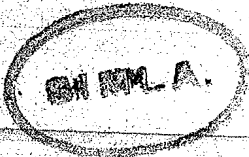


Page 1



A COLLECTION

OF



*done
10/2/12*

THE ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1902.

CALCUTTA:

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.

1902.

[Price one anna and six pies.]

CALCUTTA
GOVERNMENT OF INDIA CENTRAL PRINTING OFFICE
8, HASTINGS STREET.

TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1902.

- I. An Act to confirm and validate certain indentures made between the Agricultural and Horticultural Society of India and the Calcutta Public Library, respectively, and the Secretary of State for India in Council.
- II. „ to make better provision for securing house-accommodation for military officers in cantonments.
- III. „ further to amend the Indian Steam-ships Act, 1884, and to validate certain certificates granted to engine-drivers of steam-ships.
- IV. „ to apply the provisions of the Indian Railway Companies Act, 1895, to certain Tramway Companies.
- V. „ further to amend the Law relating to Administrators General and Official Trustees.
- VI. „ to abolish the pándharí-tax heretofore levied in certain parts of the Central Provinces.
- VII. „ to recognize and give effect to a change in the constitution and designation of the territories formerly known as the North-Western Provinces and Oudh.
- VIII. „ further to amend the Indian Tariff Act, 1894.
- IX. „ to amend the Indian Paper Currency Act, 1900.
- X. „ further to amend the Indian Emigration Act, 1883.
- XI. „ to make further provision for sanitation in villages in the Central Provinces.

ACT No. I OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 31st
January, 1902.)*

An Act to confirm and validate certain indentures made between the Agricultural and Horticultural Society of India and the Calcutta Public Library, respectively, and the Secretary of State for India in Council.

WHEREAS an indenture, a copy whereof is set forth in the first schedule, was expressed to be made, on the tenth day of April, 1901, between the Agricultural and Horticultural Society of India, of the first part, the president and members for the time being of the said Agricultural and Horticultural Society, of the second part, and the Secretary of State for India in Council, of the third part;

And whereas an indenture, a copy whereof is set forth in the second schedule, was expressed to be made, on the twentieth day of December, 1901, between the Calcutta Public Library, of the first part, the vice-president for the time being of the said Calcutta Public Library, of the second part, the members for the time being of the council of the said Calcutta Public Library, of the third part, and the said Secretary of State in Council, of the fourth part;

And whereas the said indentures respectively purport to grant and transfer, for consideration, unto the said Secretary of State in Council absolutely the land described therein, or in the schedules thereto, respectively, and the building, with out-buildings,

known

2 *Imperial Library (Indentures Validation)*. [ACT I
(Sections 1-2.)

known as the Metcalfe Hall, situate in the town of Calcutta in the territories administered by the Lieutenant-Governor of Bengal;

And whereas the said Agricultural and Horticultural Society and Calcutta Public Library have been registered as societies under the Societies Registration Act, 1860;

XXI of 19

And whereas it is expedient that any doubt as to the legal effect of the said indentures should be removed, and that the said indentures should be confirmed and declared to be valid and binding in law for all the intents and purposes expressed therein respectively, and especially for the purpose of vesting the said property in His Majesty absolutely so as to be made available for the purposes of an Imperial Library to be established in the said town of Calcutta, or for any other use or purpose to or for which the same may be, or may be intended to be, hereafter applied;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Imperial Library (Indentures Validation) Act, 1902.

Validation of indentures set forth in schedules.

2. (1) Notwithstanding anything contained in the Societies Registration Act, 1860, or in any other enactment or rule of law for the time being in force, the property expressed or intended to be transferred to the Secretary of State for India in Council by the indentures, whereof copies are set forth in the first and second schedules, respectively, to this Act, shall be deemed and taken to have been so transferred absolutely as and from the dates of the said indentures respectively; and the said several indentures are hereby declared valid and operative as from the said dates respectively.

XXI of 19

(2) The said indentures shall be, and from the dates thereof respectively shall be deemed to have been, valid and binding for all purposes whatsoever, and as against all persons whomsoever claiming any
right

right to, or any interest in, or any relief respecting the property, or any portion thereof, expressed or intended to be transferred thereby respectively, either as members of the Agricultural and Horticultural Society of India or of the Calcutta Public Library, or otherwise howsoever.

3. Notwithstanding anything herein contained, the property expressed or intended to be transferred to the Secretary of State for India in Council by the said indentures respectively shall be, and from the dates thereof respectively shall be deemed to have been, vested in His Majesty absolutely and free from all incumbrances, trusts, powers, equities or obligations of any kind or nature whatsoever.

Property to vest absolutely in His Majesty.

4. (1) A receipt signed by the person acting for the time being as the president of the said Agricultural and Horticultural Society of India for any money payable by the Secretary of State for India in Council to the said Agricultural and Horticultural Society under the indenture set forth in the first schedule, shall effectually discharge the said Secretary of State in Council as regards the money therein expressed to be received, and from all liability in respect thereof; and the said Secretary of State in Council shall not be concerned to see to the application, or be responsible for any loss or misapplication, of the same.

Certain receipts to discharge the Secretary of State in Council from liability.

(2) A receipt signed by the person acting for the time being as the vice-president of the said Calcutta Public Library for any money payable by the Secretary of State for India in Council to the said Calcutta Public Library under the indenture set forth in the second schedule, shall effectually discharge the said Secretary of State in Council as regards the money therein expressed to be received, and from all liability in respect thereof; and the said Secretary of State in Council shall not be concerned to see to the application, or be responsible for any loss or misapplication, of the same.

THE FIRST SCHEDULE.

THE FIRST SCHEDULE.

THIS INDENTURE made the tenth day of April one thousand nine hundred and one *Between the Agricultural and Horticultural Society of India* a Society registered under the provisions of Act XXI of 1860 of the Legislative Council of India (hereinafter called the said Society) of the first part, *Henry Cooper Eggar* of 1 Alipore Lane in the Suburbs of Calcutta Solicitor President of the said Society *David Prain M.A. M.B. F.R.S.C.* Superintendent of the Royal Botanic Garden Sibpur in the District of Howrah and a Major in the Indian Medical Service the Honourable *Francis Alexander Slacke B.A. J.P.* Member of the Indian Civil Service Secretary to the Government of Bengal in the General Revenue and Statistical Departments *Robert George Girard* of Ghosery in the District of Howrah Collector of Income Tax Bengal and *Jyogobind Law C.I.E.* of 24 Sukeas Street Calcutta Zemindar the four Vice-Presidents of the said Society, *His Grace the Most Reverend Doctor Paul Count Goethals S.J.* Archbishop of Calcutta the Palace 12 Park Street Calcutta *Protapa Chundra Ghosha* of 26 Baranasi Ghose's Street Calcutta Zemindar *Francis Granville Clarke* of 4 Alipore Lane Calcutta Agent *Rajah Peary Mohun Mookerjee C.S.I.* of Utterpara in the District of Hooghly Zemindar *Edward Jeremiah King* of 9 Victoria Terrace Calcutta Broker *William Graham* of Garden Reach in the Suburbs of Calcutta Barrister-at-Law *Prosonno Coomar Banerjee Rai Bahadur* of Ariadah in the District of the Twenty-four-Pergunnahs Zemindar *John Ross Bertram* of 101 Clive Street Calcutta Merchant *William Dickson Cruickshank* of 2 Esplanade West Calcutta Banker *Owen Brochuel Griffiths* of 3 Mangoe Lane Calcutta Broker *Kailas Chundra Basu Rai Bahadur C.I.E.* of 72 Sookeas Street Calcutta Doctor of Medicine and *George Burgh McNair* of 1 Hastings Street Calcutta Solicitor, all Members of the said Society of the second part, and *The Secretary of State for India in Council* (hereinafter called the Secretary of State) of the third part.

