING, Deputy Collector, has been placed in charge of the Bancoorah Treasury, and is authorized to draw bills on other treasuries.

By order,  
KALI PUDDO MOOKERJEE,  
Head Clerk.  
For Pl. Asst. to Commr.

**Notification.**

DEPUTY COLLECTOR BABOO RAMAKHOY CHATTERJEE has been placed in charge of the Midnapore Treasury, and is authorized to draw bills on other treasuries.

C. T. BUCKLAND,  
Commissioner.  
COMMR.'S OFFICE, BURDWAN DIVN.,  
The 16th February 1872.

**Notice.**

MOULVIE ABDOL GHUFOOR, Deputy Collector, has been placed in charge of the Sylhet Treasury, and authorized to draw bills on all other treasuries.

F. B. SIMSON,  
Commissioner.  
DACCA COMMR.'S OFFICE,  
The 12th February 1872.

**Notification.**

DEPUTY COLLECTOR BABOO KALLY CHURN GHOSH has been placed in charge of the Alipore Treasury, and authorized to draw bills on other public treasuries.

H. COCKERELL,  
Offg. Commissioner.  
COMMR.'S OFFICE, PRESIDENCY DIVN.,  
Calcutta, the 15th February 1872.

**Notification.**

MR. EXTRA ASSISTANT COMMISSIONER J. B. SHADWELL has been placed in charge of the Treasury at Shillong, and is authorized to draw bills on other treasuries.

HENRY HOPKINSON,  
Agent, Govr.-Genl., and Commr. of Assam.  
GOWHATTY,  
The 23rd January 1872.

**No. 2515.**  
**REVENUE AND EXPENDITURE—BENGAL.**  
*The following are the receipts into, and payments out of, the Treasuries in Bengal between 1st April and 31st December 1871.*

REVENUE AND OTHER RECEIPTS.		TOTAL TREASURY RECEIPTS		EXPENDITURE.		NINE MONTHS 1871-72 WITH 1870-71.	
		Budget estimate for 1871-72.	Same time last year.	Budget estimate for 1871-72.	Same time last year.	Increase.	Decrease.
		£	£	£	£	£	£
	Balance on 1st April 1871		1,973,797				
10	I. Land Revenue...	4,010,000	1,897,193	13,700	14,482	5,069	5,069
11	II. Forest...	16,000	7,000	140,000	104,084	20,086	20,086
12	III. Excise...	780,000	583,763	233,500	214,012	12,937	12,937
13	IV. Assessed Taxes...	197,000	206,979	14,800	27,029	1,229	1,229
14	V. Customs...	1,100,000	1,111,897	133,000	114,937	1,865	1,865
15	VI. Salt...	3,000,000	1,891,284	80,000	22,774	57,226	57,226
16	VII. Opium...	5,700,000	4,087,371	68,000	46,383	21,617	21,617
17	VIII. Stamps...	787,000	678,314	7,500	4,448	3,052	3,052
18	IX. Law and Justice...	132,000	88,101	2,100,000	1,317,366	886	886
19	X. Marine...	150,000	91,667	50,000	17,045,066	1,225	1,225
20	XI. Interest...	10,000	17,861	171,000	127,514	4,404	4,404
21	XII. Miscellaneous...	94,000	91,083	17,000	21,194	4,194	4,194
	Total Revenue	15,549,500	11,798,118	5,618,200	3,759,937	945,269	945,269
			10,772,676		9,321,948		1,450,728
	<b>increase in receipts</b>						
	<b>deduct increase in expenditure</b>						
	<b>net increase.</b>						687,869
		<b>OTHER RECEIPTS.</b>		<b>OTHER PAYMENTS.</b>			
	Miscellaneous Loans						
	Local Taxes						
	Service Funds						
	Political Stipend Fund						
	Provincial Services and Local Funds						
	Marine Funds						
	Deposits						
	Savings Bank						
	Local Remittances						
	Advances Recoverable						
	Account Current with London						
	Account Current with India						
	Public Works						
	Military and Marine Departments, Bengal						
	Military Department, other Governments						
	Bills and Transfer Receipts, other Governments						
	Other Receipts						
	Total	15,979,825	10,004,333	59,506,696	27,072,696	899,078	2,731
		28,238,207	1,333,974	1,956,784	1,333,974	899,078	2,731
			31,730,600	29,326,207	31,730,600	2,404,393	510,310

**ALCUTTA, OFFICE OF THE ACCT.-GENL., BENGAL;**  
*The 28th February 1872.*

**H. A. MANGLES, Acct.-Genl., Bengal.**

**Orders by the Vice-Chancellor and Syndicate of the Calcutta University.**

The under-mentioned Graduates have passed the examination for Honors in Arts:—

**ENGLISH.**

**FIRST CLASS.**

*In order of merit.*

Hukum Chand .. Delhi College.  
 Brujendranath De .. Canning College, Lucknow.

**SECOND CLASS.**

*In order of merit.*

Ishānchandra Basu .. Presidency College.  
 Rāmgopal Cnakravarti .. Ditto.  
 Jogendranath Mukhopādhyáy .. Calcutta Free Church Institution.  
 { Surendranath Sarkar .. Presidency College.  
 { Kunjavihari Gupta .. Ditto.

**THIRD CLASS.**

*In order of merit.*

Baishnavcharan Datta .. Calcutta Free Church Institution.  
 Balaichand Datta .. Presidency College.  
 Avinaschandra Ghosh .. Ditto.  
 Adyanath Mukhopādhyáy .. Calcutta Free Church Institution.

**SANSKRIT.**

**SECOND CLASS.**

Sivnath Bhattacharyya .. Sanskrit College.

**HISTORY.**

**THIRD CLASS.**

*In order of merit.*

Haricharan Mitra .. Presidency College.  
 Birájkrishna Ghosh .. Ditto.

**MATHEMATICS.**

**SECOND CLASS.**

Sasibhushan Mukhopādhyáy .. Presidency College.

**THIRD CLASS.**

Baidyanath Basu .. Kishnaghur College.

**PHILOSOPHY.**

**FIRST CLASS.**

Jogendranath Ghosh .. Presidency College.

**PHYSICAL SCIENCE.**

**THIRD CLASS.**

Gyanchandra Chaudhuri .. Presidency College.

The under-mentioned Graduates have passed the examination for the Degree of Master of Arts:—

*In alphabetical order.*

Bandyopādhyáy, Jogendranáth .. Sanskrit College.  
 Datta, Ishanchandra .. General Assembly's Institution.  
 Majumdar, Anandanath .. Calcutta Free Church Institution.  
 Mukhopādhyáy, Kshetramohan .. Presidency College.  
 Sen, Krishna Kumar .. Calcutta Free Church Institution.  
 Srirám .. Delhi College.

**SUTCLIFFE,**  
*Registrar.*

**Opium Notification.**

No. 69C.

NOTICE is hereby given that the Third Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-room, No. 2, Bankshall Street, on Monday, the 4th March 1872, at 11 A.M., and will comprise 3,575 Chests, viz. :—

	Chests.
Behar Opium ... ..	2,000
Benares „ ... ..	1,575
<b>Total Chests ... ..</b>	<b>3,575</b>

2. The general conditions of the sale now advertized will be the same as usual: they may be ascertained by reference to the Notification issued on the 10th November 1871, and published in the *Government and Exchange Gazettes*, or on personal application at the Office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 9th and 19th March respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Saturday, the 9th March 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Tuesday, the 19th March 1872.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates, should circumstances render it expedient to do so :—

be ascertained by reference to the Notification issued on the 10th November 1871, and published in the *Government and Exchange Gazettes*, or on personal application at the office of the Board of Revenue.

3. The latest dates for deposit and clearance will be the 8th and 18th April respectively; that is to say, no Bank of Bengal Receipts, Government Promissory Notes, or other Public Securities that may be tendered for deposit in redemption of Promissory Notes given by purchasers in the sale-room, will be received after 4 P.M. of Monday, the 8th April 1872, and no Bank of Bengal Receipts in full payment of lots will be accepted after 4 P.M. of Thursday, the 18th April 1872.

4. In addition to the quantity above advertized for sale, the following quantities more or less of Behar and Benares Opium will be brought to sale in the present year on or about the dates specified below. The Member in charge of the Opium Department, however, reserves to himself the right of altering these dates should circumstances render it expedient to do so :—

Dates.	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Monday, 6th May 1872	2,000	1,575	3,575
On or about Thursday, 6th June	2,000	1,575	3,575
On or about Thursday, 4th July	2,000	1,575	3,575
On or about Monday, 5th Aug.	2,000	1,575	3,575
On or about Thursday, 5th Sept.	2,000	1,575	3,575
On or about Tuesday, 1st Oct.	2,000	1,575	3,575
On or about Wednesday, 8th Nov.	2,000	1,575	3,575
On or about Thursday, 5th Dec.	2,000	1,575	3,575
<b>Total chests</b>	<b>18,000</b>	<b>12,800</b>	<b>28,800</b>

Dates.	Behar about Chests.	Benares about Chests.	Total about Chests.
On or about Wednesday, 3rd April 1872	2,000	1,575	3,575
On or about Monday, 6th May „	2,000	1,575	3,575
On or about Thursday, 6th June „	2,000	1,575	3,575
On or about Thursday, 4th July „	2,000	1,575	3,575
On or about Monday, 5th August „	2,000	1,575	3,575
On or about Thursday, 5th Sept. „	2,000	1,575	3,575
On or about Tuesday, 1st October „	2,000	1,575	3,575
On or about Wednesday, 8th Nov. „	2,000	1,575	3,575
On or about Thursday, 5th Dec. „	2,000	1,575	3,575
<b>Total Chests ...</b>	<b>18,000</b>	<b>14,175</b>	<b>32,175</b>

By order of the Member in charge.

T. B. LANE,  
Secretary.

BOARD OF REV., FORT WILLIAM,  
The 26th February 1872.

Statement shewing the importation of Salt (private property) in bond and afloat on River Hooghly, subject to Customs' duty on the 16th February 1872.

By order of the Member in charge,

T. B. LANE,  
Secretary.

BOARD OF REV., FORT WILLIAM,  
The 30th January 1872.

**Opium Notification.**

No. 140C.

NOTICE is hereby given that the Fourth Sale of Opium, the provision of 1870-71, will be held at the Government Opium Sale-room, No. 2, Bankshall Street, on Wednesday, the 3rd April 1872, at 11 A.M., and will comprise 3,575 Chests, viz. :—

Behar Opium ... ..	2,000
Benares ditto ... ..	1,575
<b>Total Chests ... ..</b>	<b>3,575</b>

2. The general conditions of the sale now advertized will be the same as usual: they may

	Golaha.	Private Golaha.	Afloat.	Total.
	In Mds.	In Mds.	In Mds.	In Mds.
Liverpool Pungah	17,97,071½	98,858½	1,87,899½	20,83,829
French Kurkutch	2,402	.....	5,145	7,547
Bombay „	12,450	.....	85,850	48,300
Madras „	25,714½	.....	.....	85,714½
Arabian and Persian Gulf's Kurkutch and Muscat Rock...	3,91,435	...	90,950	4,12,385
<b>Total</b>	<b>22,29,073</b>	<b>98,858½</b>	<b>2,49,837½</b>	<b>25,77,768½</b>

By order of the Board of Revenue, L.P.,

J. D. MACLEAN,  
Deputy Collector of Customs.

CALCUTTA CUSTOM HOUSE,  
The 20th February 1872.

**NOTICE.**

THE following Packages landed from the undermentioned Ships are lying unclaimed at the Custom House. If the Goods are not cleared on or before the dates stated against each item, they will be sold, under Section 57 of Act VI. of 1863, for the realization of duty, wharfage, and other charges:—

Date of Sale.	Mark or Address of Packages.	Ships.
1872, Mar. 2nd ...	2 Cases (empty) J M	... Syria.
" 2nd ...	1 Case, J S W	... Khedive.
" 9th ...	1 Parcel, A P	... Chinsurah.
" 9th ...	500 Boxes, [R M]	... Krishna.
" 9th ...	1,880 Boxes, [ ] I C	... Ditto.
" 9th ...	7 Boxes, no mark	... Ditto.
" 9th ...	1 Grindstone, C	... Ditto.
" 23rd ...	2 Boxes, M N	... Mahratia.
" 23rd ...	2 Cases, N. C. and Co.	... Dacca.
" 23rd ...	{ 11 Bars of Iron, } no mark	... Cathcart.
" 23rd ...	{ 8 Pieces ditto, }	... Ditto.
" 23rd ...	10 Cakes of Spelter, M	... Ditto.
" 9th ...	1 Case, M V, X O X	... Hindoostan.

CALCUTTA CUSTOMS, E. D. LOCKWOOD, Deputy Collector of Customs.  
The 26th February 1872.

**NOTICE.**

THE following Packages have been landed at the Custom House from the undermentioned Ships under the provisions of Section 52 of Act VI. of 1863. If the Goods are not cleared before the dates stated against each item, they will be sold for the realization of duty, wharf rent, and other charges, under Section 56 of Act VI. of 1863:—

Date of Sale.	Mark or Address of Packages.	Ships.
1872, Mar. 2nd ...	20 Casks, [J S]	... City of Madrid.
April 15th ...	2,289 broken pieces of Spelter, G B B	... Gryfe.
" 15th ...	4,362 ditto ditto, T J L	... Ditto.
" 15th ..	709 Cakes of Spelter, A I	... Ditto.
" 15th ..	712 ditto ditto, M	... Ditto.
" 15th ..	84 Broken pieces of Spelter, no mark	... Ditto.
" 27th ..	300 Cases, [J B B]	... Antoinette.
" 27th ..	6 Cases, [37] A. J. and Co.	... Ditto.
" 21st ..	880 Plates of Spelter [R B, W]	... Ghazee pore.
" 21st ..	15 Pieces of Spelter, mixed marks	... Ditto.

CALCUTTA CUSTOMS, E. D. LOCKWOOD, Deputy Collector of Customs.  
The 26th February 1872.

**Notice**

Is hereby given that a lot of waste land, consisting of about 718 acres, situated in Mouzah Tingrai, Mehal Tingrai, District of Luckimpore, Assam, and bounded as shown at the foot of this notice, has been applied for under the rules for the sale of unassessed lands in the Lower Provinces of Bengal (chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 2-8 an acre on the 2nd day of May 1872, at the Office of the Deputy Commissioner of Luckimpore, Assam. The sale will be made in the manner and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. C. S. CLARKE,  
Dy. Commr., Luckimpore.

DEBROODURH DY. COMM'R.'S OFFICE,  
The 3rd February 1872.

Lot 1.  
Boundaries.

North—Tingrai Nuddee.  
South—Balijan Garden and a Path.

**Notice**

Is hereby given that, the undermentioned lot of waste land, estimated to consist of about 2,000 acres, more or less, situate in Mouzah Ekora-tolli, Mehal Deenjoz, in the district of Luckimpore, and bounded as shewn at the foot of this notice, has been applied for under the "Rules for the sale of unassessed land in the Lower Provinces of Bengal," (Chapter XXVI of the rules of the Board of Revenue). All claims and objections in bar of the sale having been finally disposed of under the provisions of Act XXIII of 1863, the said lot will be put up to sale by auction to the highest bidder above the upset price of Rs. 5 an acre, on the 2nd May of 1872, at the office of the Deputy Commissioner of Luckimpore. The sale will be made in the manner, and subject to the conditions prescribed by the rules above cited, and to the provisions of Act XXIII of 1863.

W. S. CLARKE,  
Deputy Commissioner.

DY. COMM'R.'S OFFICE, LUCKIMPORE,  
The 1st February 1872.

1. Lot.  
Boundaries.

North—Maijan Rivtr.  
South—Sessa Nuddee and Ryotts' Basti lands.  
East—Nadooa Grant.

Commissioners for making Improvements in the Port of Calcutta.

NOTICE.

UNDER SECTION 69 OF ACT V. (B.C.) OF 1870.

The following Packages landed at the Jetties from the undermentioned Ships have been removed to the Commissioners' Import Warehouse, where they remain at the risk and expense of the owners. If not cleared within two months from the date stated against each item, they will be sold under Section 72 of the said Act :—

Date of removal to Import Warehouse. 1872.	No., mark, and description.	Consignees.	Ships.
Feb. 16th ...	19 Cases, [A C D] J C S	... Order	... Agra.
" 16th ...	3 Cases, A B C	... "	... Ditto.
" 16th ...	1 Case, [A W N]	... "	... Ditto.
" 16th ...	22 Packages, [C & M]	... "	... Ditto.
" 16th ...	8 Cases, C C & H	... "	... Ditto.
" 16th ...	1 Sample, addressed	... Colvin, Cowie & Co.	... Ditto.
" 16th ...	4 Cases, C G	... Hurry Dass Dutt	... Ditto.
" 16th ...	2 Cases, [98] E D J	... Order	... Ditto.
" 16th ...	1 Case, [92] E D J	... "	... Ditto.
" 16th ...	1 Case, F H R	... "	... Ditto.
" 16th ...	2 Cases, [G B D]	... "	... Ditto.
" 16th ...	7 Packages, [J H C]	... "	... Ditto.
" 16th ...	22 Cases, [P] C D	... "	... Ditto.
" 16th ...	1 Case, T S & L S	... "	... Ditto.
" 16th ...	2 Cases, [45] W J S	... "	... Ditto.
" 16th ...	1 Case, [27] W D	... "	... Ditto.
" 16th ...	1 Case, [W. H. & Co.]	... "	... Ditto.
" 16th ...	6 Cases, W L A	... "	... Ditto.
" 16th ...	1 Case, [X]	... Ahmuty & Co.	... Ditto.
" 16th ...	2 Cases, [A R] A. B. & Co.	... Order	... James C. Stevenson.
" 16th ...	3 Cases, [A N D] A. B. & Co.	... "	... Ditto.
" 16th ...	1 Parcel, H & M L	... "	... Ditto.
" 16th ...	3 Cases, [31] A. B. & Co.	... "	... Ditto.
" 16th ...	4 Cases, B & D D	... "	... Ditto.
" 16th ...	4 Packages, addressed	... Bonnerjee & Co.	... Ditto.
" 16th ...	2 Cases, addressed	... Major Beynon	... Ditto.
" 16th ...	8 Cases, [B D S] A B	... Allen Brothers	... Ditto.
" 16th ...	2 Cases, B N S	... Order	... Ditto.
" 16th ...	2 Packages, C D T	... "	... Ditto.
" 16th ...	1 Case, [A. D. M. B.] A. B. & Co.	... "	... Ditto.
" 16th ...	1 Case, F S T S S	... "	... Ditto.
" 16th ...	8 Packages, [J J H C]	... "	... Ditto.
" 16th ...	1 Case, [J T C] F S W C	... "	... Ditto.
" 16th ...	5 Cases, [T J N]	... "	... Ditto.
" 16th ...	1 Case, [J T C] F	... "	... Ditto.
" 16th ...	2 Cases, E C	... "	... Ditto.
" 16th ...	1 Case, W T	... "	... Ditto.
" 16th ...	1 Case, [J G M L]	... "	... Ditto.
" 16th ...	3 Packages, [M A] A B	... "	... Ditto.
" 16th ...	1 Case, addressed	... H. D. Pearsall	... Ditto.
" 16th ...	2 Cases, [G S S] or addressed	... George Smith	... Ditto.
" 16th ...	1 Parcel [S] C D	... Order	... Ditto.
" 16th ...	7 Cases [W J S]	... "	... Ditto.
" 16th ...	1 Case [C L] A. B. & Co.	... "	... Ditto.
" 16th ...	1 Case, [B. T. & Co.]	... "	... Ditto.
" 16th ...	1 Case, [D B S] A B	... "	... Ditto.
" 16th ...	1 Case, F L, or addressed	... Grindlay & Co.	... Ditto.

CALCUTTA,  
The 26th February 1872.

W. D. BRUCE, *Vice-Chairman.*

(1120—1)

**CURRENCY NOTES.**

The following Currency Notes of the Government of India, Calcutta Circle, 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:—

*Notes wholly lost or destroyed.*

Register No.	No. of Notes.	Value.	Name of Claimant.
4505	A 81282	50	Hadjee Mahamed Kurrim.
4506	A 11132	100	Gopecaunt Roy.
4508	A 58342	50	J. Perrin.
4510	A 58368	500	Denobundhoo Bhuttacharjee.
4511	A 71819	1,000	} Bonomally Shaha.
	" 88806	1,000.	
4512	A 69275	1,000	Ditto ditto.
4525	A 81448	1,000	} Ramtaruck Paul.
	" 81449	1,000	
	" 81450	1,000	
	" 74183	1,000	
4427	A 14319	100	Messrs. Cohen Brothers and Co.
4528	A 12783	100	Beharyloll Bose.
4529	A 69984	50	Tincowry Roy.
4531	A 42550	10	J. C. Cox.
4532	A 50005	50	} Chumroo Sing and Narain Sing.
	" 49796	50	
	" 24659	50	
	" 56411	50	
	" 87731	50	
	" 66800	50	
	" 47533	50	
	" 49671	50	
4533	A 78367	500	Shaik Tegally.
4534	A 80559	1,000	} Coomar Sing Gypershad.
	" 67279	1,000	
	" 76875	1,000	} Purno Chunder Dutt.
4535	A 17736	100	
4536	A 73951	1,000	
	" 85763	1,000	
	" 85764	1,000	
	" 85765	1,000	
	" 85766	1,000	
	" 85767	1,000	
	" 85768	1,000	
4537	A 27739	100	
	" 58027	100	
	" 58026	100	
	" 58025	100	

*Notes partially lost or destroyed.*

4504	A 03181	100	} Hosain Bux.
	" 53531	50	
4507	A 73431	100	} H. D'Forth.
	" 51843	100	
4509	A 49665	10	Kissory Mohun Bose.
4514	A 49879	10	} Ramgopal Gangooly.
	" 18905	10	
4515	A 41797	50	Somanath Mokhopadhyay.

*Notes partially lost or destroyed.*

Register No.	No. of Notes.	Value.	Name of Claimant.
4516	A 82866	10	} Bouradapersad Banerjee.
4517	A 47274	10	
	" 22933	20	
4520	A 83381	100	} Brindaban Revettes Pershad.
4521	A 66946	500	
4522	A 59799	10	} Brindaban Chunder Sircar Chowdry.
	" 98247	10	
	" 60247	10	
	" 87177	20	
4523	A 90667	10	} Rajkishna Sen.
	" 57515	10	
4524	A 82791	20	} Hurrie Mohun Singhee.
	" 96176	20	
	" 03708	10	
4526	A 20963	100	The Secretary, Great Eastern Hotel Company.

*Wrongly joined.*

4518	A 18601	} 10	} Cally Doss Chatterjee.
	" 13603		
4519	A 85193	} 10	} Nobin Chunder Chatterjee.
	" 77663		

L. BERKELEY,

*Asst. Commr. of Paper Currency.*

PAPER CURRENCY DEPARTMENT,  
The 19th February 1872.

**Nudda Rivers.**

*Weekly Water Report showing the least depth of water in the Bhagirattee River for the week ending Friday, 16th February 1872.*

NAMES OF PLACES, &c.	Least depth of Water.	REMARKS.
	Ft. In.	
On the Entrance Bar ...	4 6	
From thence to Jungipore, 9 miles ...	5 0	
From Jungipore to Berhampore, 47 miles ...	3 6	
From Berhampore to Cutwa, 50 miles ...	3 0	* In one place only boats drawing 4 feet can pass up and down easily.
From Cutwa to Nudda, 46 miles ...	4 0	

Height of water on gauge at Berhampore on the 19th February 1872, above zero 5 feet 7 inches.

T. H. WICKER, C.E.,  
Exc. Engr., Nudda (Local) Rivers Division.  
BERHAMPORE.



### Sheriff's Office, the 30th January 1872.

NOTICE is hereby given that the Second Criminal Session of the year 1872 of the High Court of Judicature at Fort William in Bengal, for the Town of Calcutta and Factory of Fort William, and the places subordinate thereto, will be holden at the Court House, in the Town Hall of Calcutta, on Thursday, the Twenty-ninth day of February next, at 11 o'clock in the forenoon, and so on from day to day until the said Session be over. And it is hereby proclaimed that all persons who will prosecute any of the prisoners to be brought up for trial at the said Session be then and there to prosecute.

JOHN COWIE,  
Sheriff.

সরিক আফিস ১৮৭২ সাল ৩০ জানুয়ারি।

সমাচার দেওয়া যাইতেছে যে সুবে বাঙ্গালার কোর্ট উইলিয়ম দুর্গের অধীন শহর কলিকাতার ও অন্যান্য স্থানের কোর্টদারী বিচার নিষ্পত্তি জন্য আগামি ২৯ ফেব্রুয়ারি বৃহস্পতিবার বেলা ১১ ঘটিকার সময় এবে পর্যন্ত সেশিয়ানের কার্য শেষ না হয় প্রতিদিন উক্ত সময়ে কলিকাতার টৌনহালে হাই কোর্টের আদালত ঘরে মন ১৮৭২ সালের দ্বিতীয় ট্রিনিটেল সেশিয়ান বসিবেক এবং এতদ্বারা প্রচার করা যাইতেছে যে, যে সকল ব্যক্তি কোন কয়েদীর বিরুদ্ধে কোর্টদারী মিছিল করিবেক তাহারা উক্ত স্থানে ঐ সময়ে হাজির থাকিয়া মোকদ্দমা করে।

JOHN COWIE, Sheriff.

### Insolvent Notices.

#### Court for the Relief of Insolvent Debtors at Calcutta.

In the matter of John Allan Grover Gilmour, an Insolvent. } On Monday, the 5th day of February instant, it was ordered that Saturday, the 6th day of April next, be appointed for the further hearing of this matter, and that unless cause be shewn to the contrary on that day, the said Insolvent be discharged personally, as well as to his after-acquired property, from all liabilities for debts, claims, and demands, of and against the said Insolvent at the time of the filing of his petition for relief.

Rogers and Remfry, Attorneys.

Chief Clerk's Office, the 12th February 1872.

In the matter of Richard Chuffon Lepage, Junior, lately carrying on business as contractor and agent, under the name and style of R. C. Lepage, Junior, and Company, at No. 4, Dalhousie } On Thursday, the 15th day of February instant, it was on the petition of Messrs. Moorjee, Clark and Company, and Balmer, Lawrie and Company, creditors of the said Insolvent, adjudged that

Lepage, Junior, hath committed an act of insolvency under the provisions of the Act XI. Vic., cap. 21, and by another order of the same date the estate and effects of the said Insolvent were vested in the Official Assignee.

Sims and Mitter, Attorneys.

In the matter of Parke Pittar, an Insolvent. } On Monday, the 12th day of February instant, it was ordered that the first court day in March 1873 be appointed for the further hearing of this matter, and that unless cause be shewn to the contrary on that day, the said Insolvent be discharged personally, as well as to his after-acquired property, from all liabilities for debts, claims, and demands, of and against the said Insolvent at the time of the said Insolvent being adjudicated.

Berners and Co., Attorneys.

In the matter of Parke Pittar and Thomas Alcock, Insolvents. } On Monday, the 12th day of February instant, it was ordered that the first court day in March 1873 be appointed for the further hearing of this matter, and that unless cause be shewn to the contrary on that day, the said Insolvent Parke Pittar be discharged personally, as well as to his after-acquired property, from all liabilities for debts, claims, and demands, of and against the said Insolvent Parke Pittar at the time the said Insolvent being jointly adjudicated.

Berners and Co., Attorneys.

Chief Clerk's Office, the 20th February 1872.

In the matter of Charles Henry Compton, of No. 17, Camac Street, in the Town of Calcutta, carrying on business at No. 32, Strand Road, in Calcutta aforesaid, as a timber importer and merchant, under the style or firm of Chas. H. Compton and Co., an Insolvent. } Notice, that the petition of the said Insolvent seeking the benefit of the Act XI. Vic., cap. 21, was filed in the Office of the Chief Clerk on Monday, the 26th day of February instant, and by an order of the same date the estate and effects of the said Insolvent were vested in the Official Assignee.

Gray and Sen, Attorneys.

In the matter of Charles Henry Compton, an Insolvent. } Notice, that an application for an *ad interim* protection order has been this day made by the said Insolvent, and that such application will be heard and disposed of by the Acting Commissioner of the Insolvent Court on Monday, the 4th day of March next, at the hour of ten o'clock in the forenoon.

"Any creditor of the said Insolvent desirous of opposing such application must appear before the said Court at the time and place aforesaid."

Gray and Sen, Attorneys.

In the matter of Charles Henry Compton, an Insolvent. } On Monday, the 26th day of February instant, it was ordered that the matters of the petition of the said Insolvent be heard on Saturday, the 4th day of May next, and that the said Insolvent do then attend to be examined before the said Court.

Gray and Sen, Attorneys.

Miscellaneous Advertisements.

Notice.

THE quit-rent of the undermentioned lease, in the district of Darjeeling, being in arrear, notice is hereby given that if the amount due from the location be not paid within two months from this date, the lease remaining unpaid will be resumed by Government under supplementary Rule I for grant of location at Darjeeling:—

No. of lease.	Name of lessee.	Amount.		
		Rs.	As.	P.
176	G. B. Ward	50	0	0

B. W. D. MORTON,  
*Dy. Commissioner.*

DR. COMM. 'S OFFICE, DARJEELING,  
The 12th January 1872.

Notice.

WANTED a Head Clerk for the Police Department of this Office. The salary of the post is Rs. 80 per month, and the qualifications required are previous employment in the Police Department, Bengal; a thorough knowledge of the Rules, Circular Orders, and Returns of that Department, and the ability to docket and draft letters and prepare short summaries of correspondence.

Apply, post paid, to the undersigned, sending copies of testimonials.

By order,

J. J. S. DRIBERG,

*Offg. Pers. Asst. to the Agent Govr. Genl.,  
N. E. P., & Commr. & Inspector-Genl.  
of Police, Assam.*

GOWHATTY,  
The 3rd February 1872.

Eastern Bengal Indigo Co., "Limited."

NOTICE.

THE Ninth Annual Ordinary General Meeting of Shareholders of the above Company will be held at its registered Office, No. 3, Church Lane, at 3 P.M., of Wednesday, the 28th instant, to receive the Directors' report, pass the accounts for the past year, and transact any other business that may be brought before the Meeting.

By order of the Directors,

WILLIAM MORAN AND Co.,

*Agents.*

3, CHURCH LANE,  
The 16th February 1872.

(1107—2)

Notice.

COPIES of Act VII of 1871, the Indian Emigration Act, in Urdu and Hindee, can be obtained on application at the Bengal Secretariat at 8

In the High Court of Judicature at Fort William in Bengal.

ORDINARY ORIGINAL CIVIL JURISDICTION.

Maharajah Sibkristo Bahadoor  
*versus*

Kristo Chunder Ghose and others

NOTICE is hereby given that on the afternoon of Wednesday, the 28th February current, Charles John Wilkinson, Esq., Receiver of the High Court, will put up at his Office for lease the several undermentioned zemindaries, talooks, lands, premises, &c., belonging to the estate of Rajah Rajkissen Bahadoor, deceased, upon such terms and conditions as can be ascertained upon application to him, that is to say:—

1ST LEASE.

*In Zillah Tipperah.*—Pergunnah Gungamondle, &c., recorded in the register of the Collector as No. 31, including the churs appertaining thereto.

2ND LEASE.

*In Zillah 24-Pergunnahs.*—Pergunnah Moorgatcha, &c., Pergunnah Hattighur, &c., registered in the Collectorate as No. 155, including the lackraj grounds in Pannah and Rogoonauthpore, and lands with julkur on each side of the Mohotian road from Behallah to Coolpey, Kismuts Pauihattee, Aghurparrah, and Bhoubanipore, Mouzah Natagur, with gardens, julkur, &c.

3RD LEASE.

Tanks and fruit trees of the Aghurparrah garden.

4TH LEASE.

*In Zillah Hooghly.*—Kismut Barbackpore *alias* Barruckpore, &c., registered in the Collectorate as Lots Nos. 176 and 3969, with Goody Mohol, and Kismut Baji Sreerampore, &c., Kismuts Bunshye, Surnoparrah, Mohendropore, and Banecpore, &c., registered as Lot No. 3968.

5TH LEASE.

*In Calcutta.*—Talook Sootanooty, Bazar Sootanooty, with the tenanted ground thereto belonging. Charles' Bazar, Sham Bazar grounds, Baug Bazar grounds, and Cooley Mohul, Dhurumtollah ground, called Fuchelwallah ground, Chandnee ground, Jorasanko ground, Sona Bazar ground, called Bytuckhannah Mehal, Sona Bazar house, called Monohur Mookerjee's Mehal, Sona Bazar ground, called Mohul Mattah Gossamy, Sona Bazar ground, called Mohul Cally Sunker Neogy, Radha Bazar godowns, and ground called Ranecwallah Bally in Toola Bazar, Jora Bagan ground and house at Hogulkooreeah, ground called Gopeebagan, &c., with julkur, Intally, Jaun Bazar, and Scedooreahputty grounds, &c.

*In Zillah 24-Pergunnahs.*—Gardens at Baranagore and Duckinshur with tenanted grounds; also Mouzah Sitty and Joypore, and grounds at Suntgachee and Duckinshur.

*In Zillah Kishnughur.*—Ground and tank at Mullick Baug near Kanchraparrah.