Whereas in the year one thousand eight hundred and forty at meetings of a Committee of subscribers to a fund raised with the object of perpetuating the name and administration of Sir Charles Theophilus Metcalfe Baronet (afterwards created Baron Metcalfe) Governor General of India to which fund the Agricultural and Horticultural Society of India as then constituted and the Society known as the Calcutta Public Library were contributors, it was resolved to erect a building in Calcutta of two storeys which should be devoted as to the lower storey thereof to the purposes of the said Agricultural and Horticultural Society of India and as to the upper storey thereof to the purposes of the Calcutta Public Library *And whereas applica-*
tion

THE FIRST SCHEDULE—*contd.*

tion having been made by the said Committee of subscribers to the Government of India for a suitable site for the building to be erected as aforesaid the piece or parcel of land in the schedule hereto particularly described was in the year one thousand eight hundred and forty made over by the Government of India to the said Agricultural and Horticultural Society of India and the said Calcutta Public Library subject only to the conditions following namely that the building to be erected thereon with the object and for the purposes aforesaid should be ornamental and substantial and that on failure on the part of the said Agricultural and Horticultural Society of India and the Calcutta Public Library to keep the said building in repair the said piece or parcel of land should revert to the Government of India or at least that the said building should not without the consent of the Government of India be alienable to other purposes than for the use of the said Agricultural and Horticultural Society of India and the said Calcutta Public Library *And whereas* thereafter by application of the balance of the said fund in the hands of the said Committee of subscribers augmented by further substantial contributions by the said Agricultural and Horticultural Society of India and the said Calcutta Public Library an ornamental and substantial building suitable for the purposes of the said Agricultural and Horticultural Society of India and the said Calcutta Public Library was erected on the said piece or parcel of land which building on the completion thereof was designated and has ever since been known as the Metcalfe Hall *And whereas* so far as is known no conveyance or other assurance of the said piece or parcel of land was at any time executed to or in favour of the said Agricultural and Horticultural Society of India and the said Calcutta Public Library *And whereas* on the ninth day of September one thousand eight hundred and sixty-one the said Agricultural and Horticultural Society of India was registered under the provisions of Act XXI of 1860 of the Legislative Council of India and the said Society so registered is the said Society party hereto of the first part *And whereas* the said Society and the said Calcutta Public Library as at present constituted are possessed of and entitled in perpetuity to the said piece or parcel of land and the aforesaid building known as the Metcalfe Hall and other the out-buildings erected and being thereon as tenants in common in equal shares *And whereas* the said persons parties hereto of the second part are the present Council and governing body of the said Society *And whereas* the Secretary of State being desirous of acquiring the said Metcalfe Hall and other the land and buildings aforesaid an offer was recently made by the President of the said Society to and accepted by the
Government

6 *Imperial Library (Indentures Validation)*. [ACT I

THE FIRST SCHEDULE—*contd.*

Government of Bengal on behalf of the Secretary of State for the sale and transfer of the undivided moiety or half part or share of the said Society of and in the said Metcalfe Hall and land and buildings aforesaid to the Secretary of State for the price or sum of Rupees twenty-five thousand in cash and a permanent annuity of Rupees six thousand per annum such offer and acceptance being made subject to the approval and confirmation thereof by the said Society in general meeting *And whereas* at general meetings of the said Society duly convened and held in accordance with the bye-laws and regulations of the said Society on the fourteenth day of March one thousand and nine hundred and the twenty-seventh day of April one thousand and nine hundred the following resolution was passed namely that the conditional offer made by the President to and accepted by the Government of Bengal for the transfer to the Government of India of the right title and interest of this Society in the Metcalfe Hall property in consideration of a permanent annuity of Rupees six thousand unfettered by any conditions affecting its enjoyment and a sum of Rupees twenty-five thousand in cash be and is hereby adopted and confirmed and that the President be and is hereby authorized to carry such transfer into effect *Now this indenture witnesseth* that in consideration of the sum of Rupees twenty-five thousand on or before the execution of these presents paid by the Secretary of State to the said Society (the receipt whereof the said Society and the said persons parties hereto of the second part hereinafter called the said governing body do hereby respectively acknowledge and therefrom do hereby respectively release the Secretary of State his successors in office and assigns) and also in consideration of the permanent annuity or clear yearly sum of Rupees six thousand to be henceforth paid by the Secretary of State his successors in office and assigns to the said Society or its assigns at the times and in the manner hereinafter mentioned the said Society and the said governing body respectively do hereby grant and transfer unto the Secretary of State *All* that the one equal undivided moiety or half part or share of the said Society of and in all that piece or parcel of land more particularly described in the schedule hereunder written and the building known as the Metcalfe Hall and all the other out-buildings erected and being thereon *And also* of and in all ways passages drains rights privileges easements and appurtenances whatsoever to the said piece or parcel of land and buildings or any of them or any part thereof belonging or with the same now or heretofore held and enjoyed or reputed or known to be part or parcel thereof or appurtenant thereto *And* all the estate right title and interest claim and demand of the said Society into or upon the said premises

THE FIRST SCHEDULE—*contd.*

premises or any part thereof *To have and to hold* the said one equal undivided moiety or half part or share and all other the estate right title and interest of the said Society of and in the said piece or parcel of land and buildings and all other the premises hereinbefore expressed to be hereby granted and transferred unto and to the use of the Secretary of State his successors in office and assigns for ever *And* the said Society and the said governing body for and on behalf of the said Society (but not so as to bind themselves personally) do hereby respectively covenant with the Secretary of State his successors in office and assigns that notwithstanding anything by the said Society at any time done or knowingly suffered the said Society now have full power in manner aforesaid to grant and transfer the said one equal undivided moiety or half part or share of and in the said piece or parcel of land buildings and premises herein before expressed to be hereby granted and transferred unto and to the use of the Secretary of State his successors in office and assigns *And* that the said one equal undivided moiety or half part or share of and in the said piece or parcel of land buildings and premises and every part thereof shall remain and be to the use of the Secretary of State his successors in office and assigns in the manner aforesaid and shall be quietly entered into and upon and held and enjoyed without any interruption claim or demand by the said Society or any person or persons claiming under or in trust for them *And* that discharged from or otherwise by the said Society sufficiently indemnified against all incumbrances claims and demands created by the said Society or any person or persons claiming or to claim through under or in trust for the said Society *And* that the said Society and every person claiming through under or in trust for them will at all times at the cost of the Secretary of State his successors in office or assigns execute and do all such assurances and things for further or more effectually assuring the said one equal undivided moiety or half part or share of and in the said piece or parcel of land buildings and premises to the use of the Secretary of State his successors in office and assigns as shall be reasonably required *And* the Secretary of State doth hereby for himself and his successors in office covenant with the said Society and their assigns that he the said Secretary of State and his successors in office will henceforth and for ever pay to the said Society or their assigns an annuity or yearly sum of Rupees six thousand on the first day of April in every year and will make the first of such payments on the first day of April one thousand nine hundred and one and will make all the said payments without any deduction.

The schedule

8 *Imperial Library (Indentures Validation)*. [ACT I
THE FIRST SCHEDULE—*contd.*

The schedule above referred to.

All that piece or parcel of land containing an area of 1 biggah 2 cottahs and 2½ chittacks or thereabouts situate and being No. 12 Strand Road in the Town of Calcutta and forming a portion of Holding No. 20 Block No. 23 in the South Division of the said Town and on which said piece or parcel of land or on some part thereof a building known as the Metcalfe Hall has been erected and which said piece or parcel of land and premises are bounded on the North by Hare Street on the East by the messuage godowns and premises known as No. 2 Church Lane belonging to Doorga Churn Law and Chundy Churn Law in the occupation of Messrs. Ralli Brothers on the South partly by the premises No. 11 Strand Road occupied by the Government Stationery Office and partly by the premises Nos. 3, 4 and 5 Church Lane in the occupation of the Government Jail Depot and Stationery Office and on the West by the Strand Road.

In witness whereof the said society have subscribed their name by their President and Secretary and the said persons hereto of the second part have hereunto set their hands and seals and the Secretary to the Government of India in the Home Department acting for and on behalf of the Secretary of State hath hereunto set his hand and seal the day and year first above written.

The name of the Agricultural and Horticultural Society of India has been subscribed by Henry Cooper Eggar the President for the time being of the said society and P. Lancaster the present Secretary of the said society in the presence of

The Agricultural and Horticultural Society of India by

H. C. EGGAR,
President.
P. LANCASTER,
Secretary.

M. ABBOTT.

Signed sealed and delivered by the abovenamed Henry Cooper Eggar in the presence of

H. C. EGGAR.

M. ABBOTT,
Solicitor, Calcutta.

Signed sealed and delivered by the abovenamed David Prain M.A. M.B. F.R.S.C. in the presence of

DAVID PRAIN.

E. J. BUTLER,
Botanist,
Royal Botanic Garden, Sibpur.

Signed

THE FIRST SCHEDULE—*contd.*

Signed sealed and delivered by }
the abovenamed The Honour- }
able Francis Alexander Slacke, } F. A. SLACKE.
B.A., J.P. in the presence of

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed Robert George } GEO. GIRARD.
Girard in the presence of

OPENDRA CH. MOZOOMDAR,
Deputy Magistrate and Deputy Collector,
Income Tax Office.

Signed sealed and delivered by }
the abovenamed Joy Gobind Law } JOY GOBIND LAW.
C.I.E. in the presence of

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed His Grace The }
Most Reverend Doctor Paul } † P. GOETHALS, S.J.,
Count Goethals S.J. Archbishop } ARCHBISHOP OF CALCUTTA.
of Calcutta in the presence of

L. PHILIPPART, S. J.,
Secretary to the Archbishop of Calcutta.
12 Park Street.

Signed sealed and delivered by } PROTAPA CHANDRA GHOSHA
the abovenamed Protapa Chan- } *by his attorney*
dra Ghosha in the presence of } BHUPENDRA CH. GHOSHA.

M. ABBOTT.

Signed sealed and delivered by }
the abovenamed Francis Gran- } F. G. CLARKE.
ville Clarke in the presence of

GEORGE L. SIDNEY,
Merchant.

Signed sealed and delivered by }
the abovenamed Rajah Peary } PEARY MOHUN MOOKERJEE.
Mohun Mookerjee C.S.I. in the }
presence of

M. ABBOTT.

Signed

10 *Imperial Library (Indentures Validation)*. [ACT I
THE FIRST SCHEDULE—*contd.*

Signed sealed and delivered by
the abovenamed Edward Jere- } E. J. KING.
miah King in the presence of
THOS. NICOLI,
Broker, Calcutta.

Signed sealed and delivered by
the abovenamed William Gra- } WILLIAM GRAHAM.
ham in the presence of
M. ABBOTT.

Signed sealed and delivered by
the abovenamed Prosonno } PROSONNO COOMAR
Coomar Bannerjee Rai Baha- } BANNERJEE.
dur in the presence of
M. ABBOTT.

Signed sealed and delivered by
the abovenamed John Ross Ber- } J. R. BERTRAM.
tram in the presence of
M. ABBOTT.

Signed sealed and delivered by
the abovenamed William Dick- } W. D. CRUICKSHANK.
son Cruickshank in the presence
of
M. ABBOTT.

Signed sealed and delivered by
the abovenamed Owen Brochwel } O. B. GRIFFITHS.
Griffiths in the presence of
M. ABBOTT.

Signed sealed and delivered by
the abovenamed Kailas Chundra } KAILAS CHUNDRA BASU.
Basu Rai Bahadur C.I.E. in
the presence of
M. ABBOTT.

Signed sealed and delivered by
the abovenamed George Burgh } GEO. B. MCNAIR.
McNair in the presence of
M. ABBOTT.

Signed

THE FIRST SCHEDULE—*contd.*

Signed sealed and delivered by
John Prescott Hewett Secretary
to the Government of India in
the Home Department for and
on behalf of His Excellency the
Governor General of India in
Council acting in the premises
for and on behalf of the Secre-
tary of State for India in Council
in the presence of

J. P. HEWETT,
*Secretary to the Govern-
ment of India in the
Home Department.*

H. ST. CLAIR FREITAS,
*Cosy Nook,
Simla.*

Received the day and year first
above written of and from the
abovenamed The Secretary of
State for India in Council the
sum of rupees twenty-five
thousand being the amount
above expressed to be paid by
him in cash to the said society.

Rs.
25,000.

Witness—

M. ABBOTT.

The Agricultural and Horti-
cultural Society of India
by

H. C. EGGAR,
President.

P. LANCASTER,
Secretary.

H. C. EGGAR.

Witness to the signatures of John
Ross Bertram, Francis Alex-
ander Slacke, Owen Brochwel
Griffiths, William Graham,
George Burgh McNair and
William Dickson Cruickshank.

J. R. BERTRAM.
F. A. SLACKE.
O. B. GRIFFITHS.
WILLIAM GRAHAM.
GEO. B. MCNAIR.
W. D. CRUICKSHANK.

M. ABBOTT,
Solicitor, Calcutta.

THOS. NICOLL,
Broker, Calcutta.

E. J. KING.

GEORGE L. SIDNEY,

KAILAS CH.
BASU.
PEARY
MOHUN
MOOKER-
JEE.
PROTAPA
CHANDRA
GHOSHA
*by his
Attorney*
BRUPEN-
DEA CH.
GHOSHA.
JOY GOBIND
LAW.

12 *Imperial Library (Indentures Validation)*. [ACT I

THE FIRST SCHEDULE—*concl'd.*

GEORGE L. SIDBY,

Merchant.

F. G. CLARKE,

OPENDRA CH. MOZOOMDAR,

Dy. Magistrate and Dy. Collector.

GEO. GIRARD.

E. J. BUTLER,

Botanist, Sibpur.

DAVID PRAIN.

L. PHILIPPART, S. J.,

*Secretary to the Archbishop
of Calcutta.*

† P. GOETHALS, S.J.,

*Archbishop of
Calcutta.*

12 Park Street.

THE SECOND SCHEDULE.

THIS INDENTURE made the twentieth day of December one thousand nine hundred and one *Between the Calcutta Public Library* a Society registered under the provisions of Act XXI of 1860 of the Legislative Council of India (hereinafter called the said Society) of the first part, *Maharajah Bahadur Sir Narendra Krishna K.C.I.E.* of No. 2 Raja Nubokissen Street Calcutta Zemindar the Vice-President of the said Society and as such the continuing trustee of the property of the said Society under the said Act and the Rules of the said Society of the second part, the said *Maharajah Bahadur Sir Narendra Krishna K.C.I.E.* as such Vice-President as aforesaid *Charles Elvin Dissent* of 61 Wellesley Street Calcutta Government Pensioner *Jogen Chunder Dutt* of 171 Manicktollah Street Calcutta Attorney-at-law and *Kali Churn Palit* of No. 2 Jagadish Nath Roy's Lane Calcutta Vakil who collectively constitute the present Council of the said Society of the third part and *the Secretary of State for India in Council* (hereinafter called the Secretary of State) of the fourth part *Whereas* in the year one thousand eight hundred and forty at meetings of a Committee of subscribers to a fund raised with the object of perpetuating the name and administration of Sir Charles Theophilus Metcalfe Baronet (afterwards created Baron Metcalfe) Governor General of India to which fund the Calcutta Public Library as then constituted and a Society known as the Agricultural and Horticultural Society of India were contributors it was resolved to erect a building in Calcutta of two stories which should be devoted