For further particulars, apply at the Receiver's

**Statement of the Affairs of the Bank of Bengal for the Week ending  
20th February 1872.**

. LIABILITIES.			Rs.	As.	P.	ASSETS.			Rs.	As.	P.
Proprietors' Capital, paid-up	...	...	2,20,00,000	0	0	Government Securities	...	...	93,67,205	12	0
Reserve Fund	...	...	15,40,809	7	0	Loans on Government Securities at Head Office and Branches	...	...	85,28,483	12	10
General Treasury Balance at Head Office	...	Rs. 3,62,72,695	4	3	}	Accounts of Credit on Government Securities at Head Office and Branches	...	...	1,07,70,656	9	9
General Treasury Balance at Branches	...	Rs. 1,97,73,028	2	6		Mercurtile Bills discounted at Head Office and Branches	...	...	1,08,28,171	11	6
Other Deposits at Head Office and Branches	...	...	2,25,25,409	9	3	Dead Stock	...	...	11,80,385	4	9
Bank Post Bills, &c.	...	...	9,04,627	5	11	Stamps	...	...	18,923	5	0
Sundries	...	...	7,54,593	2	3	Balances with other Banks	...	...	4,82,051	8	7
						Sundries	...	...	1,47,193	5	5
									5,63,24,071	5	10
						Cash and Currency Notes at Head Office	...	Rs. 1,54,75,350	15	0	}
						Cash and Currency Notes at Branches	...	Rs. 3,19,71,800	10	4	
									4,74,47,151	9	4
									10,37,71,222	15	2
									10,37,71,222	15	2

BANK OF BENGAL,  
Calcutta, 22nd February 1872.

J. GORDON,  
Chief Accountant & Deputy Secretary.

By order of the Directors,

G.W. DICKSON,  
Secretary and Treasurer.

(1116—1)

**Public Zemindari Sale.**

THE right, title, and interest of Ramsewak Missir and Raghonandan Missir, deceased, and Jadoonandan Missir, Insolvents, in the following valuable zemindaries, situate in the District of Ghazipore, in the North-Western Provinces, now vested in the Official Assignee, will be put up to auction sale at Ghazipore, adjoining the Collectorate compound, at noon on Friday, the 15th day of March 1872, by the undersigned:—

Lot.	Names of Talookas.	Names of Mouzahs appertaining to each Talooka.	Area of Insolvents' share.	Jamma of Ditto.	Government Revenue payable for Ditto.	
					Rs. As. P.	Rs. As. P.
	Talooka Buxoopoer, Pergunnah Ghazi-poor.	Buxoopoer	337 10 5	930 0 0	576	5 0
	Talooka Chillar, Pergunnah Sydpoer	Chillar and Kirpalchuk Luchmanpoer and Sirkitha	1,009 17 11 480 18 0	2,393 0 0 1,005 6 6	1,088	9 3 558 12 3
		Total	1,580 15 11	3,188 15 6	1,625	5 6
	Talooka Flingootar, Pergunnah Mahaitch	Flingootar Runpoer	1,585 11 5 508 13 10	4,167 6 3 1,710 13 3	2,603	13 3 1,025 15 0
		Total	2,184 4 15	6,184 3 0	3,029	12 3
	Talooka Nooroodipoer, Pergunnah Khan-poor.	Nooroodipoer	1,481 9 1	4,115 0 3	1,833	2 6
	Talooka Mundra, Pergunnah Shadiabad	Puttee Munna Rao Puttee Oomrao Rao Puttee Duswant Rao Puttee Komar Rao Mouza Dhanraon Mouza Hamzapoor	264 11 10 399 16 10 213 10 5 149 19 5 86 12 0 177 13 0	996 6 3 1,182 5 3 883 4 0 400 6 0 196 6 3 331 1 3	390 9 10 554 12 5 220 14 8 190 12 1 69 4 2 154 11 0	
		Total	1,202 2 10	3,849 13 0	1,581	0 2

For conditions of sale and further particulars, apply at the Office of

BUXAR,  
The 16th February 1872.

PHILIP W. CARTER,  
Official Assignee's Agent, Buxar.  
(1108—4)

**The Dehing Company, "Limited."**

THE Seventh Ordinary Annual General Meeting of Shareholders in this Company will be held at the registered Office, No. 4, Clive Street, on Wednesday, the 28th February 1872, at noon, for the purpose of receiving the Directors' report, and for the consideration of such other business as may be brought forward

JOHN ELLIOTT & Co.,  
Managing Agents.

CALCUTTA,  
The 19th February 1872.

(1109—2)

**Central Provinces Gazetteer.**

EDITION OF 1870 in one Vol.

A LIMITED number of the above work, strongly bound in cloth, octavo size, for sale at Rs. 12 per vol., exclusive of postage charge. Apply to

MESSRS. THACKER, VINNING, Bombay,

MESSRS. THACKER, SPINK & Co., Calcutta,

Administrator-General's Office.

NOTICE.

Admitted claims against the undermentioned Estates are payable on Tuesday and Friday as usual:—

ESTATES.	Claims or Dividend.	Rates of Dividend per Rupee.	REMARKS.
Burney, George, Major-General, late in the Bengal Army ...	Claims ...	in full.	
Clark, Henry, late of the Bengal Civil Service ...	Ditto ...	ditto.	
Gammell, A., Lieutenant-Colonel, late of the 1st Battalion of Her Majesty's 11th Regiment of Foot ...	1st Dividend ...	at 2 as.	
* Garnault, Henry William, Captain, late in the Royal Engineers ...	Claims ...	in full.	
Hovenden, J. St. John, Lieutenant-Colonel, late in the Royal Engineers ...	Ditto ...	ditto.	
* Johnson, Henry, late in the employment of Messrs. Jardine, Skinner and Co. ...	Ditto ...	ditto.	
* Lancaster, James, late a Signaller in the Government Telegraph Office at Meerut ...	Ditto ...	ditto.	
* Lang, A. S., late of the Bank of Bengal, Allahabad Branch ...	Ditto ...	ditto.	
* McCarthy, Richard, late Manager of the Pioneer Press, Allahabad ...	Ditto ...	ditto.	
Maddonell, A. A., Colonel, late in the Bengal Infantry ...	Ditto ...	ditto.	
Weston, Joseph, Bazar Serjeant, late of Morar, Gwalior ...	1st Dividend ...	at 11 as. 6 pie.	

N.B.—Persons interested in the surplus of the Estates marked\* are requested to make immediate application to the Administrator General, forwarding documentary evidence of their claims.  
Persons presenting receipts for payment are requested at the same time to produce the registry certificates which have been granted to them from this office.

CALCUTTA,  
The 26th February 1872.

L. P. D. BROUGHTON,  
Administrator-General.  
(1119—1)

Administrator-General's Office.

List of Estates which have come under charge of the Administrator-General of Bengal.

COGHILL, FRANCIS, late of Moharajgunge, in the district of Purneah, an Indigo Planter.

DOW, JONATHAN DUNCAN, late of No. 9, Pembroke Villas, in the County of Middlesex, in England, Esquire.

DRUMMOND, WILLIAM LITTLETON POWYS, late a Captain in the Bengal Staff Corps.

FOGGO, JOHN T., late an Accountant in the Office of the Controller of Public Works Accounts, Bengal.

FOLKARD, DANIEL MANTHORP, late of the town of Calcutta, a Merchant and Proprietor of the firm of Messrs. Folkard & Co.

GARSDALE, RICHARD, late a Carriage Examiner in the service of the East Indian Railway Company.

HAMILTON, CHARLES HENRY, late a Captain in the Royal Horse Artillery.

JONES, MRS. ANNA MARIA, late of Lullutpore, in the North-Western Provinces, widow of George Moran Jones, late Collector of Customs at Muttra.

LILLINGSTON, WILLIAM STUART, late a Lieutenant in Her Majesty's 11th Hussars.

MAGILL, REV. FATHER JAMES ALOYSIUS, late a Roman Catholic Chaplain at Dum-Dum.

MANOOK, MRS. THAKHATOON, late an Armenian inhabitant of Rangoon.

O'HANLON, EDWARD, late a discharged Private of Her Majesty's 5th Lancers.

ORTON, THEODORE, late an Assistant Surgeon in the Bengal Medical Establishment.

PATNE, EDWARD WOOD, late a Tea Planter, residing

TRACY, CHARLES LUKE, late an Assistant in the late firm of Messrs. Charles Nephew and Co., Calcutta.

WHITE, JOHN, late a Surgeon-Major in the Bengal Medical Establishment.

N.B.—All persons having claims upon, being indebted to, or holding property belonging to the above Estates, are requested to place themselves in immediate communication with the undersigned.

L. P. D. BROUGHTON,  
Administrator-General.  
4, STRAND, CALCUTTA,  
The 21st February 1872. (1116—1)

Estate of Obhoy Churn Sen, deceased.

NOTICE is hereby given that Sagore Dutt and Sham Churn Sen, both of this city, to whom, as the Executors named therein, Probate of the last Will and Testament of Obhoy Churn Sen, late of Calcutta, deceased, was, on the twenty-second day of December one thousand eight hundred and sixty-two, granted by the High Court of Judicature at Fort William in Bengal, in its Testamentary and Intestate jurisdiction, have, pursuant to the provisions of Section XXX of Act XXIV of 1857 of the Legislative Council of India (The Administrator-Generals' Act, 1867) by an instrument in writing under their hands, bearing date the sixth day of November one thousand eight hundred and seventy-one, transferred to the Administrator-General of Bengal all estates and interests vested in them, the said Sagore Dutt and Sham Churn Sen, by virtue of the said Probate. Dated this twenty-first day of February one thousand eight hundred and seventy-two.

ROBERTSON, OBE, HARRISS, AND FRANCIS.

*In the Court of the Judge of the District of  
Shuhabad.*

**Notice.**

UNDER SECTION 250, INDIAN SUCCESSION ACT,  
1865.

IN the matter of the Estate of Robert Smith  
Coombs, Esq., deceased.

Whereas an application under the Indian  
Succession Act, 1865, for Probate of the Will, dated  
the 6th day of December 1869, of Robert Smith  
Coombs, Esq., deceased, late of Buxar, has been  
made by Charles James Coombs and Mary Ann  
Bock, and whereas Wednesday, the 15th March  
1872, has been fixed for the hearing of this case,  
notice is hereby given that any person having any  
interest in the administration of the estate of the  
said deceased may, if he desire, appear in this  
Court on the said 13th day of March 1872, and  
show cause why the application of the said Charles  
James Coombs and Mary Ann Bock, both of  
Buxar, should not be granted.

A. J. ELLIOT,  
*Judge.*

SHAHABAD DISTRICT COURT,  
*The 16th February 1872.* (1113-3)

**Central Cachar Tea Company, "Limited."**

THE Seventeenth Half-yearly Ordinary General  
Meeting of Shareholders will be held at the  
Office of the Company, 3, Church Lane, Calcutta,  
on Wednesday, the 28th instant, at noon, to  
receive the Directors' report and pass the accounts  
to the 31st December 1871, and declare a divi-  
dend for the last season.

By order of the Directors,  
WILLIAM MORAN AND CO.,  
*Secretaries.*

CALCUTTA,  
*The 17th February 1872.* (1118-1)

**Lost**

THE following Government Promissory Notes  
of 3½ per cent. loan:—

Nos. 490 and 491 of 1853-54, for Rs. 1,000  
each.

No. 492 of 1853-54, for Rs. 3,000.  
(1117-3) SHAMA SUNDERY.

**WASTE LAND RULES,**

Being Chap. XXVI. of the Rules of the Board of Revenue

*Price, 4 annas. Packing and postage charges, 2 annas extra.*

Calcutta: Office of Supdt. of Government Printing,  
No. 8, Hastings Street.

The Indian Financial Almanack for 1872,  
*Price 4 annas; postage 1 anna.*

Selections from Unpublished Records of  
Government for the years 1748 to 1767 inclusive.  
Relating mainly to the social condition of Bengal  
With a Map of Calcutta in 1784. By the Rev. J  
Long, Member of the Government Record Commis-  
sion. Price Rs. 5; packing and postage 1 Rupee  
extra.

Selections from Calcutta Gazettes of the  
years 1816 to 1823 inclusive, showing the political  
and social condition of the English in India upwards  
of fifty years ago. By Hugh David Sandeman, C.S.,  
Accountant-General, Bengal, and Member of the  
Record Commission. Volume I, 3 Rs., and Volumes  
II, III, IV, and V, at 5 Rs. each; packing and  
postage 1 Rupee extra.

*The above to be had at the Office of Superintendent of  
Government Printing, 8, Hastings Street, Calcutta.*

*Just Published.*

**Bengal Official Army List.**

*Corrected up to 1st January 1872.*

THE Official Quarterly Army List of H. M.'s  
Forces in Bengal, to which is added a non-official  
Supplement, containing the latest corrected Civil  
List, &c. &c. Price Rs. 5, and 8 annas extra for  
packing and postage.

Calcutta: Office of Supdt. of Government Printing,  
No. 8, Hastings Street.

**Rates of Subscription to the Calcutta Gazette**

FROM 1st JANUARY 1872,

*Payable in advance.*

For one year without postage Rs. 15 0 0

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When postage stamps are remitted in payment  
of subscription, half an anna in the rupee should  
be added for discount.



APPENDIX TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 28, 1872.

**ADVERTISEMENT OF SALE.**

NOTICE is hereby given that the undermentioned plots of lands no longer required by the Government, situated in the District of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 4th of March 1872, corresponding with 9th Fagoon 1279 F.S.

2. The purchasers of these plots will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plots will be sold revenue free to the highest bidders above the upset price.

Number in Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.			Upset Price.		
			A.	R.	P.	Rs.	As.	P.
.....	.....	Pukri. Pergunnah Arrah .. .. .	3	0	3	45	0	0
.....	.....	Ditto .. .. .	1	1	37	25	0	0

SHAHABAD COLLECTORATE,  
*The 6th December 1871.*

D. BARBOUR, *Deputy Collector, for Offg. Collector.*

NOTICE is hereby given that the undermentioned plot of land no longer required by the Government situated in the district of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 29th April 1872, corresponding with 6th Baisakh 1279 F.S.

2. The purchasers of this plot will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale at the risk of the defaulting purchaser after issue of advertisement, as in the case of original sale.

3rd.—The plot will be sold revenue-free to the highest bidder above the upset price.

Number in Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.			Upset Price.		
			A.	R.	P.	Rs.	As.	P.
.....	.....	Plot of land on which the old circuit bungalow stood in the town of Arrah with trees.	5	0	17½	270	0	0



APPENDIX TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 28, 1872.

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Number in Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.			Upset Price.		
			A.	R.	P.	Rs.	As.	P.
.....	.....	Pukri, Pergunnah Arrah .. .. .	3	0	3	45	0	0
.....	.....	Ditto .. .. .	1	1	37	25	0	0

SHAHABAD COLLECTORATE,  
*The 6th December 1871.*

D. BARBOUR, *Deputy Collector, for Offg. Collector.*

NOTICE is hereby given that the undermentioned plot of land no longer required by the Government situated in the district of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 29th April 1872, corresponding with 6th Baisakh 1279 F.S.

2. The purchasers of this plot will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale at the risk of the defaulting purchaser after issue of advertisement, as in the case of original sale.

3rd.—The plot will be sold revenue-free to the highest bidder above the upset price.

Number in Statement of Government Estate.	Number on the District Roll.	Name of Estate and Pergunnah.	Approximate area in acres.			Upset Price.		
			A.	R.	P.	Rs.	As.	P.
.....	.....	Plot of land on which the old circuit bungalow stood in the town of Arrah with trees.	5	0	17½	270	0	0

NOTICE is hereby given that the undermentioned plots of Class C lands no longer required by the East Indian Railway Company, situated in the district of Shahabad, will be put up to sale, at the Shahabad Collectorate, on Monday, the 29th of April 1872, corresponding with 6th Baisakh 1279 F.S.

The purchasers of these plots will be subject to the following conditions:—

1st.—If the amount of purchase money do not exceed Rs. 100, the whole amount to be paid down at once.

2nd.—If the amount of purchase money exceed Rs. 100, one-fourth of the amount bid to be immediately deposited. If the balance be not paid by noon of the fifteenth day after the sale, reckoning the day of sale as one, or if that day be a close holiday, then by noon of the first succeeding office day, the sale to be cancelled, the sum deposited being forfeited to Government, and the estate to be again put up for sale, at the risk of the defaulting purchaser, after issue of advertisement, as in the case of original sale.

3rd.—The plots will be sold revenue-free to the highest bidders above the upset price.

Number in Statement of Government Estates.	Number on the District Roll.	Names of Estates and Pergunnahs.	Area in acres.	Upset Price.
			A. R. P.	Rs. As. P.
		Koelwor, Pergunnah Baruhgawan	47 2 0	760 0 0
		Dhundhian, ditto ditto	35 0 38	564 0 0
		midpore, ditto Arrah	1 0 15	18 0 0
		Domraon, ditto Bhojepore ...	3 0 30	51 0 0
		Total	87 0 3	

SHAHABAD COLLECTORATE,  
The 3rd February 1872.

W. ALEXANDER, Collector.





APPENDIX (No. II.) TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 28, 1872.

LAND SALE NOTICES.

NOTICE is hereby given, under Section VI, Act XI. of 1859, that the undermentioned Estate in the district of Furreedpore will be put up to public and unreserved sale, at the Collector's Office of that district, on the 4th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

No. 2793.—Taluk Amanullah, in Pergunnah Jalalpur; recorded proprietors, Amanullah and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs 1,515-4-3¼. This mehal will be sold for recovery of Rs. 32-13-0¾ on account of arrears of Government revenue.

A. J. FRASER, *Deputy Collector in charge.*

FURREEDPORE COLLECTORATE,  
*The 27th January 1872.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned estate in the district of Tirhoot will be put up to public and unreserved sale, at the Collector's Office of that District, on Wednesday, the 28th February 1872, corresponding with the 4th Phalgun 1279 Fuslee, for arrears of revenue due on the 12th January 1872:—

No. 1886.—Mudunpore Bisnath, Pergunnah Mahilla; recorded proprietors, Audit Sahai and others; sudder jumma, Rs. 670-1-7.

The share of Audit Sahai only, with sudder jumma of Rs. 23-12, will be sold for recovery of Rs. 5-7 on account of Government revenue.

TIRHOOT COLLECTOR'S OFFICE,  
*The 22nd January 1872.*

F. M. HALLIDAY, *Collector.*

اس تحریر کے رو سے خاص و عام کو دفعہ ۶ اکت ۱۱ سنہ ۱۸۵۹ ع کے مطابق اطلاع دی جاتی ہے کہ علاقجات موسومہ دیال موقعہ ضلع ترہٹ بعلت زر باقی وغرہ مطالبہ جنکو قوانین اور اکتوں مستمبذہ کے رو سے وصول کرنا جائز ہے اور اس زر باقی اور مطالبہ کو تا تاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ ع تاریخ غایت ادای مالگذاری سرکار ادا کرنا واجب تھا بالضرور تاریخ ۲۸ ماہ فیبروری سنہ ۱۸۷۲ ع مطابق چہارم ماہ بہان سنہ ۱۸۷۹ فصلی روز چہار شنبہ کچہری نلکٹری ضلع ترہٹ میں نیلام ہوگا \*

نمبر ۱۸۸۶ توزیع—محال مدنیور بشناتہ پرگنہ مہلا کہ جسکے خانہ مالگذاری میں نام ادت سہای وغرہ کا مندرج ہے اور مبلغ ۶۷۰-۱-۷ بعلت باقی مالگذاری سرکار اوسکے جمع صدر ہے اور اس محال میں بعد منہای حصہ سایلان تقسیم چکا حصہ مطابق دفعہ ۳۳ قانون نوزدہم سنہ ۱۸۱۴ ع کے بتعداد ۶۴۶-۵-۷ زیر بتوارہ ہو چکا ہے باقی موازی ۱۴ گڈہ حصہ ادت سہای مالک بتعداد ۲۳-۱۲ صدر جمع بعلت باقی مبلغ ۵-۷ باقی مالگذاری سرکار کے نیلام ہوگا \*

إف: إم: ہلیدی

نلکٹر

المرقوم ۲۲ جنوری سنہ ۱۸۷۲ ع

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871.

*Class I.—Permanently-settled Estates.*

To be sold for arrears of Government revenue:—

No. 39.—Taraf Ali Rohollah; proprietor, Tripoora Churn Rai; sudder jumma, Rs. 994-0-6.

To be sold for arrears of Government revenue:—

No. 51.—Taraf Alear Khan; proprietors, Shahama Ali, Akbar Ali Khan, Akbar Ali Khan, and Asad Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the share of Asad Ali Khan, bearing a jumma of Rs. 468-7-5, and the revenue of that share having been paid, the share of Shahamat Ali, Akbar Ali Khan, and Akbar Ali Khan, will be sold; sudder jumma, Rs. 1,606-0-9.

To be sold for arrears of Government revenue:—

No. 1024.—Taraf Gobindo Anandi; proprietors, Sotronarain, Durponarain, Jan Bebi, Mohamaya, Mahomed Ashrof, Ramjoy, Ram Chunder Dutt, Ishan Chunder, Goluck Chunder, Doorga Churn Chowdry, Gour Chunder Mozumdar, Neel Comul Gupta, Goluck Chunder Chowdry, Pitamber Chunder Doss, Ramkumar Doss, Kali Doss, Puddolochun, Trilochun Dey, and Doolameah. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ishan Chunder Chowdry, Goluck Chunder Chowdry, Doorga Churn Chowdry, Gour Chunder Sen, Neel Comul Gupta, Ram Commar Doss, Goluck Chunder Doss, Srimoti Mohamaya, Pitamber Chunder Doss, Kali Doss, Sheik Doolameah Chowdry, Puddolochun Chowdry; and Trilochun Chowdry, bearing a jumma of Rs. 353-14-7, and the revenue of their shares having been paid, the shares of Sotronarain, Durponarain, Jan Bebi, Mahomed Ashrof, Ramjoy, and Ram Chunder Dutt, will be sold; sudder jumma, Rs. 1,061-13-1.

To be sold for arrears of Government revenue:—

No. 1238.—Taraff Enos Jop; proprietors, Aloka, Adhoo Khan, Abool Hossein, Anwar Khan, Brejo Mohan, Surforaj, Shofur Ali, Aos Khan, Alaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Samed, Mahomed Asad, Magan, Nowagish, Warrish Khan, Kurrim Buksh, Alokah, Aasin Khan, Amir Ali, and Ayar Ali Khan. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Warrish Khan, Mahomed Samed, Anwar Khan, Shorforaj Khan, Aasin Khan, and Ayar Ali Khan, bearing a jumma of Rs. 581-13-10, and the revenue of their shares having been paid, the shares of Aloka, Adhoo Khan, Abool Hossein, Brejo Mohan, Shofur Ali, Aos Khan, Alaha Buksh, Hyder Ali, Joygopal Dutt, Korim Buksh, Moniram, Mahomed Afzal, Mahomed Asad, Magan, Nowagish, Korim Buksh, Aloka, and Amir Ali, will be sold; sudder jumma, Rs. 2,272-7-6.

To be sold for arrears of Government revenue:—

No. 1281.—Taraf Joynarain Kerani; proprietor, Mahomed Rofee Showdagar; sudder jumma, Rs. 563-4-6.

To be sold for arrears of Government revenue:—

No. 2203.—Taraf Nosim Chowdhari; proprietors, Jan Ali, Mohesh Chunder Sen, Nittyando Sen, Wahed Ali, Jugguth Chunder Sen, Prankristno Sen, Nittyando Sen, Wahed Ali, Jan Ali, Jugguth Chunder Sen, and Ramjan Ali; sudder jumma, Rs. 659-7-6.

To be sold for arrears of Government revenue:—

No. 2411.—Kismut Probahath, formerly Taraf Brojo Kishore; proprietors, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatillah, Bonnijan Bebi, Boistab Churn, Futteh Ali, Gour Hari Biswas, Hari Doss, Hashimat Ali, Kabkinker, Kisto Churn, Khalon, Modun Mohan, Mahomed Danis Chupprassi, Noor Bebi, Warrish, Rohoman Syad, Huri Churn, Ram Doss, Ram Doss, Ram Doss, Shorfonessa, Surruth Chunder, Surruth Chunder Rai Kanongoe, Shorindri, Munshi Tilock Chunder Biswas, Boidonath Bachoshpoti, Tilock Chunder Dutt, Ram Doss Bhutta-chargea, Nobo Chunder Bouttachargea, Srimoti Montaj Banoo, Sheik Mahomed Boshirullah, Amir Ali, Boidonath Bachoshpoti, Koilas Chunder Dutt, Moulvi Barkatoollah, Najir Ahamed, Noor Ahamed, Wazoddeen, Tarak Chunder Dutt, Oma Churn Dutt, Tarakinker Dutt, and Moonshi Tilock Chunder Biswas. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Surrut Chunder Roy Kanongoe, Srimoti Shorindri, Abool Khoer Mahomed Mohotasumbillah, Abool Fazal Mahomed Motamatillah, Hashmat Ali, Babutmalik his mother Shorfonessa, Boidonath Bachoshpoti, Huri Churn Pal, Kristno Churn Pal, Hurri Dass Pal, Tilock Chunder Dutt, Gooroo Doss Dutt, Ram Doss, Nobo Chunder, Koilas Chunder, Mohesh Chunder, Prosono Chunder, Boidonath Bachoshpoti, Montaj Banoo, Moulvi Barkatoollah, his minor nephew Najir Ahamed, and Wajuddin,

bearing a jumma of Rs. 443-7-8, and the revenue of their shares having been paid, the shares of all other proprietors will be sold; sudder jumma, Rs. 667-11-10.

To be sold for arrears of Government revenue:—

No. 2542.—Teraf Rajah Ambiah; proprietor, Akbar Ali Chowdhuri, sudder jumma, Rs. 608-12.

To be sold for arrears of Government revenue:—

No. 2562.—Taraf Rambhodro Kanongoe; proprietors, Bonijun Bebee, Bhoirub Churn, Chand, Churn, Chundi Churn Nundi, Sadak Ali Moonshee, Doorga Churn Doss, Grish Churn Doss, Nosuroollah Munshi, Tofer Ali, Kali Churn Doss, Nityanundo, Pitamber, Raj Chunder, Ram Doss, Ram Mohun Sen, Ram Soonder Sen, Ramsoonder, Kalikinker, Tarini Sunker Kanongoe, Tripora Churn, Annoda Churn Sen, Chundi Churn Nundi, Chundi Churn Nundi, Chundi Churn Dhur, Pran Huree Lallah, Boistub Churn Podar, Ram Ruttun Surnah, Gopal Kristno Surnah, Golam Hossein, Chundi Churn Dhur, Ramshebeck Burnik, Abdoola Nillamdar, Ishan Chunder Kanongoe, Ram Ruttun Surnah, Gopal Kristno Surnah, Degambar Sen, Oajer Ali *alias* Potan, Huri Doss Dey, Aradhun, Srimoti Bishashori, Ooma Churn, Kantapersaud Hazari, Sheik Mahomed Wasil Chowdri, Gooroo Doss Rai, Ram Chunder Chowdhari, Debi Churn Dey *alias* Deboo Mohajan, Omed Ali, Ram Doss Shikdari Raj Chunder Chowdhari, Nityanundo Sen, Nobo Chunder, Surrut Chunder Sen, Choitanio Churn Sen, Doya Mohun Sen, Hurrinath Porohit, Ramkinker Porohit, Ramkishore Sein, Jowala Bharoti Mohunto, Gobind Chunder Rai Kanongoe, Tara Kinker Dutt, Ramkishore Sen, Aukhil Chunder Sen, Ram Buksh Hazari, Sheik Golam Hossein, Gorib Hossein Chowdhari, Mahomed Wali, Jaker Ali, Chundrohadari Thakurani, and Boidonath Bachoshpoti. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Ram Soonder Sen, Bahat Malik, his brother Ram Mohun Sen, Doorga Churn Doss, his brother Grish Chunder Doss, Sadak Ali Moonshee, Nityanundo Sen, Ram Soonder, Kalikinker, Kanta Persad Hazari, Babut Malik, Susti Churn Chowdhari, Chundi Churn Nundi, Ramruttun Surnah, Gopal Kristno Surnah, Jowal Bharoti Mohunto, Babatshare Arjoon Bharoti Mohunto, Pitamber Kanongoe, Gooroo Doss Rai, Malik Pitamber Kanongoe, Govind Chunder Kanongoe, Golam Hossein Chowdhari, Ishan Chunder Kanongoe, Huri Doss, Aradhun, Ramshebeck Burnick, Digambar Sen, Omed Ali, Nityanundo Sen, Surruth Chunder Sen, bearing a jumma of Rs. 516-15-2, and the revenue of their shares having been paid, and the shares of Pitamber Kanongoe Malik, Tara Kinker Dutt, having been already sold on 22nd December 1871, bearing jumma of Rs. 6-11-11, the shares of all other proprietors will be sold; sudder jumma, Rs. 918-15-7.

To be sold for arrears of Government revenue:—

No. 2933.—Taraf Shasiram Kanongoe; proprietors Afzal, Aitan, Abootalif, Brindabun Sein, Bishumber, Rejoanuddin, Bhikan Chunder, Bholanath, Chotronarain, Digamber Chunder, Doorga Churn, Doorga Mohun, Gogun Chunder, Genesh Chunder, Gopenath, Golam Basid, Golam Moksad, Golam Ali, Gopal Dass, Gopal Dass Sein, Gopinath, Golam Ali, Gouri Kanto, Gour Soonder, Jug Mohun, Jugguth Chunder, Jugguthnath Sein, Jan Ali, Jooromoni, Kristo Chunder Kanongoe, Kristo Chunder Kanongoe, Kristo Mohun Gooho, Koolo Chunder, Lukhi Chunder Rai, Mahomed Ashrof Jemadar, Magan Dass Sen, Magan Chunder, Nityanundo Kanongoe, Nityanundo Kanongoe, Nityanundo, Neelkanto Poorohit, Neelkanto, Nityanundo Kanongoe, Nityanundo Kanongoe, Nemy Churu Rai, Nityanundo, Neamutoollah, Warrish, Oopendro Chunder, Prosono Singh, Prosono Coomari, Poorno Chunder Sen, Peary Mohun, Rohimomissa, Russiek Chunder, Ramdoolal, Ramdoyal Dey, Ramkanto, Ramdoyal, Ranjov Potdar, Ramlochan Sen, Rehanuddin, Renooka, Surruth Chunder, Shaha Mahomed, Shahabuddin, Shamsounder, Tiloke Chunder, Tofan Ali, Lall Mahomed Hazi, Golam Ali Nazir, Shoorbrati *alias* Shoorjomoni Surdar, Srimoti Beshashori, Mahomed Rohimullah Mohesh Chunder, Mahomed Kamil Chowdhari, Isaf Ali, Nejamut Ali, Mahomed Ali, Monohur Khan, Ujir Ali, Uma Charan Ghose, Doorga Churn Sein, Jugguth Chunder Sein, Modun Mohun, Ramdoolal, Ramanundo, Doorga Churn, Chundi Churn Surnah, Sheik Asanoollah Chowdhari, and Shoodharam Surkar. A separate account under Section 13, Act XI of 1859, having been opened for the shares of Gopal Dass Sein and Degumber Kanongoe and others, bearing a jumma of Rs. 642-1-6, and the revenue of their shares having been paid, the shares of Srimoti Oloka, Ramdoyal Sen, Sreemoti Brojobashi, Juggut Chunder Sen, Shoodaram Surkar Nilamdar babut Frankristno, Peary Mohun, Doorga Mohun, Gour Chunder, will be sold; sudder jumma, Rs. 826-14-5.

To be sold for arrears of revenue:—

No. 3113.—Taraf Sheermustkhan Chowdhari; proprietors, Akbar Ali Khan, Dewan Bebi, Jenat Ali Khan, Mokhool Ali, Milkiat Fuzl Ahamed minor, and Ramsoonder. A separate account having been opened for the share of Fuzl Ahamed minor, and the sudder jumma of that share, Rs. 165-10, and the shares of all other proprietors, will be sold; sudder jumma, Rs. 527-6-6.

To be sold for arrears of revenue:—

Mehal Lakheraj resumed, Mouzah Borghope, Thannah Satkania.

No. 13407.—Taluk Gouri Sunker, Boidonath Kanongoe; proprietors, Grish Chunder Rai and Lolita Thakurani; sudder jumma, Rs. 701-4-3.

NOTICE is hereby given, under Section VI, Act XI of 1859, that the undermentioned Estates in the district of Patna will be put up to public and unreserved sale, at the Collector's Office of that district, on the 12th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class II.—Temporarily-settled Estates.*

No. 1016.—Mehal Dearah More-us-dabed, More-Munoruth, and More-Goburdhun, Pergunnah Gyaspore; recorded proprietors, Mussamat Arfay Begum *or* Hosseince Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Allahce Begum Ali Ahmed Khan, Mussamat Oomrao Begum, Walee Ahmed Khan, Anaetoollah Khan *or* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mohamed Ibrahim Hossein Khan, Mujeedoon Nissa Begum, Ubhnasee Suhoy *or* Rughonath Pershad Sing, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishur Pershad Sing, minor son of Baboo Kandh Pershad Sing, deceased, Bishoon Pershad Sing, Ram Loll Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoor Pershad Sing, Hurpershad Sing, Gobindharee Sing, Aluckhoharee Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopalnarain Sing, Nursing Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Tookun Sing, Bhojoo Sing, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *or* Ramjee, Mussamat Khoosinal Kour, Lokenauth Sing, Koonjul Sing, Pahlwan Sing, Shunker Sing, Gujoo Sing, and Khirbun Sing; Sudder Jumma Rs. 4,211-2-0, of which Rs. 1,093-12-6 to be deducted on account of the jumma of the share of Ubhnasee Suhoy *or* Rughonath Pershad Sing, Gobindharee Sing, Ulukh-haree Sing, Tookun Sing, Bhojoo Sing, and Mohamed Ibrahim Hossein Khan, with whom separate accounts have been opened, as per Section 10, Act XI of 1859.