as

THE SECOND SCHEDULE—*contd.*

as to the lower story thereof to the purposes of the said Agricultural and Horticultural Society of India and as to the upper story thereof to the purposes of the Calcutta Public Library *And whereas* application having been made by the said committee of subscribers to the Government of India for a suitable site for the building to be erected as aforesaid the piece or parcel of land in the second Schedule hereto particularly described was in the year one thousand eight hundred and forty made over by the Government of India to the said Calcutta Public Library and the said Agricultural and Horticultural Society of India subject only to the conditions following namely that the building to be erected thereon with the object and for the purposes aforesaid should be ornamental and substantial and that on failure on the part of the said Calcutta Public Library and Agricultural and Horticultural Society of India to keep the said building in repair the said piece or parcel of land should revert to the Government of India or at least that the said building should not without the consent of the Government of India be alienable to other purposes than for the use of the said Calcutta Public Library and the said Agricultural and Horticultural Society of India *And whereas* thereafter by the application of the balance of the said fund in the hands of the said committee of subscribers augmented by further substantial contributions by the said Calcutta Public Library and the said Agricultural and Horticultural Society of India an ornamental and substantial building suitable for the purposes of the said Calcutta Public Library and the said Agricultural and Horticultural Society of India was erected on the said piece or parcel of land which building on the completion thereof was called and has ever since been known as "The Metcalfe Hall" *And whereas* so far as is known no conveyance or other assurance of the said piece or parcel of land was at any time executed to or in favour of the said Calcutta Public Library and the said Agricultural and Horticultural Society of India *And whereas* on the twenty-third day of August one thousand eight hundred and seventy-one the said Calcutta Public Library was registered under the provisions of Act XXI of 1860 of the Governor General in Council *And whereas* the said Secretary of State recently purchased from the Agricultural and Horticultural Society of India the interest of that Society in the said piece or parcel of land and the aforesaid building known as the Metcalfe Hall *And whereas* the said Society party hereto and the said Agricultural and Horticultural Society of India until the said purchase by the Secretary of State were possessed of and entitled in perpetuity to the said piece or parcel of land and the aforesaid building known as The Metcalfe Hall and other the out-

buildings

14 *Imperial Library (Indentures Validation)*. [ACT I

THE SECOND SCHEDULE—*contd.*

buildings erected and being thereon as tenants in common in equal shares *And whereas* by the Rules of the said Society party hereto it was in effect provided that any person who at the date of the making of the said Rules should be possessed of one or more Original shares in the Society (shares which came into existence prior to the end of the year one thousand eight hundred and forty-nine) or who at the date of making the said Rules might have become or should thereafter become possessed of any share or shares in the said Society should be deemed a proprietor of the said Society *And whereas* the several persons named and described in the first Schedule to these presents are the present proprietors of the said Society *And whereas* by the said Rules it was also provided that the property of the said Society should be vested in Trustees for the benefit of the proprietors and the rate-payers of Calcutta represented by the Corporation of Calcutta as subscribers to the said Society and that the President and Vice-President for the time being should be such Trustees *And whereas* in accordance with the Rules of the said Society and until such time as the said Corporation of Calcutta withdrew their subscription to the said Society (as sometime since happened) the President of the said Society was nominated by the said Corporation and the Vice-President of the said Society was from time to time nominated by the said proprietors and on such nomination the said Officers were elected by the Council of the said Society in annual general meeting *And whereas* since the withdrawal by the said Corporation of Calcutta of their subscription to the said Society there has been no nomination and election of President of the said Society and the office of President has been and is now still vacant and the present Vice-President of the said Society party hereto of the second part is now the sole continuing trustee of the property of the said Society *And whereas* it was by the said Rules further provided that the management of the said Society should be entrusted to a Council consisting of twelve members of whom six should be elected by the said Corporation of Calcutta and the remaining six should be elected from amongst the said proprietors and the subscribers to the said Society any three of such members of Council to form a quorum *And whereas* since the withdrawal of the said Corporation of Calcutta of their subscription to the said Society as aforesaid the full number of members of the Council of the said Society has not been maintained and the persons parties hereto of the third part are the present members of the said Council *And whereas* the Government of India being desirous of forming an Imperial Library and for the purposes thereof of acquiring the said undivided moiety or half part or share of the said Society in the said Metcalfe Hall and land

and

THE SECOND SCHEDULE—*contd.*

and buildings and also the books and library shelves belonging to the said Society in the said Metcalfe Hall the Government of Bengal on behalf of the Government of India a short time since accepted an offer made by the said parties hereto of the third part on behalf of the said Society for the sale and transfer to the Secretary of State of the said immoveable and moveable property of the said Society in consideration of the payment by the Government of India to the parties hereto of the third part of the sum of Rupees twenty-eight thousand and five hundred (being at the rate of Rupees five hundred for each of the fifty-seven proprietors shares in the said Society) for distribution amongst the several persons proprietors of the said Society named and described in the First Schedule to these presents or the heirs executors administrators or assigns of such of the said persons as are named and described in the first and second parts of the said schedule in the proportions in the said Schedule mentioned.

Now this Indenture witnesseth that in consideration of the sum of Rupees twenty-eight thousand and five hundred on or before the execution of these presents paid by the Government of India to the said persons parties hereto of the third part the payment and receipt whereof in manner aforesaid the said parties do hereby respectively acknowledge and therefrom do hereby respectively release the Secretary of State his successors in Office and Assigns the said Society and the said parties hereto of the second and third parts do hereby grant and transfer unto the Secretary of State his Successors in Office and Assigns ALL that the one equal undivided moiety or half part or share of the said Society of and in all that piece or parcel of land more particularly described in the second Schedule hereunder written and the building standing and being thereon or on some part thereof and known as the Metcalfe Hall and all other the out-buildings erected and being thereon And also of and in all ways paths passages drains rights privileges easements and appurtenances whatsoever to the said piece or parcel of land and buildings or any of them or any part thereof belonging or with the same now or heretofore held and enjoyed or reputed or known to be part or parcel thereof or appurtenant thereto *And* all the estate right title interest claim and demand of the said Society and the said parties hereto of the second and third parts into or upon the said premises or any part thereof *To have and to hold* the said one equal undivided moiety or half part or share and all other the estate right title and interest of the said Society of and in the said piece or parcel of land and buildings and all other the premises hereinbefore expressed to be hereby granted and transferred unto and to the use of the Secretary of
State

THE SECOND SCHEDULE—*contd.*

State his Successors in Office and Assigns forever *And this Indenture further witnesseth* that for the consideration aforesaid the said Society and the said parties hereto of the second and third parts do hereby assign and transfer unto the Secretary of State his Successors in Office and Assigns ALL and singular the books and library shelves belonging to the said Society in and upon the premises hereinbefore expressed to be granted and transferred *And* all the right title and interest of the said Society to and in the same *To have hold* receive and take the said premises hereby assigned and transferred or expressed so to be unto the Secretary of State his Successors in Office and Assigns absolutely *And* the said Society and the said parties hereto of the second and third parts for and on behalf of the said Society (but not so as to bind themselves personally) do hereby respectively covenant with the Secretary of State his Successors in Office and Assigns that notwithstanding anything by the said Society at any time done or knowingly suffered the said Society now have full power in manner aforesaid to grant and transfer the said one equal undivided moiety or half part or share of and in the said piece or parcel of land hereditaments and premises hereinbefore expressed to be hereby granted and transferred unto and to the use of the Secretary of State his Successors in Office and Assigns and to assign and transfer the said books and premises hereinbefore expressed to be hereby assigned and transferred unto the Secretary of State his Successors in Office and Assigns *And* that the Secretary of State his Successors in Office and Assigns shall and may at all times hereafter peaceably and quietly possess and enjoy the said equal undivided moiety or half part or share of and in the said piece or parcel of land hereditaments and premises and every part thereof and the said books shelves and premises and receive the rents issues and profits thereof respectively without any lawful eviction interruption claim or demand whatsoever from or by the said Society or any person or persons lawfully or equitably claiming under or in trust for them *And* that discharged from or otherwise by the said Society sufficiently indemnified against all incumbrances claims and demands created by the said Society or any person or persons lawfully or equitably claiming as aforesaid *And* that the said Society and every person claiming through under or in trust for them will at all times at the cost of the Secretary of State his Successors in Office or Assigns execute and do all such assurances and things for further or more effectually assuring the said one equal undivided moiety or half part or share of and in the said piece or parcel of land hereditaments and premises and the said books and premises unto and to the use of the Secretary of State his Successors in Office and Assigns respectively in manner aforesaid

said

THE SECOND SCHEDULE—*contd.*

said as shall be reasonably required *And this Indenture further witnesseth* that for the consideration aforesaid it is hereby agreed by and between the said Society and the said parties hereto of the second and third parts for and on behalf of the several persons named and described in the said First Schedule to these presents and the Secretary of State for himself and his Successors in Office and Assigns as follows :—

1. From and after the formation of the said Imperial Library each of the said several persons proprietors of the said Society named and described in the said First Schedule to these presents shall during his life-time and while he shall be in Calcutta have the privilege of taking out of the said Imperial Library for perusal at his place of residence such of the books hereinbefore expressed to be hereby assigned and transferred as he may from time to time require provided always that the books so taken at any one time shall not exceed six books or twelve volumes in number that all books so taken out shall be returned to the said Imperial Library within one calendar month and that the person or persons taking out any book or books in exercise of the aforesaid privilege shall be responsible for and shall make good to the Secretary of State all loss that may be sustained by reason of the non-return of any book or books or the return of any book or books in a damaged condition.