The Sudder Jumma advertized for sale is Rs. 3,117-5-6, on account of the share of Mussamat Arfay Begum *or* Hosseince Begum, Mussamat Kneez Fatmay Begum, Mohamed Aumaunollah Khan, Naseer Ahmed Khan, Mussamat Allahce Begum, Ali Ahmed Khan, Mussamat Oomrao Begum, Wulceahmud Khan, Anaetoollah Khan *or* Abdool Mujeed Khan, himself and heir of Abdool Ruseed Khan, deceased, Mujeedoon Nissa Begum, Jugurnath Pershad Sing, Rampertap Sing, Sham Kishwar Sing, Hurkishurpershad Sing, minor son of Baboo Kandhpershad Sing, deceased, Bishoonpershad Sing, Ramlall Sing, Mussamat Jeetun Kour, Goorpertap Sing, Takoopershad Sing, Hurpershad Sing, Lutchmeepershad Sing, Runglal Sing, Madhopershad Sing, Gopal Narain Sing, Nursing Narain Sing, Kooldeepnarain Sing, Deonarain Sing, Mussamat Soonder Kour, Lallbeharee Sing, Koonjbeharee Sing, Ramnarain Sing *or* Ramjee, Mussamat Koosheehal Kour, Lokenauth Sing, Koonjul Sing, Pahlwan Sing, Shunker Sing, Goojoo Sing, and Khirbun Sing, non-applicants, which will be sold for arrears of Government revenue.

C. F. WORSLEY,

*Deputy Collector, for Collector on tour.*

PATNA COLLECTORATE, BANKIPORE,  
The 31st January 1872.

اشتهار نیلام بابت بقیة مالگذاری شرکار

واضح ہو کہ حسب دفعہ ۶ اکت ۱۱ سنہ ۱۸۵۹ ع کے یہ محالات مرقومۃ الذیل ضلع پٹنہ میں بابت بقیة مالگذاری شرکار و دیگر دعوی جواز روی دستورات و قوانین مجاریہ موافق باقی مالگذاری شرکار کے بتاریخ ۱۲ ماہ جنوری سنہ ۱۸۷۲ ع واجب الوصول ہی بروز منگل بتاریخ ۱۲ ماہ مارچ سنہ ۱۸۷۲ ع کچھری میں صاحب کلکٹراوسی ضلع کے بلا عذر و عام نیلام میں رکھا جائیگا •

قسم دویم بندوبست میعادہ •

نمبر ۱۰۱۶ توزیع محال دیارہ موراسد آباد و مور۔ منورتہ و مور۔ گوبردھن پرگنہ غیاسپور نخانہ مالگذاری مسماة عارفہ بیگم عرف حسنہ بیگم و مسماة کنیز فاطمہ بیگم و محمد امان اللہ خان و نصیر احمد خان و مسماة الہی بیگم و علی احمد خان و مسماة امراو بیگم و ولہ احمد خان و عنایت اللہ خان عرف عبدالمجید خان خود و وارث عبدالرشید خان متوفی و محمد ابراہیم حسین خان و مجید النساء بیگم و اہناسے سہای عرف رگہونانہ پیرشاد سنگہ و جگرنانہ پیرشاد سنگہ و رام پرتاپ سنگہ و شام کشور سنگہ و ہر کشور پیرشاد سنگہ نابالغ پسر بابو کاندھہ پیرشاد سنگہ متوفی و بسن پیرشاد سنگہ و رام لعل سنگہ و مسماة جیتن کنور و گور پرتاپ سنگہ تھاکر پیرشاد سنگہ و ہر پیرشاد سنگہ و گوہند دھاری سنگہ و الکہہ دھاری سنگہ و لچھمی پیرشاد سنگہ و رنگ لعل سنگہ و مادھو پیرشاد سنگہ و گوپال ناراین سنگہ و نوسنگہ ناراین سنگہ و کلدیپ ناراین سنگہ و دیوناراین سنگہ و مسماة سننر تنور و ٹون سنگہ و بھوجو سنگہ و اعلہبھاری سنگہ و کچھبھاری سنگہ و رام ناراین سنگہ عرف رامچی و مسماة خوشال کنور و لوگھنانہ سنگہ و کنجل سنگہ و پھلوان سنگہ و منکر سنگہ و گچو سنگہ و کھریان سنگہ صدر جمع ۲۴۱۱-۲ اوسمین سے صدر جمع ۶-۱۲-۱۰۹۳ منہای ہوگا بابت حصہ اہناسے سہای عرف رگہونانہ پیرشاد سنگہ و گوہند دھاری سنگہ و الکہہ دھاری سنگہ و ٹون سنگہ و بھوجو سنگہ و محمد ابراہیم حسین خان جسکے ساتھ حساب کہولا گیا بمواز دفعہ ۱۰ اکت ۱۱ سنہ ۱۸۵۹ ع •

صدر جمع جسکا اشتہار نیلام ہوا ہی ۳۱۱۷-۵-۶ بابت حصہ مسماۃ عارفہ بیگم عرف حسنہ بیگم و مسماۃ کثیر فاطمہ بیگم و محمد امان اللہ خان و نصیر احمد خان و مسماۃ الہ بیگم و علی احمد خان و مسماۃ امرا بیگم و ولہ احمد خان و عنایت اللہ خان عرف عبدالمجید خان خود و وارث عبدالرشید خان متوفی و مسجد النسا بیگم و جگر ناتھ پیرشاد سنگہ و رام پرتاپ سنگہ و سام کشور سنگہ و ہر کشور پیرشاد سنگہ نابالغ پسر بابو کاندھہ پیرشاد سنگہ متوفی و بسن پیرشاد سنگہ و رام لعل سنگہ و مسماۃ جتن کنور و گور پرتاپ سنگہ و تھاکر پیرشاد سنگہ و ہر پیرشاد سنگہ و چھہی پیرشاد سنگہ و رنگ لعل سنگہ و مادھو پیرشاد سنگہ و گوپال نرائن سنگہ و نرسنگہ نرائن سنگہ و کلدیپ نرائن سنگہ و دیو نرائن سنگہ و مسماۃ مندر کنور و لعل بیہاری سنگہ و کنچہاری سنگہ و رام نرائن سنگہ عرف رامچھی و مسماۃ خوشحال کنور و لوکھانہ سنگہ و کنچل سنگہ و پھلون سنگہ و شکر سنگہ و گچو سنگہ و کھربان سنگہ غیر صایان کا بعلت باقی مالگذاری کے نیلام ہوا نقطہ •

سی: اف: وسیلے  
دیپوتی کلکٹر کلکٹر ٹور کے لے

پٹنہ کلکٹریٹ بانکپور  
۳۱ جنوری ۱۸۷۲

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Jessore will be put up to public and unreserved sale, at the Collector's Office of that district, on Friday, the 15th March 1872, corresponding with 3rd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class I.—Permanently-settled Estate.*

No. 19.—Mouzah Borumarrah Pergunnah Essuppore, Talook Joy Chunder, Radha Churn Chunder Kant Ghose, Issur Chunder Roy, and Jogut Chunder Chowdhury; Sudder Jumma, Rs. 998-3-10; to be sold for recovery of Rs. 98-14-9 on account of Government revenue.

No. 261.—Tara Sagerneah, Pergunnah Mahomedshye, Talook Razuaryun, Premnaryun Parry, Lakhimoney, Drabomoi, Second Drabomoi, and Joytara Dehya; Sudder Jumma, Rs. 1,596-8-9; to be sold for recovery of Rs. 37-2 on account of Government revenue.

No. 4575.—Pergunnah Bhatlah, Talook Rajah Buroda Kant Roy, Bahadoor; Sudder Jumma, Rs. 5,087-1-7-3; to be sold for recovery of Rs. 38-14-1 on account of Government revenue.

JESSORE COLLECTORATE,

The 2nd February 1872.

J. MONRO, *Offg. Collector.*

NOTICE is hereby given, under Section 6, Act XI of 1859, that the undermentioned Estates in the district of Sarun will be put up to public and unreserved sale, at the Collector's Office of that district, on the 15th day of March 1872, corresponding with the 20th Phalgun 1279 F.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

*Class I — Permanently-settled Estate, to be sold for arrears of Government revenue.*

*Towjee No. 501.*—The rights and interests of Baijoo Sing, in mehal Sensooar, pergunnah Baul; recorded proprietors are Baijoo Sing, Chuttur Sing, &c. The sudder jumma of the entire Estate is Rs. 693-5-4.

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and payment of Government revenue:—

10 *kts.* of Rughoonundun Sing and others, bearing jumma of Rs. 461-13-6.

*To be sold for arrears of Government revenue.*

*Towjee No. 2459.*—The rights and interests of Achul Opudhia, Mahurbun Sing, Ramsuhoy Sing, Thacoar Sing, Rughoonath Sing, Kullian Sing, Ramsuhoy Roy, Ramessur Roy, Juteedharee Lal, Rusul Roy, Trashee Pershad Sing, Goopershad Sing, and Doobree Opudhia, in Mehal Dhurum Raj Pergunnah Gooch; recorded proprietors, Achul Opudhia and others. The sudder jumma of the entire estate is Rs. 663-7-5.

The shares of the undermentioned persons will be exempted from sale owing to the separation of their account and the payment of Government revenue:—

7 *kts.* of Radhayram Pershad and others, bearing jumma of Rs. 332-2.

SARUN COLLECTORATE,

The 2nd February 1872.

C. B. GARRETT, *Offg. Collector.*

اشتہار نیلام بابت بقیہ مالگذاری سرکار

واضح ہو کہ حسب دفعہ ۶ ایکٹ ۱۱ سنہ ۱۸۵۹ ع کے یہ صحالات مرقومہ الذیل ضلع سارن میں بابت بقیہ مالگذاری سرکار و دیگر دعویٰ چواڑے دستورات قوانین مجاریہ موافق باقی مالگذاری سرکار کے بتاریخ ۱۲ جنوری سنہ ۱۸۷۲ ع واجب الوصول ہی بروز جمعہ تاریخ ۱۵ مارچ سنہ ۱۸۷۲ ع مطابق ۲۰ بھاگن سنہ ۱۲۷۹ فصلے ۱۰۱۰ ضلع سارن بلا عذر عام نیلام میں رکھا جاویگا •

نمبر شماری نمبر توزیع	نام محال قسم اول	قسم مطالبہ
نمبر ۱ نمبر ۵۰۱	محال سندوار پرگنہ بال جسکا جمع صدر مبلغ ۶۹۳-۵-۰۲ ہی و خانہ مالگذار	باقی مالگذاری سرکار
	میں نام بیچو سنگہ و چہتر سنگہ وغیرہ کا لکھا جاتا ہی باسٹنڈاء حصہ رگھو نندن سنگہ و غیرہ بقید ۵۰ قلم تفریق رول شدہ بمراد اکت ۱۱ سنہ ۱۸۵۹ ع جمعی مبلغ ۴۶۱-۱۳-۶ متعلقہ محال مذکور بلحاظ وصول ہو جانے باقی سرکار بقید حق و موافق اجمالی بیچو سنگہ جمعی مبلغ ۲۲۱-۷-۱۰ بعلت باقی مالگذاری سرکار بہ تعداد مبلغ ۱۲-۴-۷ کے نیلام ہوگا *	
نمبر ۲ نمبر ۲۴۵۹	محال دھرمراج پرگنہ گوہ گہ جسکا جمع صدر ۶۹۳-۵-۷ ہی و جانہ مالگذار زمین نام اچل اوپدھیا و غیوہ کا لکھا جاتا ہی باسٹنڈاء حصہ رادہ رون پرشاد و غیرہ بقید ہفت قلم تفریق رول شدہ نمبر ۱ و ایکٹ ۱۱ سنہ ۱۸۵۹ ع جمعی مبلغ ۳۳۲-۲ منلتہ محال مذکور بلحاظ وصول ہو جانے باقی سرکار بقید حق و موافق اجمالی اچل اوپدھیا و مہربان سنگہ و رام سہاے سہاسہ و تھاکر سنگہ و رگھوناتھ سنگہ و کلیان سنگہ و رام سہای رای و رامیسررای و جتادھاری لعل و رسال رای و گاشے پرشاد سنگہ و گور پرشاد سنگہ و دوہری اوپدھیا جمعی مبلغ ۳۳۱-۵-۵ بعلت باقی مالگذاری سرکار بہ تعداد مبلغ ۱۱-۹-۲ کے نیلام ہوگا *	ایضا

سی: بی: گبریت  
تلکٹر

تحریر فتاریخ ۲ فروری سنہ ۱۸۷۲ ع

in the district of Shahabad will be put up to public and unreserved sale, at the Collector's Office of that district, on the 14th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872 :—

*Class I.—Permanently-settled Estate.*

No. 1428.—Mehal Sirbit, Pergunnah Chynepore; recorded Proprietor, Sheonondun Roy, non-applicant; Sudder Jumma of the entire Mehal, Rs. 1,059-11-9. The share of non-applicant alone shall be sold for arrears of Government revenue amounting to Rs. 7-15-5, with the exception of the shares of the undermentioned proprietors, with whom separate accounts have been opened under Section 10, Act XI. of 1859 :—

Names of villages.	Names of Proprietors.	Amount of Jumma.
		R. A. P. K. M.
1. Noughura	... Rookmin Bibi and others	13 13 1 8 0
2. Kusbe Chynepore	... Shah Abdool Uziz and others	13 13 10 8 0
3. Sirbit Khass	... Mussamut Goonrani Koor and others	221 9 7 4 0
4. Ditto	... Seoraj Sing and others	55 6 4 0 0
5. Ditto	... Shah Abdool Uziz and others	27 11 4 0 0
6. Ditto	... Nuki Ally Khan	27 11 2 8 0
7. Kutra	... Reoti Roy	42 10 7 12 0
8. Sirbit and Gobindipore Lohrajai-rampore	... Nuki Ally Khan and others	113 3 2 12 0
9. Kootmunpore	... Koulesur Choubey and others	12 1 5 1 7
10. Kota	... Judoo Roy	112 6 4 18 0
11. Kekurha	... Ramlall and others	5 5 4 0 0
12. Gobindipore Lohrajey Rampore	... Mussamut Umani Kooner and others	19 15 11 12 0
13. Kota	... Mussamut Zeb Kooner and others	112 6 4 18 0
14. Kota	... Saligram Roy	112 6 4 18 0
15. Kootmunpore	... Jhuboo Choubey	6 0 8 10 13

SHAHABAD COLLECTORATE,  
The 30th January 1872.

II. ALEXANDER, Collector.

اشتہار نامہ واسطے فروخت زمینداری

سنہ ۱۸۵۹ سال کے قانون ۱۱ دفعہ ۶ کے مضمون مطابق بذریعہ اسکے سب لوگوں کو واقف کیا جاتا ہی کہ ضلع شاہ آباد کے شامل محالات مندرجہ ذیل ضلع مذکور کی صاحب کلکٹر کے افسیس میں باقی مالگذاری اور جو سب دعویٰ سنہ ۱۸۷۲ جنوری تاریخ ۱۲ میں دن جمعہ ہونے سے باقی مالگذاری کی بطور مجزیہ آئین کے مطابق ادا ہونے

کا ضابطہ ہی اسکے ادائیگی کے واسطے سنہ ۱۸۷۲ ع ماہ مارچ تاریخ ۱۴ میں نیلام عام کی خبریہ کار میں فروخت ہوگا سنہ ۱۸۷۲ ماہ جنوری تاریخ ۳۰ فقط \*

تفصیل قسم اول

نمبر ۱۴۲۸—محال سرپٹ برگنہ چین پور جسکی خانہ مالگذار میں نام شیونندن رائی غیر سائیل تفریق اول مندرج ہی و مبلغ ۱۰۵۹-۱۱-۹ جمع صدر گوشوارہ اس محال کا ہی بعلت باقی مبلغ ۷-۱۵-۵ باقی مالگذار ہی حصہ خاص غیر سائیل تفریق اول بابت حصہ مفصلہ ذیل کہ جسکا جمع از روی دفعہ ۱۰ ایکٹ ۱۱ سنہ ۱۸۵۹ ع علیحدہ لیا جاتا ہی نیلام ہوگا \*

تعداد جمع صدر	روپیہ ۸۱ پائی کہ م	نام سائیل تفریق اول	نام موضع
۰ ۸ ۱ ۱۳ ۱۳		روکن بے و امام جہان بے و جہان بے	۱ نوگہرا
۰ ۸ ۱۰ ۱۳ ۱۳		شاہ عبدالعزیز و شاہ لیاقت حسین	۲ قصبہ چین پور
۰ ۴ ۷ ۹ ۲۲۱		مسماة کونراے کنور و سیواپ سنگھ	۳ سرپٹ خاص
۰ ۰ ۴ ۶ ۵۵		سیوراج سنگھ و فقی علی خان و غلام منی خان	۴ ایضا
۰ ۰ ۴ ۱۱ ۲۷		شاہ عبدالعزیز و شاہ لیاقت حسین	۵ ایضا
۰ ۸ ۲ ۱۱ ۲۷		نقے علی خان	۶ ایضا
۰ ۱۲ ۷ ۱۰ ۴۲		ریوے رائی	۷ کترا
			۸ سرپٹ و گوندھی پور لوہرا جی
۰ ۱۲ ۲ ۳ ۱۱۳		نقے علی خان و مسماة مہدہ بے	رام پور
		کولیسر چوبہ جگنند چوبہ و لکچند چوبہ و رمیسر چوبہ	۹ قطمن پور
		و ہر گوند چوبہ و ہیرا لال چوبہ و بہگوت چوبہ و	
		رگھویر چوبہ و بسیر چوبہ و اجودھا چوبہ و املاکھہ	
۷ ۱ ۵ ۱ ۱۲		چوبہ و گنادت چوبہ و گچال چوبہ	
۰ ۱۸ ۴ ۶ ۱۱۲		جدو رائی	۱۰ کوتا
		رام لال و مسماة جیا کنور زوجہ بسیر سنگھ و ہر جھوکھن	۱۱ کپکھا
۰ ۰ ۴ ۵ ۵		سنگھ و رام چرن سنگھ	
		مسماة امانے کنور زوجہ گندھاری سنگھ و مسماة کونراے	۱۲ گوندھی پور لوہرا جی رام پور
۰ ۱۲ ۱۲ ۱۵ ۱		کنور	
۰ ۱۸ ۴ ۶ ۱۱۲		مسماة زیب کنور مادر ولیہ جدو منے رائی	۱۳ کوتا
۰ ۱۸ ۳ ۶ ۱۱۲		سالگرام رائی	۱۴ ایضا
۱۳ ۱۰ ۸ ۰ ۶		جہبو چوبہ	۱۵ قطمن پور
		ایچ الیکزاندر کلکٹر	شاہ آباد کلکٹریٹ
			۳۰ جنوری ۱۸۷۲

NOTICE is hereby given, under Section 2, Act VII. (B.C.) of 1868, and Section 6, Act XI. of 1859, that the undermentioned estates in the district of Chittagong will be put up to public and unreserved sale, at the Collector's Office of that district, on the 2nd day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 26th day of December 1871:—

Mahal Noabad.