2. If after the formation of the said Imperial Library any of the books hereinbefore expressed to be hereby assigned and transferred shall not be required by or for the purposes of the said Imperial Library notice thereof together with a list of such books as shall not be required shall be given or sent to the parties hereto of the third part and if within such time as the Government of India shall deem reasonable a majority of the persons named and described in the said First Schedule to these presents shall create and open a Library in Calcutta for the reception there of the books mentioned in the said list together with the shelves containing the same shall be made over and delivered by the Government of India free of cost to a Committee of the said persons appointed to receive the same for the purposes of the said Library subject to the express condition that the said books shall not be sold given away parted with or used for any purpose other than those of the said Library.

3. Should no library such as is referred to in the last preceding clause hereof be opened by the persons and within the time aforesaid or should such a library be opened and thereafter be disused or closed the books included in the list hereinbefore referred to but not the shelves containing the same may be distributed amongst or made over to such libraries or library in
Calcutta

18 *Imperial Library (Indentures Validation)*. [ACT I

THE SECOND SCHEDULE—*contd.*

Calcutta as either upon the recommendation of the majority of the persons named and described in the said First Schedule to these presents or in their own discretion the Government of India may select and as may be willing to receive the same.

The First Schedule referred to in the foregoing Indenture.

PART I.

List of Proprietors holding transferable shares.

- | | | | |
|---|---|---|---|
| 1. Apear, J. G., Esq. | . | . | { Clerk of the Crown, High Court, Calcutta. |
| 2. Biswas, Kaliprasana, Babu | . | . | Banian, Calcutta. |
| 3. Chatterjee, Amarendra Nath, Babu. | . | . | Vakil, High Court, Calcutta. |
| 4. Deb, Satya Priya, Babu | . | . | { Asst., Board of Revenue, Calcutta. |
| 5. DePenning, G. A., Esq.. | . | . | Gentleman, Calcutta. |
| 6. Dey, Nilmoney, Babu | . | . | Gentleman, Cossipore. |
| 7. Dhur, Ashutosh, Babu | . | . | { Attorney-at-law, Calcutta. |
| 8. Dutt, J. C., Esq., M.A., B.L. | . | . | —do. —do. |
| 9. „ Jogesh Chandra, Babu | . | . | Gentleman, Calcutta. |
| 10. „ Kader Nath, Babu | . | . | —do. —do. |
| 11. „ Khetra Mohan, Babu | . | . | Banian, Calcutta. |
| 12. „ Mano Mohan, Babu, M.A., B.L. | . | . | Vakil, High Court, Calcutta. |
| 13. „ Satis Chandra, Babu | . | . | Gentleman, Calcutta. |
| 14. Ghosh, Jogendra Chandra, Babu. | } | . | Zemindar, Garden Reach. |
| 15. „ Munindra Chandra, Babu. | } | . | Gentleman, Calcutta. |
| 16. „ Nabu Krishna, Babu | { | . | Gentleman, Salkeah, Howrah. |
| 17. Ghosha, Pratapa Chandra, Babu, B.A. | } | . | Gentleman, Calcutta. |
| 18. Howe, Rivers T. L., Esq. | . | . | { Asst. Controller Genl. in charge of Paper Currency Dept., Calcutta. |
| 19. Law, Jaygobind, Babu, C.I.E. | . | . | Zemindar, Calcutta. |
| | | | 20. Martin, |

1902.] *Imperial Library (Indentures Validation)*. 19

THE SECOND SCHEDULE--*contd.*

- | | | | | | |
|------------------------------------|---|---|---|---|---|
| 20. Martin, John, Esq. | . | . | . | { | Of the firm of Messrs.
John Davies & Co.,
Calcutta. |
| 21. Mitra, Prakas Chunder, Babu, | | | | | Medical Profession, Calcutta. |
| | | | | | L.M.S. |
| 22. Mullick, Binod Behari, Babu | . | | | | Zemindar, Calcutta. |
| 23. Narendra Krishna, Maharajah | | | | { | Zemindar, Calcutta. |
| | | | | | Bahadur, Sir, K.C.I.E. |
| 24. Palit, Kali Churn, Babu, B.L. | . | | | { | Pleader, Police Court,
Calcutta. |
| 25. Pandit, Ram Chundra, Babu | . | | | | Gentleman, Bhowanipore. |
| 26. Ray, Ananda Moban, Babu | . | | | | Zemindar, -- do.— |
| 27. „ Gobinlal, Babu | . | | | | Gentleman, Calcutta. |
| 28. Rowland, Mrs. Geo. Henry | . | | | | Calcutta. |
| 29. Sen, Narayan Kissen, Babu | . | | | { | Store-Keeper, Stamp
Office, Calcutta. |
| 30. Set, Balailal, Babu | . | | | | Gentleman, Calcutta. |
| 31. „ Giris Chandra, Babu, | | | | | Attorney-at-law, Calcutta. |
| | | | | | M.A., B.L. |
| 32. & 33. Sircar, Mohendrolal, Dr. | | | | { | Medical Profession,
Calcutta. |
| | | | | | M.D., D.L., C.I.E.,
(holds 2 shares). |
| 34. Sturmer, Miss Anne | . | | | | Zemindar, Calcutta. |
| 35. Tagore, Debendra Nath, Babu | | | | | --do. --do. |
| 36. „ Jagadindra Nath, Babu | | | | | --do. --do. |
| 37. „ Jotendra Mohun, Maha- | | | | { | --do. --do. |
| | | | | | rajah Bahadoor, Sir,
K.C.S.I. |
| 38. Thomson, Walter Alex. John, | | | | { | Chandmari Tea Estate,
Nagra Kata P. O., via
Jalpaiguri, West
Dooars. |
| | | | | | Esq. |
| 39. Woodburn, Hon'ble Sir John, | | | | | Lieutenant-Governor of
Bengal. |
| | | | | | K.C.S.I. |
| 40. Robinson, C. C., Esq. | . | | | { | Barrister-at-law, Calcutta. |
| 41. Stuart, J. N., Esq. | . | | | { | Of the firm of Messrs.
Balmer, Lawrie & Co. |
| 42. Westland, Sir James, K.C.S.I. | | | | { | Late Finance Minister,
India. |

PART II

20 *Imperial Library (Indentures Validation)*. [ACT I
THE SECOND SCHEDULE—*contd.*

PART II.

Transferable shares in abeyance.

- | | | |
|--|---|--|
| 43. Basu, Dwarkanath, Babu | . | { Gentleman, Calcutta,
died in 1898. |
| 44. Hollingberry, Robert Heatly,
Esq. | . | { — do. — do.
died in 1896. |
| 45. Mitra, Gopi Kissen, Babu | . | { — do. — do.
died in 1896. |
| 46. „ Romes Chundra,
Sir, Kt. | . | { — do. — do.
died in 1899. |
| 47. Sen, Beni Madhab, Babu | . | { Gentleman, Calcutta,
died in 1899. |
| 48. Mittra, Jagganath, Babu | . | { Assistant, Appellate Side,
High Court, Calcutta,
died in 1901. |

PART III.

List of Proprietors holding non-transferable shares.

- | | | |
|--------------------------------|---|--|
| 49. Baker, J. W., Esq. | . | { Of the firm of Messrs.
Barry & Co., Calcutta. |
| 50. Bonnaud, A., Esq. | . | . Merchant, Calcutta. |
| 51. Dissent, C. E., Esq. | . | . Gentleman, Calcutta. |
| 52. Duncan, W. N., Esq. | . | { Of the firm of Messrs.
Stewart, Mackenzie &
Co., Calcutta. |
| 53. Ghosh, Kali Krishna, Babu | . | . Gentleman, Bankipore,
Patna. |
| 54. Manuk, Mrs. M. | . | . Calcutta. |
| 55. Robertson, J. A., Esq. | . | { Gentleman, Chanderna-
gore. |
| 56. Tagore, Kali Kissen, Babu | . | . Zemindar, Calcutta. |
| 57. Mitter, Jotendranath, Babu | . | . Gentleman, Calcutta. |

The Second Schedule referred to in the foregoing Indenture.

All that piece or parcel of land situate and being No. 12 Strand Road in the Town of Calcutta and a portion of Holding No. 20 Block No. 23 in the Southern Division containing an area of 1 bigha 2 cottahs and 2½ chittacks or thereabouts whereon or on some part whereof has been erected a building known as the Metcalfe Hall and which said piece or parcel of land and premises are bounded on the North by Hare Street on

th e

THE SECOND SCHEDULE—*contd.*

the East by the message and godowns belonging to Doorga Churn Law and Chundy Churn Law in the occupation of Messrs. Ralli Brothers on the South by the premises occupied by the Government Stationery Office and on the West by Strand Road.

In Witness whereof the said Society have subscribed their name by their Vice-President and Secretary and the said persons hereto of the second and third parts have hereunto set their hands and seals and the Secretary to the Government of India in the Home Department acting for and on behalf of the Secretary of State has hereunto set his hand and seal the day and year first above written.

The name of the Calcutta Public Library has been subscribed by Maharaja Bahadur Sir Norendra Krishna K.C.I.E. the Vice-President for the time being of the said Society and Surat Chunder De the present Secretary of the said Society in the presence of

The Calcutta Public Library by NORENDEA KRISHNA, *Vice-President*.
S. C. DE,
Honorary Secretary,
C. P. Library.

M. ABBOTT,
Solicitor, Calcutta.

Signed sealed and delivered by the abovenamed Maharaja Bahadur Sir Norendra Krishna K.C.I.E. as party hereto of the second and third parts in the presence of

NARENDRA KRISHNA.

M. ABBOTT.

Signed sealed and delivered by the abovenamed Charles Elwin Dissent in the presence of

C. E. DISSENT.

A. BOOTH, *Spinster,*
61 Wellesley Street.

Signed sealed and delivered by the abovenamed Jogen Chunder Dutt in the presence of

J. C. DUTT.

M. ABBOTT.

Signed sealed and delivered by the abovenamed Kali Churn Palit in the presence of

KALI CHARAN PALIT.

M. ABBOTT.

Signed

THE SECOND SCHEDULE—*concl'd.*

Signed sealed and delivered by
John Prescott Hewett Secretary to
the Government of India in the
Home Department for and on
behalf of His Excellency the
Governor General of India in
Council acting in the premises for
and on behalf of the Secretary of
State for India in Council in the
presence of

JOHN PRESCOTT HEWETT,
*Secretary to the Govern-
ment of India, Home
Department.*

H. C. EGGAR,

*Solicitor to the Government
of India.*

Received the day and year first above written of
and from the Government of India the sum of
Rupees Twenty-eight thousand and five hun-
dred being the full consideration money above
expressed to be paid by him to us for distribu-
tion amongst the several persons proprietors
of the said Society named and described in the
First Schedule to these presents or the heirs
executors administrators or assigns of such of
the said persons as are named and described
in the first and second parts of the said Sched-
ule in the proportions in the said Schedule
mentioned 28,500

Witness—

M. ABBOTT.

The Calcutta Public
Library by
NARENDRA KRISHNA,
Vice-President.

S. C. DE,
*Honorary Secretary,
C. P. L.*

NARENDRA KRISHNA.

C. E. DISSANT.

J. C. DUTT.

KALI CHARAN PALIT.

THE CANTONMENTS (HOUSE-ACCOMMODATION) ACT, 1902 (II OF 1902).

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II.

APPLICATION OF ACT.

3. Cantonments, or parts of cantonments, in which Act to be operative.
4. Saving of written instruments.

CHAPTER III.

APPROPRIATION OF HOUSES FOR OCCUPATION BY MILITARY OFFICERS.

5. Liability of houses to appropriation for occupation by military officers.
6. Appropriation of house for military officer, where not already occupied by a military officer.
7. Appropriation of house for regimental military officer, where already occupied by departmental military officer.
8. Procedure to be observed before appropriating house.
9. Notice to state that reasonable rent is offered.
10. Sanction to be obtained before a house is occupied as a hospital, bank, hotel, shop or school, or by a railway administration.
11. Houses not to be appropriated for military officers in certain cases.
12. Time to be allowed for giving possession of house.
13. Surrender of house when to be enforced.
14. Option in certain cases for owner on whom notice is issued under section 6 or section 7 to call upon the military officer concerned or the Government to purchase.
15. Provision

SECTIONS.

15. Provision where tenant required to vacate holds under a long lease.
16. Terms of tenancy applicable to military officers.
17. Sub-lease voidable at option of owner.
18. Power for owner to require reference to arbitration on question of rent.
19. Power for owner to require reference to arbitration on question of repairs.
20. Power for military tenant to require reference to arbitration on question whether house has become unfit for occupation.
21. Power for either owner or military tenant to require reference to arbitration on other questions.
22. Power for military tenant to have repairs executed and recover cost.
23. Notice to be given of devolution of interest in house in cantonment.

CHAPTER IV.

COMMITTEES OF ARBITRATION.

24. Convening of Committees of Arbitration in cases falling under section 14, sub-section (2).
25. Convening of Committees of Arbitration on requisition of owners.
26. Convening of Committees of Arbitration on requisition of military officers.
27. Procedure for convening Committees of Arbitration generally.
28. Constitution of Committees of Arbitration.
29. Members of Committees of Arbitration to be persons who have no direct interest and whose services are immediately available.
30. Meeting and powers of Committees of Arbitration.
31. Powers of chairman of Committee of Arbitration as to meetings.
32. Calculation of amount of purchase-money by Committees of Arbitration.
33. Calculation of rent by Committees of Arbitration.
34. Decisions of Committees of Arbitration.

CHAPTER V.

APPEALS.

35. Appeal when allowed.
36. Petition of appeal.
37. Order

SECTIONS.

37. Order in appeal final.
38. Suspension of action pending appeal.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

39. Recovery of rents from military tenants in cantonments.
40. Service of notices and requisitions.
41. Power for Governor General in Council to make rules.
42. Further provisions respecting rules.
43. Inapplicability of section 556 of the Code of Criminal Procedure, 1898, to trials of offences against rules.
44. Protection to persons acting under Act.

ACT No. II OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 14th
February, 1902.)*

An Act to make better provision for securing house-accommodation for military officers in cantonments.

WHEREAS various conditions, rules, regulations and orders have from time to time been laid down by, or by the authority of, the Government, in regard to the grant of land and the occupation of land and houses in cantonments, with the object of securing, amongst other things, that houses built on such land should be made available when required for the accommodation of military officers;

And whereas, notwithstanding the said conditions, rules, regulations and orders, difficulties have frequently been experienced in obtaining house-accommodation in cantonments for military officers, and it is expedient to make better provision for that purpose;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Cantonments (House-Accommodation) Act, 1902.

(2) It extends to the whole of British India (inclusive of British Baluchistan), except Aden; and

(3) It shall come into force at once, but it shall not become operative in any cantonment or part of a cantonment until the issue, or otherwise than in pursuance, of a notification as hereinafter provided by section 3.