- To be sold for arrears of Government revenue, Mouzah Chota Sonooah, Thannah Satkania.  
 No. 303.—Talook Chota Sonooah, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 1,072-0-1.  
 To be sold for arrears of Government revenue, Mouzah Borghona, Thannah Satkania.  
 No. 314.—Talook Gouri Sunkar, Boidyonath Kanongo, Nilam Tarini Charn Chowdhri, and Ram Mohun Sen; Sudder Jumma, Rs. 639-0-3.  
 To be sold for arrears of Government revenue, Mouzah Naporah, Thannah Satkania.  
 No. 541.—Talook Srimoti Bishashori and Nobo Chunder Rai; Proprietors, Sreamoti Bishashori and Nobo Chunder Rai; Sudder Jumma, Rs. 633-11-9.  
 To be sold for arrears of Government revenue, Mouzah Bakolca, Kismut Chur Shabek Bakolea Thannah Towa.  
 No. 559.—Talook Ahamed Ali, Mahomed Esuf, Korban Ali, Ajar Ali, Srimoti Noor Bebi; Proprietors, said Ahamed Ali, Mahomed Esuf, Korban Ali, Ajar Ali, and Srimoti Noor Bebi; Sudder Jumma, Rs. 686-4.

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estate in the district of Hooghly will be put up to public and unreserved sale, at the Collector's office of that district, on Thursday, the 14th March 1872, corresponding with 2nd Choitro 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th January 1872.

*Class.—Permanently-settled Estate.*

No. 67.—Goorbaree, Pergunnah Chowmaha; recorded proprietors, Radhakanto Chowdhury, Issur Muddun Mohun Jew Thakoor's Sabaet Gopeckristo Bose, Ornopoorna Dabee, Mangobindo Biswas, Kassecnauth Koor, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose; sudder jumma, Rs. 2,695-15.

Deduct Mangobindo Biswas' .8 annas share of Mouzah Katgora	Rs. As. P.	Rs. As. P.
and Kasseepore, comprised in lot Goorbaree ... ..	590 6 5	
Deduct Kassecnauth Koor's share of Neej Goorbaree and Hurriram-		
pore's land 1,475 beegahs, the revenue of which is ...	692 2 9	
		1,282 9 2

and for which a separate account has been opened under Act XI. of 1859.

Balance share of sudder jumma of the undermentioned parties to be sold, Radhakanto Chowdhury of Goorbarrec, Pergunnah Chowmaha, Issur Muddun Mohun Jew Thakoor's Sabaet Gopeckristo Bose of Chandernagore, Pergunnah Boro, Ornopoorna Dabee of Etla, Pergunnah Chowmaha, Juggessur Ghose, Issur Chunder Ghose, and Makhonlaul Ghose of Katgora, Pergunnah Chowmaha, and for which separate account has not been opened, Rs. 1,413-5-10.

To be sold for recovery of Rs. 217-11-9 on account of Government revenue.

W. F. MERES, *Deputy Collector, in charge.*

NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of Nuddea will be put up to public and unreserved sale, at the Collector's Office of that district, on the 27th day of March 1872, corresponding with 15th Chyet 1278 B.S., for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

No. 1-0.—Pergunnah Alumpur; recorded proprietors, Issur Chundra Pal Chowdhry and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 50,287-13-7, and Police Rs. 568-14-7. This mehal will be sold for recovery of Rs. 23,743-5-8, on account of arrears of Government revenue.

No. 17-0.—Dehi Alpha; recorded proprietors, Santaram Roy and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 4,046-2-2½, and Police Rs. 44-14-8. This mehal will be sold for recovery of Rs. 92-1-5½, on account of arrears of Government revenue.

No. 22.—Pergunnah Belgong; recorded proprietors, Kader Nath Ghose and others; sudder jumma, Rs. 6,054-3-8, and Police Rs. 73-11-11. This mehal will be sold for recovery of Rs. 832-10-6, on account of arrears of Government revenue.

No. 62-0.—Dehi Buxipore; recorded proprietors, Hurrimohun Mukhupadhya and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 5,276-6-11. This mehal will be sold for recovery of Rs. 653-15-10, on account of arrears of Government revenue.

No. 240-0.—Dehi Huri Sankura; recorded proprietors, Mohamaya Chowdhurani and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 1,935-3-7½. This mehal will be sold for recovery of Rs. 48-6-10 on account of arrears of Government revenue.

No. 304-0.—Turuf Khoirhuda; recorded proprietors, Nobokisto Chowdhury and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 539-10-5½. This mehal will be sold for recovery of Rs. 9-12-5½, on account of arrears of Government revenue.

No. 371-0.—Dehi Nakasipara; recorded proprietors, Santiram Roy and others; sudder jumma, exclusive of that for which separate accounts have been opened, Rs. 3,829-3, and Police Rs. 41-15-9. This mehal will be sold for recovery of Rs. 695-8-6, on account of arrears of Government revenue.

No. 2179.—Chur Samnagar; recorded proprietor, Mr. J. B. Mackintosh; sudder jumma Rs. 523-9-8, and road fund Rs. 5-3-10. This mehal will be sold for recovery of Rs. 27-2-10, on account of arrears of Government revenue.

No. 3227.—Dehi Pukuria; recorded proprietors, Nobokishen Chowdhry and others; sudder jumma, Rs. 799-13-4. This mehal will be sold for recovery of Rs. 26-0-10, on account of arrears of Government revenue.

No. 3231.—Dehi Shasta; recorded proprietors, Jehan Nessa Bibi and others; sudder jumma, Rs. 553-3-10. This mehal will be sold for recovery of Rs. 7-12-6, on account of arrears of Government revenue.

NUDDEA COLLECTOR'S OFFICE,  
The 23rd February 1872.

C. STEVENS, *Offg. Collector.*



NOTICE is hereby given, under Section 6, Act XI. of 1859, that the undermentioned Estates in the district of East Burdwan will be put up to public and unreserved sale, at the Collector's Office of that district, on the 27th day of March 1872, for arrears of revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of revenue due on the 12th day of January 1872.

Number in the Rent Roll.	Class.	Names of Mohals and Pergunnahs.	Proprietors.	Government Revenue.	REMARKS.
				Rs As. P.	
30	1st Class, permanently-settled.	Bhodin, 4 annas share; Pergunnah Monohurshahi.	Hirra Lall Bahoo, Doorganaran Banerjee, Ichodeza Bibi herself, and as guardian of minor Abdool Odood, Kedar Nath Mookerjee, and Brojo Mohun Ghose.	2,676 6 5	Out of the total amount of Government revenue separate accounts have been opened for Rs. 113-9-1, on account of Brojo Mohun Ghose, and for Rs. 307-6-11 in favor of Kedar Nath Mookerjee; no arrears have occurred on their portions of the sudder jumma. The estate is to be sold for arrears of Government revenue only.
62	Ditto	Pulshona, Pergunnah Shomurshahi.	Umbicca Churn Chundro, Kassi Nath Chundro, Lokenath Chundro, Rukkini Bullay Chundro, Kallydas Chundro, and Hurro Mohun Chundro.	7,400 11 11	The entire estate to be sold for arrears of Government revenue only, which became due on the 12th day of January 1872.
		Chakran lands appertaining to the above mahal bearing Touji No. 16.	Ditto	14 8 2	
78	Ditto	Nizampore and others, Pergunnah Shomurshahi.	Issac Radhamadan Mohun Jea Saad Gopikrishto Bose, and Poornoo Chundro Banerjee.	1,168 8 10	Ditto.
158	Ditto	Shoomuddoogoree, Pergunnah Shatsoika.	Robinunnessa Bibi and Kylas Chundro Dey Chowdhery.	2,710 8 11	Ditto.
174	Ditto	Gowarrab, Pergunnah Mandanipore.	Kristodeb Bhattacharjee	727 11 7	Ditto.
5537	Ditto	Bahadoorpore, Pergunnah Chowmoohah	Ram Golindo Roy	508 0 10	Ditto.

R. PORCH,  
For Collector.





APPENDIX (No. III.) TO  
**The Calcutta Gazette.**

WEDNESDAY, FEBRUARY 28, 1872.

*Register of Sales of Waste Lands prescribed by Rule 8 for the sale of unassessed Waste lands.*

1	2	3	4	5	6	7	8	9	10	11
Consecutive number of sales in the order in which they are made.	Number of the application in Register No. 40, and name of applicant	Pergunnah, thanuah, or other sub-division in which situated.	Village or township.	Area and boundaries of the plot as ascertained by survey.	Date of sale.	Name and residence of purchaser.	Date of possession being given.	Amount paid for survey, clearance, and advertisement.	Price for which sold and rate per acre.	Dates of instalments of the prices being paid with amounts (N.B.—interest payments not to be shown here.)
36	3 of 1870-71, Mr. G. Rotherdon.	Pergunnah Kalam, Kattigorah.	Degabur.	E.—Lands of Potta No. 27, belonging to Sabil, Mahomed and others, Bhoorohbari and Emanca Mokam and khas lands. W.—Lands of Potta No. 34, and khas lands of Mouzah Bhoirubpoor. N.—Khas lands and Pachpir Mokam. S.—Settled lands of Mr. Davidson in Potta No. 37. Area, 334 acres 2 roods and 24 poles.	20th Jan. 1872.	Mr. G. Rotherdon, for Dr. G. R. Ferris.	20th Jan. 1872.	Rs. As. P. 183 4 0	Rs. As. P. 836 10 0 at Rs. 3-8 per acre.	30th Jan. 1872 Rs. 86-10

CACHAR DEPUTY COMMISSIONER'S OFFICE ;  
*The 3rd February 1872.*

O. G. R. McWILLIAM,  
*Officiating Deputy Commissioner.*





# SUPPLEMENT TO The Calcutta Gazette.

WEDNESDAY, FEBRUARY 28, 1872.

## OFFICIAL PAPERS.

*Non-Subscribers to the GAZETTE may receive the SUPPLEMENT, separately, on payment of Six Rupees per annum if delivered in Calcutta, or twelve Rupees if sent by Post.*

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### Rewards to villagers for resisting Dacoits.

No. 8885, dated Fort William, the 17th November 1871.

From—COLONEL J. R. PUGHE, Inspector-General of Police, L. P.,

To—The Offg. Secretary to the Government of Bengal, Judicial Department.

I HAVE the honor to submit the following for the consideration of the Lieutenant-Governor, and to offer suggestions thereon.

2. On the 27th August last, the crew of an up-country boat landed in the Nuddea district and attacked the village of Ghasooreah Dungal. On the alarm being given, the villagers, led by one Sudderooddeen, the brother of Koodrut Sheikh, the plaintiff, turned out and defeated the dacoits, capturing two, and wounding two or three more, who, however, succeeded in effecting their escape.

3. In the Government resolution of the 4th September 1871, on my annual report for 1870, it is remarked in paragraph 43 "that His Honor hopes that in cases in which villagers specially distinguish themselves, report may be made with a view to obtaining for them a special reward;" and considering as I do that the villagers did, on this occasion, especially distinguish themselves, for they, Bengalee villagers, attacked a band composed of notoriously bold men, *viz.* Sarun Aheers, captured two of them, and drove off the others to their boat, I beg to recommend that Sudderooddeen, the leader of the villagers, be granted a complimentary purwanah, and a reward of Rs. 50, or their equivalent in a sword or gun, and that the villagers, as per margin, be granted a money-reward of Rs. 10 each, and a purwanah.

- |        |                                  |
|--------|----------------------------------|
| No. 1. | Sudderooddeen.                   |
| " 2.   | Koodrut.                         |
| " 3.   | Khattar.                         |
| " 4.   | Rhobun.                          |
| " 5.   | Ashrof Ghukh.                    |
| " 6.   | Denoo Ghukh.                     |
| " 7.   | Shakim Ghukh.                    |
| " 8.   | Malubhur Ghukh.                  |
| " 9.   | Sarun Ghukh.                     |
| " 10.  | Bhondolo Ghukh.                  |
| " 11.  | Junghi Sirdar.                   |
| " 12.  | Lakhi Chowkeedar of the village. |

4. It would increase the effect if the grant of these rewards were published in the *Gazette*, and their bestowal made the subject of some show at the head-quarters of the district.

No. 1JJ., dated Calcutta, the 4th January 1872.

From—HORACE A. COCKERELL, Esq., Officiating Commissioner of the Presidency Division,

To—The Offg. Secretary to the Government of Bengal, Judicial Department.

In reply to your No. 5952 of the 25th ultimo, I have the honor to state that I concur in the recommendation made by the Inspector-General of Police. I had already, early in November, directed the Magistrate to draw out a complete narrative of the case for submission

No. 1072, dated Fort William, the 15th February 1872.

From—A. MACKENZIE, Esq., Junior Secretary to the Government of Bengal,

To—The Officiating Commissioner of the Presidency Division.

I AM directed to acknowledge the receipt of your letter No. 1JJ of the 4th ultimo, and in reply to state that the Lieutenant-Governor sanctions the grant by the Magistrate of Nuddea of complimentary purwanahs, and the sums of money recommended to the men named on the margin, as a reward for their gallant conduct in beating off a gang of dacoits who attacked the village of Ghasooreah Dungan on the 27th August last.

2. These rewards should be conferred on the men in as public a manner as possible at the head-quarters of the district.

3. The correspondence will be published in the *Gazette*.

1. Sudderooddeen, the leader of the villagers	... Rs.	50
2. Koodrut	... "	10
3. Khatter	... "	10
4. Bhobun	... "	10
5. Ashrof Ghukh	... "	10
6. Denoo Ghukh	... "	10
7. Shakim Ghukh	... "	10
8. Malubhur Ghukh	... "	10
9. Sarun Ghukh	... "	10
10. Bhondolo Ghukh	... "	10
11. Junghi Sirdar	... "	10
12. Lakhi Chowkoedar of the village	... "	10

Results of the Meteorological Observations taken at the Surveyor-General's Office, Calcutta, from 15th to 21st February 1872.

Month.	Date.	Mean reduced barometer. Inches.	THERMOMETER.			Mean dry bulb.	Mean wet bulb.	Computed mean dew-point.	Mean degree of humidity.	WIND.			Moon's phases.	GENERAL REMARKS.	
			Highest readings.	Lowest readings.	Max. solar radiation.					Prevailing direction.	Max. pressure.	Daily velocity.			
Feb.	15th	29.905	79.5	67.5	129.0	72.6	66.4	61.4	0.69	S by W & N by E	...	90.6	0.40	...	Cumuli and clear. Slightly foggy at 8 P.M. Thunder and lightning at 5½ A.M. Rain at 5 and 6 A.M.
	16th	30.030	77.0	60.5	129.4	68.7	60.5	53.9	.61	N N E & N N W	...	152.6	...	...	Clear. Foggy from 8 to 11 P.M.
	17th	.031	78.3	60.8	131.0	69.0	61.2	55.0	.63	N N W & W by S	...	71.2	...	...	Clear. Slightly foggy at midnight, 4 and 5 A.M.
	18th	.006	80.4	61.7	133.0	70.7	64.4	59.4	.69	W by S & W S W	...	50.9	...	...	Clear and cumuli.
	19th	29.971	83.2	65.0	139.0	73.5	68.6	65.2	.76	S S W	...	88.7	...	...	Clear and cumuli.
	20th	.985	83.0	68.5	128.8	74.9	70.9	68.1	.80	S by W & S S W	...	148.9	1.37	...	Clear, cumuli, and over-cast. Lightning at 7, 8, 10, and 11 P.M. Thunder at 7 and 11 P.M. High wind accompanied with rain, and hailstones fell in immense quantities between 7 and 8 P.M., and rain at 10½ P.M.
	21st	.064	81.7	70.0	135.6	75.2	71.6	69.1	.82	S W & W	...	81.7	...	...	Cirrocumuli, cumuli, and clear. Slightly foggy at 10 P.M.