2. (1) In

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

- (a) "Cantonment Authority" means a Cantonment Committee, or, in the case of a cantonment for which such a Committee has not been constituted, or has ceased to exist, or cannot be convened, the Commanding Officer of the cantonment :
- (b) "Command" means one of the principal portions into which the army of India is for the time being divided :
- (c) "General Officer of the Command" means the General Officer commanding the forces in a Command :
- (d) "house" means a house suitable for occupation by a military officer, and includes the land and buildings appurtenant to such house :
- (e) "military officer" means a commissioned or warrant officer of His Majesty's regular forces on military duty in a cantonment, and includes a Chaplain, a Cantonment Magistrate and any person in Army departmental employment whom the General Officer of the Command may at any time, for the purposes of this Act, place on the same footing as a military officer :
- (f) "owner" includes the person who is receiving, or is entitled to receive, the rent of a house, whether on his own account or on behalf of himself and others or as an agent or trustee, or who would so receive the rent, or be entitled to receive it, if the house were let to a tenant : and
- (g) the expression "repairs" to a house includes such repairs as are usually made to houses in the neighbourhood, but does not include additions, improvements or alterations, except in so far as they are necessary to carry

28 *Cantonments (House-Accommodation).* [ACT II
(*Chapter II—Application of Act.—Sections 3-4.*
Chapter III—Appropriation of Houses for Occupation by Military Officers.—Section 5.)

carry out such repairs as aforesaid or have been made with the owner's consent.

(2) If any question arises whether any land or building is appurtenant to a house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final.

CHAPTER II.

APPLICATION OF ACT.

Cantonments or parts of cantonments, in which Act to be operative.

3. (1) The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare this Act to be operative in any cantonment or part of a cantonment situate in the territories under its administration, other than a cantonment situate within the limits of a Presidency-town.

(2) Before issuing a notification under sub-section (1) in respect of any cantonment or part of a cantonment, the Local Government shall cause local inquiry to be made with a view to determining whether it is expedient to issue such notification and what portion (if any) of the area proposed to be included therein should be excluded therefrom.

Saving of written instruments.

4. Nothing in this Act shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government, unless the other party entitled, and the Secretary of State for India in Council consent in writing to be bound by the terms of this Act.

CHAPTER III.

APPROPRIATION OF HOUSES FOR OCCUPATION BY MILITARY OFFICERS.

Liability of houses to appropriation

5. Every house situate in a cantonment or part of

(Chapter III.—*Appropriation of Houses for Occupation by Military Officers.—Sections 6-8.*)

of a cantonment in respect of which a notification under section 3, sub-section (1), is for the time being in force, shall be liable, subject to the provisions hereinafter contained, to appropriation at any time for occupation by a military officer.

for occupation by military officers.

6. Where the Cantonment Authority, on application made to it as hereinafter provided by section 8 and subject to the requirements of that section, considers that the liability imposed by section 5 should be enforced on behalf of a military officer, it may, if the house is not already occupied by a military officer, by notice—

Appropriation of house for military officer, where not already occupied by a military officer.

(a) require the owner to let the house to the military officer named in the notice, and

(b) require the existing occupier (if any) to vacate the same.

7. If a house is already occupied by a departmental military officer, and the Cantonment Authority, on application made to it as hereinafter provided by section 8 and subject to the requirements of that section, considers that the liability imposed by section 5 should be enforced on behalf of a regimental officer, or *vice versa*, it may, by notice, require the officer in occupation to vacate the house; and may, if necessary, by further notice require the owner to accept the change of tenancy.

Appropriation of house for regimental military officer, where already occupied by departmental military officer.

8. (1) Where a military officer considers that a notice should be issued in his behalf under section 6 or section 7, as the case may be, he may request the Commanding Officer of his regiment, or (in the case of a departmental military officer) the local head of his department, to make an application to that effect to the Cantonment Authority.

Procedure to be observed before appropriating house.

(2) On receipt of an application made under sub-section (1), the Cantonment Authority shall inquire into the case, and it shall not issue the notice applied for unless it is satisfied—

(a) that it is necessary or expedient for the military

tary

30 *Cantonments (House-Accommodation).* [ACT II
(Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Sections 9-10.)

tary officer to reside in the cantonment, or, if this Act is in force in part of the cantonment only, then in that part;

- (b) that the circumstances are such as to require its intervention;
- (c) that the monthly rent proposed for the house is reasonable; and
- (d) that the house is suitable for the residence of the officer and, if it is occupied, that there is no vacant house in the cantonment or the said part of the cantonment, as the case may be, which is suitable for his residence.

Explanation I.—Where the rent of a house is registered in the office of the Cantonment Authority, the rent so registered shall be presumed, until the contrary is shown, to be the reasonable rent for the house.

Explanation II.—In considering whether a house is suitable for the residence of a military officer, regard shall be had to—

- (i) the locality in which his duties chiefly lie,
- (ii) his rank, and
- (iii) the number of persons dependent upon, and residing with, him.

9. Every notice to an owner issued under section 6 or section 7 shall state the amount of monthly rent proposed as reasonable for the house.

10. (1) No house in any cantonment or part of a cantonment in which this Act has been declared by a notification under section 3, sub-section (1), to be operative shall, unless it was so occupied at the date of such notification, be occupied for the purposes of a hospital, bank, hotel, shop or school, or by a railway administration, without the previous sanction of the General Officer of the Command, given with the concurrence of the Local Government.

(2) Before

Notice to state that reasonable rent is offered.

Sanction to be obtained before a house is occupied as a hospital, bank, hotel, shop or school, or by a railway administration.

(Chapter III.—*Appropriation of Houses for Occupation by Military Officers.*—Section 11.)

(2) Before application is made for such sanction as aforesaid, the Commanding Officer of the cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers, or
- (b) necessitate the acquisition of land at some future time for the extension of the cantonment.

11. No notice shall be issued under section 6, if the house—

- (a) was occupied prior to the date of a notification under section 3, sub-section (1), declaring the Act to be operative in the cantonment or part of the cantonment, or is occupied with the sanction required by section 10, as a hospital, bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) was occupied prior to the date of such a notification as is referred to in clause (a), or is occupied, with the sanction aforesaid, by a railway administration, or
- (c) is occupied by the owner, or
- (d) is appropriated by the Local Government, with the concurrence of the General Officer of the Command, or by the Governor General in Council, for use as a public office or for any other purpose.

Houses not to be appropriated for military officers in certain cases.

12. (1) If

32 *Cantonments (House-Accommodation)*. [ACT II
(Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Sections 12-14.)

Time to be allowed for giving possession of house.

12. (1) If a house is unoccupied, a notice issued under section 6 may require the owner to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If a house is occupied, a notice issued under section 6 or section 7 shall not require its vacation in less than thirty days from the service of the notice.

Surrender of house when to be enforced.

13. If the owner fails to give possession of a house to the proposed tenant in pursuance of a notice issued under section 6 or section 7, or if the existing occupier fails to vacate a house in pursuance of such a notice, the Cantonment Magistrate, by himself or by another person generally or specially authorized by him in this behalf, shall enter on the premises and enforce the surrender of the house.

Option in certain cases for owner on whom notice is issued under section 6 or section 7 to call upon the military officer concerned or the Government to purchase.

14. (1) If a house in respect of which a notice is issued under section 6 or section 7 is shown to the satisfaction of the Local Government, or is proved by a decree or order of a Court of competent jurisdiction, to have been erected—

(a) under any conditions, rules, regulations or orders which were in force in Bengal prior to the eighth day of December, 1864, and conferred on the owner the option of offering the house for sale to the military officer applying for its appropriation for his occupation or to the East India Company or the Government, or

(b) under any conditions, rules, regulations or orders which were in force in Bombay prior to the first day of June, 1875, and conferred such an option as is described in clause (a),

then the owner shall have the option of either complying with the notice or offering the house for sale to the military officer in whose behalf the notice was issued, or to the Government.

(2) If

(Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Section 15.)

(2) If the owner elects to sell the house, and such military officer or the Government is willing to purchase it, the amount of the purchase-money to be paid shall, in the event of disagreement, be determined by a Committee of Arbitration.

15. (1) If a house is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, or from year to year, no notice shall be issued under section 6 or section 7 without the previous sanction of the Officer Commanding the District.

Provision where tenant required to vacate holds under a long lease.