The mean barometer as likewise the dry and wet bulb thermometer means are derived from the twenty-four hourly observations made during the day.

The dew-point is computed with the Greenwich constants.—The figures in column 10 represent the humidity of the air, the complete saturation of which being taken at unity.—The receiver of the lower rain gauge is 1½ feet, and that of the anemometer 70 feet 10 inches above the level of the ground.—The velocity of wind, as indicated by Robinson's anemometer, is registered from noon to noon.

The extreme variation of temperature during the past seven days	...	22.7
The max. temperature during the past seven days	...	83.2
The max. temperature during the corresponding period of the past year	...	90.5
The mean humidity during the past seven days	...	0.71
The mean humidity during the corresponding period of the past year	...	0.67
Inches.		
The total fall of rain from 15th to 21st	{ by lower rain gauge	1.77
	{ by anemometer gauge	1.45
Ditto ditto . average of eighteen previous years	...	0.09
Ditto between the 1st January and the 21st February	...	3.04
Ditto ditto ditto ditto, average of eighteen previous years	...	1.13

GOPRENAUTH SEN,  
In charge of the Observatory.

CALCUTTA,  
The 24th February 1872.

**Rainfall, Weather and State and Prospects of the Crops.**

*Statement showing Rainfall, Weather and State and Prospects of the Crops in the different Districts of the Lower Provinces of Bengal, as reported to Government during the week ending 24th February 1872.*

No	District.	Date of return from each district.	Rainfall at Sudder Station, in inches.	Character of the weather in the district, as far as known.	State and prospects of the crops at date.	REMARKS.
		1872.				
1	Bhaugulpore	Feb. 24th	0	Favorable	Very good	Strong west wind set in.
2	Monghyr	" 24th	0	Favorable	Excellent.	
3	Purneah	" 24th	0	Seasonable	The spring crops promising very well.	
4	Rajmehal	" 24th	0	Hot and dry	Wheat and gram doing fairly.	
5	Deoghur	" 24th	0	Fine	Sugar-cane sowings getting on favorably.	
6	Nya Doomka	" 24th	0	Fine, clear, and dry.	Nothing reported by the Assistant Commissioner.	
7	Godda.	" 24th	0	Dry	Favorable.	
8	Pakour	" 24th	0	Fine	No crops.	
9	Jamtarra	" 24th	0	Fine	Wheat, oats, &c., fair; pulses have suffered much from the late rain and fogs.	
10	Patna	" 24th	0	Fine	Wheat and barley favorable; pea and mustard have somewhat suffered from the rain.	
11	Gya	" 24th	0	Fine	Wheat and barley favorable; pea and mustard have somewhat suffered from the rain.	
12	Chumparun	" 24th	0	Fair	The winter crops promise well.	
13	Sarun.	" 24th	0	Fine	Spring crops flourishing.	
14	Shahabad	" 24th	0	Fine	Spring crops daily improving; mustard reaped in some places.	Small-pox prevailing in some places.
15	Tirhoot	" 22nd	0	Cold morning and warm afternoon.		
16	Rajshahye	" 22nd	0			
17	Bograh	" 23rd	0	Growing warm Seasonable.	Satisfactory.	
18	Dinagpore	" 24th	0	Nothing reported	Very little of cold weather crop in the district; mustard scarce for want of rain. Price risen from Rs. 4 to Rs. 7 a maund.	
19	Maldah	" 24th	0	Fair	Good.	
20	Moorshedabad	" 24th	0	Fair	Generally good.	
21	Pubna	" 24th	0	Fine and seasonable.	Good.	
22	Rungpore.	" 24th	0	Fair	Favorable.	
23	Burdwan	" 24th	0	Fine; getting hot.	Spring crops doing well; sugar-cane is being cut.	
24	Bancoorah	" 23rd	0	Fine; getting hot.	Fair.	
25	Beerbhoom	" 24th	0	Nights and mornings cold, and days warm.	Fair.	
26	Hooghly	" 24th	Drizzling on the 24th.	Clear	Winter crops good.	
27	Howrah	" 24th	0.3	Favorable	Spring crops somewhat damaged by the hail-storm of the 20th.	
28	Midnapore	" 23rd	0	Growing hot	Good.	
29	Nuddea	" 24th	0	Fine	Fair. The recent rain has facilitated ploughing.	A little cholera still remains in different parts of the district.
30	Jessore	" 23rd	0.2	Generally fine and clear.	Good.	
31	24-Pergunnahs	" 24th	1.6	Fair	Good.	
32	Dacca	" 24th	0.1	Cloudy and rainy, then fair and dry.	Good.	
33	Backergunge.	" 24th	0	Cloudy, rainy, then clear and pleasant.	Good.	General health very satisfactory.
34	Furreedpore	" 24th	0	Cloudy, rainy, then clear and pleasant.	Good.	
35	Mymensingh.	" 24th	0	Cloudy, rainy, then clear and pleasant.	Good.	
36	Sylhet	" 24th	0	Cloudy, rainy, then clear and pleasant.	Good.	

No.	District.	Date of return from each district.	Rainfall at Sudder Station, in inches.	Character of the weather in the district, as far as known.	State and prospects of the crops at date.	REMARKS.
		1872.				
38	Chittagong	Feb. 17th	0	Fine	Cold weather crops generally fair.	
39	Noakhally or Bulloah	„ 16th	Very slight.	Fair	Good.	
40	Tipperah	„ 16th	0.5	Fine, with occasional showers.	Generally satisfactory.	
41	Hill Tracts of Chittagong.	„ 17th	0.3	Mostly foggy	Good.	
42	Cuttack.					
43	Balasore	„ 10th	Few drops.	Good	Excellent.	
44	Pooree	„ 16th	0	Windy and variable, but no rain	The state of the district generally is satisfactory. Relief works are in operation in the distressed tracts on the Chilka isthmus as previously reported.	
45	Hazareebaugh	„ 24th	0	Fine	Good.	
46	Lohardugga.					
47	Maunbhoom	„ 24th	0	Fine	Wheat, barley, gram, peas, urhur, linseed, and rape have improved by the late rain.	
48	Singbhoom	„ 16th	0	Seasonable	Favorable.	
49	Durrung	„ 17th	Very slight.	Stormy	Sugar-cane and mustard are being cut.	A shock of earthquake on the 14th instant.
50	Nowgong	„ 16th	0	Cloudy	Spring crops good.	
51	Seesaugor.					
52	Kamroop	„ 17th	0	Cold and dry	Sallee crops favorable.	
53	Luckimpore	„ 17th	0.6	Thunder and high wind.	Satisfactory.	
54	Khasi and Jynteah Hills.	„ 16th	0	Fair	No standing crop.	
55	Naga Hills	„ 9th	0.9	Fair, cold, and seasonable in the hills; damp and chilly in the plains.	Hill tribes still occupied in preparing their "jiums."	
56	Julpigoree.					
57	Gowalparah	„ 17th	0	Little foggy, occasionally cloudy.	Almost all crops reaped and gathered.	
58	Garo Hills	„ 17th	0	Fine	No crops on the ground.	
59	Darjeeling.					
60	Cooch Behar	„ 17th	1.2	Seasonable; mornings cold; sun getting warm in the day time.	Good.	

N. B.—The columns of the districts from which returns have not been received remain blank.

Published for general information.

FORT WILLIAM,  
The 26th February 1872.

R. H. WILSON,  
Offg. Under-Secy. to the Govt. of Bengal.



Weekly Report of Rainfall compiled at the Meteorological Reporter's Office.

DIVISIONS.	STATIONS.	Rain from 5th to 11th Feb. 1872.	Rain from 12th to 18th Feb. 1872.	RAIN FROM 1ST JANUARY 1872.		REMARKS.
				Inches.	Up to date.	
CUTTACK.	Cuttack { Telegraph Office ...	0.40	Nil	0.40	18th Feb. 1872.	
	Cuttack { Jail ...	0.44	0.05	0.49	ditto.	
	False Point ...	Nil	0.30	0.30	ditto.	
	Jajipore ...	Not received	Not received	Nil	4th Feb. 1872.	
	Kendraparah ...	ditto	ditto	ditto	ditto.	
	Jugutsingapore ...	ditto	ditto	ditto	ditto.	
	Sambulpore ...	ditto	ditto	ditto	7th Jan. 1872.	
	Balasore ...	Nil	2.70	2.70	18th Feb. 1872.	Not received 15th to 21st Jan.
	Bhuddruk ...	0.37	Nil	0.37	ditto.	
Pooree ...	0.08	ditto	0.08	ditto	Not received 8th to 14th Jan.	
Khoordah ...	Not received	Not received	Nil	7th Jan. 1872.		
CHOTA NAGPORE.	Hazareebaugh { Jail ...	0.49	Nil	1.19	18th Feb. 1872.	
	Hazareebaugh { Dispensary ...	0.45	ditto	1.18	ditto.	
	Burbee ...	1.30	Not received	1.50	11th Feb. 1872.	Not received 22nd to 28th Jan.
	Fuchumba ...	Not received	ditto	0.44	4th Feb. 1872.	
	Ranches ...	0.92	Nil	1.46	18th Feb. 1872.	
	Palamow ...	0.41	ditto	0.96	ditto.	
	Purulia ...	0.82	ditto	1.08	ditto.	
	Gobindpore ...	1.35	Not received	1.35	11th Feb. 1872.	
	Chyebassa ...	0.16	Nil	0.16	18th Feb. 1872.	
PATNA.	Patna (Bankipore) ...	0.02	ditto	2.87	ditto.	
	Dinapore { Jail ...	Nil	ditto	2.75	ditto.	
	Dinapore { Cantonment ...	0.10	Not received	3.82	11th Feb. 1872.	
	Behar ...	Not received	ditto	2.06	4th Feb. 1872.	Not received 8th to 14th Jan.
	Barh ...	0.15	ditto	2.16	11th Feb. 1872.	
	Gya ...	1.35	ditto	2.24	ditto.	
	Sherghotty ...	0.72	Nil	1.20	18th Feb. 1872.	
	Nowadah ...	Nil	ditto	1.61	ditto.	
	Arungabad ...	0.44	ditto	2.56	ditto.	
	Chumparun ...	Not received	Not received	0.51	29th Jan. 1872.	Not received 1st to 7th and 15th to 21st Jan.
	Bettiah ...	ditto	ditto	0.70	21st Jan. 1872.	
	Chuprah ...	Nil	Nil	2.50	18th Feb. 1872.	
	Sewan ...	ditto	ditto	1.21	ditto	Not received 8th to 14th Jan.
	Mosufferpore ...	ditto	ditto	2.30	ditto.	
	Durbhangah ...	ditto	ditto	1.12	ditto.	
	Seetamarce ...	ditto	ditto	1.35	ditto.	
	Tajpore ...	0.03	Not received	3.52	11th Feb. 1872.	
	Mudhubani ...	Nil	ditto	2.22	ditto.	
Hajipore ...	0.02	ditto	3.09	ditto.		
Arrah ...	Nil	Nil	2.57	18th Feb. 1872.		
Buxar ...	ditto	ditto	2.26	ditto.		
Sasaram ...	0.52	ditto	1.28	ditto.		
Bhubhooh ...	Nil	Not received	2.28	11th Feb. 1872.		
Benares ...	0.10	ditto	1.95	ditto.		
Bhanguipore ...	Not received	Nil	0.48	18th Feb. 1872.	Not received 5th to 11th Feb.	
Mudheypoorah ...	0.50	ditto	1.00	ditto.		
Banks ...	1.15	ditto	1.28	ditto.		
Soopool ...	Not received	Not received	0.99	29th Jan. 1872.		
Monghyr ...	0.37	Nil	2.08	18th Feb. 1872.		
Jamooie ...	1.57	ditto	1.57	ditto	Not recorded 29th Jan. to 3rd Feb.	
Begooerai ...	Nil	ditto	3.05	ditto.		
Daoghur ...	1.22	ditto	2.34	ditto	Not received 22nd to 28th Jan.	
Jamtara ...	1.00	ditto	1.50	ditto.		
Rajmahal ...	Not received	ditto	0.40	ditto	Not received 5th to 11th Feb.	
Pakour ...	ditto	Not received	Nil	14th Jan. 1872.		
Nya-Doomka ...	1.58	Nil	1.90	18th Feb. 1872.		
Purneah ...	0.89	ditto	1.84	ditto.		
Kishengunge ...	Nil	Not received	1.42	11th Feb. 1872.		
Arrareah ...	Not received	ditto	...	...		
RAJSHAHY.	Rampore Beaulah... ..	2.09	Nil	2.37	18th Feb. 1872.	
	Natore ...	2.40	Not received	2.40	11th Feb. 1872.	
	Bograh ...	1.00	Nil	1.12	18th Feb. 1872.	
	Dinapore ...	0.15	Not received	1.77	11th Feb. 1872.	
	Maldah ...	0.33	Nil	1.43	18th Feb. 1872.	
	Berhampore ...	2.44	ditto	2.85	ditto.	
	Jungipore ...	2.01	ditto	3.13	ditto.	
	Laulbaugh ...	2.35	ditto	2.72	ditto.	
	Jamcookandi ...	0.75	Not received	1.34	11th Feb. 1872.	
	Pubna ...	2.02	Nil	2.08	18th Feb. 1872.	
	Serajgunge ...	1.65	ditto	2.25	ditto.	
	Bungpore ...	Not received	ditto	0.10	ditto	Not received 5th to 11th Feb.
	Bhowanigunge ...	ditto	Not received	Nil	4th Feb. 1872.	
	Titalya ...	Nil	Nil	1.38	18th Feb. 1872.	
	BURDWAL.	Burdwan ...	0.58	ditto	0.60	ditto
Cutwa ...		1.18	ditto	1.90	ditto.	
Culna ...		Not received	0.02	0.05	ditto	Not received 1st to 7th and 22nd to 28th Jan. and 5th to 11th Feb.
Bood-Bood ...		0.30	Nil	1.10	ditto	Not received 22nd to 28th Jan.
Bancoorah ...		0.91	ditto	0.96	ditto.	
Raneegunge ...		1.12	ditto	1.39	ditto.	
Soore ...		1.20	ditto	2.55	ditto.	
Hooghly ...		3.30	0.20	4.00	ditto.	
Serampore ...		1.30	1.16	2.84	ditto.	
Jahanabad ...		2.67	Not received	2.67	11th Feb. 1872.	
Howrah ...	0.89	0.21	1.30	18th Feb. 1872.		
Midnapore ...	0.12	Nil	0.12	ditto.		
Contai { Dy. Collr.'s Office ...	Nil	ditto	1.35	ditto		
Contai { Engr.'s Office ...	...	...	...	...		

DIVISION.	STATIONS.	Rain from 6th to 11th Feb. 1872.	Rain from 12th to 18th Feb. 1872.	RAIN FROM 1st JANUARY 1872.		REMARKS.
				Inches.	Up to date.	
PRESIDENT.	Krishnaghur ... ..	Not received	Not received	0·14	4th Feb. 1872.	
	Bongong ... ..	ditto	ditto	Nil	ditto.	
	Ranaghat ... ..	ditto	ditto	ditto	ditto.	
	Melherpore ... ..	ditto	ditto	0·20	ditto.	
	Choodangah ... ..	ditto	ditto	0·10	ditto.	
	Kooshtea ... ..	1·50	Nil	1·50	18th Feb. 1872.	
	Jessore ... ..	2·20	0·01	2·20	ditto.	
	Khoolnah ... ..	Nil	Nil	Nil	ditto.	
	Janidah ... ..	1·65	Not received	1·65	11th Feb. 1872.	
	Nurail ... ..	1·55	ditto	1·61	ditto.	
	Magoorah ... ..	0·08	ditto	0·08	ditto.	
	Hagirhaut ... ..	1·45	ditto	1·45	ditto.	
	Saugor Island ... ..	0·20	0·10	0·32	18th Feb. 1872.	
	Calcutta ... ..	0·78	0·67	1·67	ditto.	
	Alipore { Hospital ... ..	0·85	0·85	1·20	ditto.	
	{ Jail ... ..	0·81	0·38	1·10	ditto.	
	Barrackpore ... ..	1·28	1·07	3·03	ditto.	
	Dum-Dum ... ..	0·95	1·01	2·08	ditto.	
	Baraset ... ..	1·19	0·71	2·21	ditto.	
	Satkhora ... ..	0·87	1·10	2·13	ditto.	
	Busseerhaut ... ..	0·78	2·01	2·79	ditto.	
Diamond Harbour ... ..	0·92	0·70	1·83	ditto.		
Barripore ... ..	1·21	0·18	1·51	ditto.		
Dacca.	Dacca { Telegraph Office ... ..	0·68	Nil	1·19	ditto.	
	{ Jail ... ..	0·60	ditto	0·65	ditto.	
	Burrisaul ... ..	0·44	0·38	1·19	ditto.	
	Dowlat Khan ... ..	Not received	Not received	Nil	4th Feb. 1872.	
	Perosepore ... ..	0·89	0·55	1·81	18th Feb. 1872.	
	Madaripore ... ..	1·50	Nil	2·20	ditto.	
	Furreedpore ... ..	0·68	ditto	0·68	ditto.	
	Goalundo ... ..	2·06	ditto	2·06	ditto.	
	Mymensing ... ..	0·86	Not received	0·86	11th Feb. 1872	Not received 22nd to 28th Jan.
	Jamalpore ... ..	Not received	ditto	Nil	21st Jan. 1872.	
	Atteah ... ..	1·21	Nil	1·24	18th Feb. 1872	Not received 1st to 7th Jan.
Kishoregunge ... ..	Not received	Not received	Nil	4th Feb. 1872	Not received 8th to 14th Jan.	
Sylhet ... ..	0·41	Nil	0·57	18th Feb. 1872.		
Cachur ... ..	1·17	Not received	1·84	11th Feb. 1872.		
Hylakandy ... ..	Not received	ditto	0·57	4th Feb. 1872.		
Koyah ... ..	0·40	ditto	0·87	11th Feb. 1872.		
CHITTAGONG.	Chittagong { Telegraph Office ... ..	0·10	Nil	0·50	18th Feb. 1872.	
	{ Jail ... ..	0·24	ditto	0·68	ditto.	
	Cox's Bazar ... ..	Not received	Not received	0·40	4th Feb. 1872.	
	Rangamates Hill ... ..	Nil	0·32	0·82	18th Feb. 1872.	
	Noakhally ... ..	0·08	0·02	0·69	ditto.	
	Tipperah ... ..	0·26	0·49	1·01	ditto.	
Brahmanbariah ... ..	0·59	Not received	1·46	11th Feb. 1872.		
COOCH BEHAR.	Akyab ... ..	Nil	Nil	0·10	18th Feb. 1872	
	Cooch Behar ... ..	ditto	ditto	1·20	ditto	Not received 8th to 21st Jan.
	Buxa ... ..	0·42	ditto	1·95	ditto.	
	Goalparah ... ..	Not received	Not received	0·83	4th Feb. 1872.	
	Dhoobree ... ..	ditto	ditto	1·00	28th Jan. 1872.	
	Tura (Garo Hills) ... ..	0·23	ditto	0·23	11th Feb. 1872.	
	Darjeeling { Telegraph Office ... ..	Not received	ditto	0·80	31st Jan. 1872.	
	{ Hospital ... ..	0·86	Nil	0·86	18th Feb. 1872.	
Rungbee ... ..	Not received	Not received	1·20	31st Jan. 1872.		
Julpigoree ... ..	Nil	Nil	0·96	18th Feb. 1872.		
Boda ... ..	0·10	Not received	2·10	11th Feb. 1872.		
ASSAM.	Teapora ... ..	0·11	ditto	0·87	ditto.	
	Nowgong ... ..	1·30	ditto	0·19	ditto.	
	Mungledye ... ..	Not received	ditto	0·89	4th Feb. 1872.	
	Burpettah ... ..	Nil	ditto	0·63	11th Feb. 1872.	
	Gowhaty ... ..	0·43	Nil	2·13	18th Feb. 1872.	
	Seebangor ... ..	1·12	Not received	2·07	11th Feb. 1872.	
	Jorehaut ... ..	Not received	ditto	0·79	4th Feb. 1872	Not received 15th to 21st Jan.
	Golaghat ... ..	ditto	ditto	1·36	ditto.	
	Nazeerah ... ..	0·85	ditto	2·15	11th Feb. 1872.	
	Debrooghur ... ..	1·07	ditto	3·03	ditto.	
Suddya ... ..	Not received	ditto	3·23	4th Feb. 1872	Not received 15th to 31st Jan.	
Shillong ... ..	Nil	ditto	0·01	11th Feb. 1872.		
Cherrapoonjee ... ..	0·35	ditto	0·86	ditto.		
Jaowai ... ..	0·45	ditto	0·95	ditto.		
Samoogoodting ... ..	Not received	ditto	0·10	4th Feb. 1872.		

HENRY F. BLANFORD,

*Meteorological Reporter to the Govt. of Bengal.*

CALCUTTA,  
The 24th February 1872.

Meteorological Telegraphic Report for the period 18th to 24th February 1872.

STATION.	Date.	Hour.	Barometer reduced to 32°.	Barometer reduced to sea-level.	THERMOMETER.		Humidity Sat. =100.	WIND.		Rain.	Clouds.	Weather initials.
					Dry.	Wet.		Direction.	Velocity.			
CALCUTTA.	18th	10	30.097	30.115	73.5	67.0	69	W S W	...	...	.....	b
		16	29.943	29.960	80.4	60.8	46	W S W	...	...	.....	b
	19th	10	30.045	30.063	76.7	71.5	75	S S W	...	...	.....	K
		16	29.903	29.921	82.0	72.5	61	S S W	...	...	.....	K
	20th	10	30.071	30.089	77.0	73.6	81	S S W	...	...	.....	K
		16	29.910	29.928	82.0	73.5	64	S by W	...	...	.....	K
	21st	10	30.053	30.071	70.6	72.5	79	S W	...	...	1.37	K
		16	29.908	29.926	81.0	72.5	61	W	...	...	.....	K
	22nd	10	30.027	30.045	74.8	68.0	59	W by N	...	...	.....	b
		16	29.897	29.915	82.0	61.0	33	W N W	...	...	.....	b
	23rd	10	30.078	30.096	76.5	64.7	59	W	...	...	.....	b
		16	29.952	29.970	83.3	68.0	41	W	...	...	.....	b
24th	10	30.104	30.122	77.0	63.0	41	E by N	...	...	.....	b	
	16	29.966	29.984	83.4	63.5	27	W by N	...	...	.....	b	
SAGOR ISLAND.	18th	10	30.072	30.078	77	70	68	S	3.9*	...	N	b
		16	29.975	29.984	80	70	58	SSE	10.6*	...	CK	b
	19th	10	30.052	30.058	80	73	70	SSW	9.7*	...	CK	b
		16	29.941	29.947	81	73	68	S	11.5*	...	CK	b
	20th	10	30.085	30.091	81	75	74	S W	11.8*	...	CK	b
		16	29.942	29.948	82	75	70	S	8.2*	...	CK	b
	21st	10	30.063	30.069	78	73	77	NNW	5.3*	...	CK	b
		16	29.916	29.922	82	70	74	SSW	8.2*	...	CK, S	b
	22nd	10	30.017	30.023	83	70	38	NNW	7.9*	...	C	b, m
		16	29.896	29.903	84	64	29	NNE	12.4*	...	CS	b, m
	23rd	10	30.060	30.066	79	71	65	NW	4.7*	...	K	b, m
		16	29.944	29.970	82	74	66	S	8.4*	...	N	b
24th	10	30.103	30.109	78	74	81	NW	6.1*	...	N	b	
	16	29.978	29.984	86	74	54	SW	5.3*	...	N	b	
CHITTAGONG.	18th	10	30.012	30.107	71	69	57	N	5.1*	...	.....	b, m
		16	29.873	29.967	77	85	49	WSW	9.2*	...	.....	b, m
	19th	10	29.996	30.091	72	63	58	N	4.7*	...	.....	b, m
		16	29.885	29.978	78	65	48	W	6.0*	...	.....	b, m
	20th	10	30.044	30.138	74	64	55	NNE	3.9*	...	.....	b, m
		16	29.892	29.985	80	67	47	WSW	6.8*	...	.....	b, m
	21st	10	29.862	29.955	81	70	55	NE	4.3*	...	.....	b, m
		16	29.938	30.031	79	73	73	SW	7.6*	...	K, CK, KS	b
	22nd	10	29.840	29.933	79	72	69	ESE	3.6*	...	.....	b
		16	29.893	30.088	72	68	80	WSW	8.5*	...	.....	b, m
	23rd	10	29.892	29.984	83	66	36	NNE	4.2*	...	.....	b, m
		16	30.016	30.109	78	70	65	NNW	7.5*	...	.....	b, m
24th	10	29.894	29.987	82	69	48	W	3.6*	...	.....	b, m	
	16						W	7.4*	...	.....	b, m	
MADRAS.	17th	10	30.073	30.103	83	72	50	SE by E	4*	...	.....	bo
		16	29.923	29.963	83	71	52	E	9*	...	.....	b
	18th	10	30.057	30.087	83	72	58	E	6*	...	.....	bo
		16	29.912	29.942	82	72	53	E by S	10*	...	.....	b
	19th	10	30.043	30.073	82	70	52	NNE	9*	...	.....	bo
		16	29.923	29.953	84	73	56	ENE	11*	...	.....	b
	20th	10	30.069	30.099	86	76	61	ENE	11*	...	.....	bo
		16	29.934	29.964	85	76	64	ENE	13*	...	.....	bc
	21st	10	30.069	30.099	84	75	64	E by S	6*	...	.....	bc
		16	29.915	29.945	85	75	60	SE by E	8*	...	.....	bc
	22nd	10	29.991	30.024	84	73	58	S	5*	...	.....	bc
		16	29.875	29.905	83	72	58	SE by S	8*	...	.....	b
23rd	10	30.005	30.035	83	73	60	S by E	8*	...	.....	bc	
	16	29.925	29.955	84	73	56	SE by E	9*	...	.....	bc	
CUTTACK.	18th	10	29.989	30.072	80	72	60	NE	1.5*	...	KS, N	cloudy
		16	29.823	29.905	85	71	47	SSW	2.6*	...	KS, N	cloudy
	19th	10	29.983	30.066	81	72	62	SW	2.6*	...	C	fair
		16	29.817	29.899	80	72	40	SSE	6.5*	...	.....	fair
	20th	10	29.993	30.076	81	71	59	ESE	3.6*	...	.....	fair
		16	29.837	29.919	89	73	43	SSW	8.5*	...	.....	fair
	21st	10	29.963	30.046	77	73	81	ENE	3.4*	...	C	fair
		16	29.823	29.905	87	75	55	S	5.6*	...	N, CK	d, l, cloudy
	22nd	10	29.893	29.976	79	73	73	ENE	2.0*	...	C, KS.	cloudy
		16	29.784	29.866	83	70	49	ENE	5.9*	...	C	cloudy
	23rd	10	29.986	30.069	79	73	69	Calm	1.4*	...	KS	cloudy
		16	29.830	29.912	88	71	40	SW	2.7*	...	N	fair
AYYER.	18th	10	30.068	30.090	72	64	62	ENE	1	...	.....	b
		16	29.917	29.939	78	65	46	NW	1	...	.....	b
	19th	10	30.001	30.083	70	64	70	ENE	1	...	.....	b
		16	29.850	29.972	77	64	45	NW	2	...	.....	b
	20th	10	30.066	30.118	71	62	57	ENE	1	...	.....	b
		16	29.839	29.981	80	69	54	NW	1	...	.....	b
	21st	10	30.040	30.082	70	64	70	E	1	...	.....	b
		16	29.809	29.931	80	70	58	WNW	2	...	.....	b
	22nd	10	30.018	30.040	76	70	72	ESE	1	...	.....	b
		16	29.879	29.901	80	70	58	WNW	1	...	.....	b
	23rd	10	30.045	30.067	76	67	60	NE	1	...	.....	b
		16	29.936	29.948	80	78	61	WNW	2	...	.....	b
24th	10	30.080	30.102	75	65	55	ENE	1	...	.....	b	
	16	29.946	29.968	81	69	51	W	2	...	.....	b	

Weekly Return of Traffic Receipts on Indian Railways.

EAST INDIAN RAILWAY—MAIN LINE.

Approximate Return of Traffic for week ended 10th February 1872, on 1,280 miles open.

	COACHING TRAFFIC.			MERCHANDISE AND MINERAL TRAFFIC.			Total traffic receipts.
	Number of passengers.	Coaching receipts.		Weight carried.	Receipts.		
		Rs. As. P.	£ s. d.	Mds. Srs.	Rs. As. P.	£ s. d.	£ s. d.
Total traffic for the week	121,405	1,67,303 0 2	15,336 3 2	820,198 0	4,04,694 7 3	42,596 8 10	57,932 11 0
Or per mile of railway	459,608	130 11 4	11 19 7	.....	363 0 7	33 5 7	45 5 2
For previous 5 weeks of half-year	.....	7,34,284 5 2	67,307 11 3	3,608,779 10	23,30,605 13 6	214,463 17 5	281,771 9 8
Total for 6 weeks	581,073	9,01,567 5 4	82,643 15 5	4,428,977 10	28,04,204 4 9	267,060 6 3	330,703 19 8
COMPARISON.							
Total for corresponding week of previous year	105,790	1,47,751 3 4	13,543 17 3	793,076 30	4,02,212 11 5	42,369 10 0	53,913 7 3
Per mile of railway corresponding week of previous year	.....	115 7 7	10 11 8	.....	361 3 11	33 2 4	45 14 0
Total to corresponding date of previous year	508,327½	8,87,234 0 6	81,329 15 9	3,912,545 0	23,64,923 14 7	216,968 0 6	296,297 16 3

EAST INDIAN RAILWAY—JUBBULPORE LINE.

Approximate Return of Traffic for week ended 10th February 1872, on 223 miles open.

		Rs. As. P.	£ s. d.	Mds. Srs.	Rs. As. P.	£ s. d.	£ s. d.
Total traffic for the week	5,356	14,726 9 2	1,349 18 8	71,273 1 0	19,912 3 9	1,825 5 10	3,175 4 6
Or per mile of railway	194	66 0 8	6 1 1	.....	89 4 8	8 3 8	14 4 9
For previous 5 weeks of half-year	.....	71,500 12 2	6,554 4 9	363,904 10	1,11,734 11 3	10,242 6 11	16,786 11 8
Total for 6 weeks	30,540	86,227 5 4	7,904 3 5	465,178 10	1,31,646 15 0	12,067 12 9	19,971 16 2
COMPARISON.							
Total for corresponding week of previous year	5,910½	22,132 15 6	2,028 17 1	54,085 20	17,588 5 10	1,613 5 4	3,641 2 5
Per mile of railway corresponding week of previous year	.....	99 4 0	9 2 0	.....	78 14 0	7 4 7	16 6 7
Total to corresponding date of previous year	30,347	1,09,820 9 2	10,066 17 8	231,767 20	65,372 4 8	5,992 9 2	16,080 6 10

EASTERN BENGAL RAILWAY.

Approximate Return of Traffic for week ended 10th February 1872, on 156½ miles open.

		Rs. As. P.	£ s. d.	Mds. Srs.	Rs. As. P.	£ s. d.	£ s. d.
Total traffic for the week	28,596½	20,504 14 3	1,879 12 3	89,467 31½	26,670 1 0	2,444 15 1	4,324 7 4
Or per mile of railway	183	131 0 4	12 0 3	572 0	170 6 8	15 12 5	27 12 8
For previous 5 weeks of half-year	158,385	1,01,937 4 6	9,314 5 1	465,500 4	1,01,574 6 11	10,310 19 10½	18,655 4 11
Total for 6 weeks	186,981½	1,22,442 2 0	11,223 17 4	554,967 36½	1,28,244 7 11	12,755 14 11	23,979 12 3
COMPARISON.							
Total for corresponding week of previous year	30,645½	10,447 13 1	1,781 15 11	118,560 6	22,031 0 5	2,019 10 3½	3,501 6 2
Per mile of railway corresponding week of previous year	196	124 3 3	11 7 8	758 0	140 12 4	13 18 1	22 5 9
Total to corresponding date of previous year	173,804	1,04,760 7 10	9,603 0 9	641,610 14	1,33,069 3 1	12,200 13 4	21,563 14 1

CALCUTTA AND SOUTH-EASTERN STATE RAILWAY.

Approximate Return of Traffic for Week ended 10th February 1872, on 28 miles open.

		Rs. As. P.	£ s. d.	Mds. Srs.	Rs. As. P.	£ s. d.	£ s. d.
Total traffic for the week	8,275½	1,208 6 9	120 16 10	14,690 20	498 6 6	46 16 10	169 18 8
Or per mile of railway	296	43 2 7	4 6 4	524 23	17 7 1	1 14 11	6 1 2
For previous 19 weeks of half-year	118,402	16,609 13 6	1,680 19 8	230,823 10	6,786 12 0	675 13 6	2,336 13 2
Total for 19 weeks	126,677½	17,818 4 3	1,781 16 6	245,516 30	7,275 2 6	727 10 4	2,506 6 10
COMPARISON.							
Total for corresponding week of previous year	9,055½	1,422 9 0	142 5 2	16,113 25	592 15 0	59 5 10	201 11 0
Per mile of railway corresponding week of previous year	324	50 13 0	5 1 8	575 19	21 13 6	2 3 8	7 5 4
Total to corresponding date of previous year	118,798½	23,370 1 0	1,837 0 2	265,276 8	6,670 12 6	667 1 7	2,504 1 9