(2) If a house, in respect of which a notice is issued under section 6 or section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease for any term exceeding one year, the Secretary of State for India in Council shall, for the term of one year from the date on which the house is vacated in pursuance of the notice, or for the unexpired term of the lease, whichever is the shorter, be liable to the owner for the rent payable under this Act or, if no rent is so payable, for the rent fixed by the registered lease.

(3) If a house, in respect of which a notice is issued under section 6 or section 7, is occupied by a tenant holding in good faith and for valuable consideration under a registered lease from year to year, the Secretary of State for India in Council shall be liable as aforesaid for the term of six months from the date on which the house is vacated in pursuance of the notice.

(4) Nothing in this section shall be deemed—

- (a) to render the said Secretary of State in Council so liable unless an application in writing in this behalf is made by the owner to the Cantonment Authority within fifteen days from the service of the notice; or
- (b) to limit or otherwise affect any agreement between the said Secretary of State in Council and the owner.

16. (1) Subject

D

Terms of tenancy applicable to military officers.

16. (1) Subject to the terms of any agreement in writing between an owner and a military officer, and to the provisions of this section, every lease of a house to such an officer shall be deemed to be a lease from month to month, terminable,—

- (a) without notice, in the case of a Committee of Arbitration deciding, as hereinafter provided, that the house has become unfit for occupation,
- (b) by half a month's notice to the owner, in the case of the departure of the officer from the cantonment on duty or under medical certificate, and
- (c) by one month's notice to the owner, in any other case.

(2) The Cantonment Magistrate shall, if the military officer so desires, cause the notice required by sub-section (1), clause (b) or clause (c), to be served on the owner.

(3) Where a military officer has, in pursuance of sub-section (1), clause (a), given up his occupation of a house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month.

(4) Where a notice in respect of a house has been issued under section 6 or section 7 and the house has been vacated in pursuance thereof, the tenancy of the military officer in whose behalf the notice was issued, shall be deemed to have commenced on the date on which the house was vacated.

Sub-lease voidable at option of owner.

17. If the tenant of a house, being a military officer, sub-lets the same without the consent of the owner, the sub-lease shall be voidable at the option of the owner.

18. (1) If

(Chapter III.—*Appropriation of Houses for Occupation by Military Officers.—Sections 18-20.*)

18. (1) If the owner considers that the rent stated in a notice in accordance with section 9 is not reasonable, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

Power for owner to require reference to arbitration on question of rent.

(2) If the owner does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) The rent fixed by a Committee of Arbitration or accepted by the owner under this section shall be deemed to be the rent payable by the military officer in whose behalf the notice was issued, as from the commencement of his tenancy, and the amount of such rent shall not be called in question by either party, except in the circumstances mentioned in section 21, clause (a).

19. (1) If the owner fails to execute any repairs to a house which the tenant, being a military officer, considers necessary, the Cantonment Authority may, at the request of the tenant and if it is satisfied that such repairs or any of them are necessary, by notice require the owner to execute such repairs, or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

Power for owner to require reference to arbitration on question of repairs.

(2) If the owner objects to comply with a notice issued under sub-section (1), he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

20. If the tenant of a house, being a military officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

Power for military tenant to require reference to arbitration on question whether house has become unfit for occupation.

21. If

D 2

36 *Cantonments (House-Accommodation)*. [ACT II
(Chapter III.—Appropriation of Houses for Occupation by Military Officers.—Sections 21-23.)

Power for either owner or military tenant to require reference to arbitration on other questions.

21. If the owner and the tenant of a house, being a military officer, disagree—

- (a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or
- (b) on any matter relating to rent or repairs not otherwise provided for by this Act,

either the owner or the tenant may require that the matter be referred by the Commanding Officer of the cantonment to a Committee of Arbitration.

Power for military tenant to have repairs executed and recover cost.

22. Where—

- (a) the owner fails to comply with a notice issued under section 19, sub-section (1), and has not, within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or
- (b) a Committee of Arbitration decides that repairs are necessary and the extent to which they are necessary, and specifies the period within which they are to be executed, and the owner fails to execute them within such period,

the Military Works Services or the Public Works Department shall, on the application of the tenant of the house, being a military officer, cause the repairs specified in the notice or, if the matter has been referred to a Committee of Arbitration, in the decision of the Committee, to be executed at the expense of the tenant, and the tenant may deduct the cost thereof from the rent, or otherwise recover it from the owner.

Notice to be given of devolution of interest in house in cantonment.

23. Every person on whom devolves, by transfer, by succession or by operation of law, the interest of an owner in any house, or in any part of any house, situate in a cantonment or part of a cantonment in respect

respect of which a notification under section 3, sub-section (1), is for the time being in force, shall be bound to give the Cantonment Magistrate notice of the fact within one month from the date of such devolution, and, if he, without reasonable cause, fails to do so, shall be punishable with fine which may extend to fifty rupees.

CHAPTER IV.

COMMITTEES OF ARBITRATION.

24. In the event of any disagreement as to the amount of the purchase-money of a house to be sold under section 14, sub-section (2), the Cantonment Authority shall apply to the Commanding Officer of the cantonment to refer the matter to a Committee of Arbitration, and the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration to determine it.

Convening of Committees of Arbitration in cases falling under section 14, sub-section (2).

25. Where a requisition is made to the Commanding Officer of the cantonment by an owner under section 18, section 19 or section 21, the Commanding Officer of the cantonment shall forthwith proceed to convene a Committee of Arbitration—

Convening of Committees of Arbitration on requisition of owners.

- (a) to determine the amount of monthly rent to be paid, or
- (b) to determine whether any, and (if any) what, repairs are necessary, the extent to which they are necessary, and the period within which they are to be executed, or
- (c) otherwise to determine the question in dispute.

26. (1) Where a requisition is made to the Commanding Officer of the cantonment by a military officer under section 20 or section 21, the Commanding Officer of the cantonment may, after such inquiry

Convening of Committees of Arbitration on requisition of military officers.

as

as he may think fit to make, proceed to convene a Committee of Arbitration—

- (a) to determine whether the house has become unfit for occupation, or
- (b) to determine the amount of monthly rent to be paid, or
- (c) to determine whether any, and (if any) what, repairs are necessary, the extent to which they are necessary, and the period within which they are to be executed, or
- (d) otherwise to determine the question in dispute.

(2) In the exercise of the discretion vested in him by sub-section (1), the Commanding Officer of the cantonment may refuse to convene a Committee of Arbitration on the ground that the application therefor is groundless or frivolous.

Procedure for
convening
Committees
of Arbitration
generally.

27. (1) Where a Committee of Arbitration is to be convened, the Commanding Officer of the cantonment shall forthwith cause an order to be published in Station Orders, stating the matter to be determined.

(2) The Cantonment Magistrate shall forthwith send a copy of such order to the District Magistrate and to the parties concerned, and shall forthwith by notice require the parties to nominate members of the Committee in accordance with the provisions of sections 28 and 29.

Constitution
of Com-
mittees of
Arbitration.

28. Every Committee of Arbitration shall consist of—

- (a) a chairman, who shall be the District Magistrate, or, if the District Magistrate is unable to act on the Committee, some Magistrate, being a Justice of the Peace or Magistrate of the first class, and not being the Cantonment Magistrate, appointed by the District Magistrate to act in his stead;

(b) a

- (b) a member to be nominated by the military officer concerned; and
- (c) a member to be nominated by the owner concerned:

Provided that, if the military officer and the owner, at any time before the meeting of the Committee, join in nominating, by notice to the Cantonment Magistrate, any other person as chairman, such person shall be the chairman instead of the District Magistrate or the Magistrate (if any) appointed by the District Magistrate under clause (a); and

Provided, also, that,—

- (i) if the officer or the owner fails, without reasonable cause, to nominate a member within seven days from the date on which he may be called upon to do so, or,
- (ii) if any member, who has been nominated, neglects or refuses to act, and the officer or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called upon to do so,

the District Magistrate shall forthwith appoint a member in the place of the nominee of the officer or owner, as the case may be.

29. (1) No person who has a direct interest in the matter under reference or whose services are not immediately available for the purposes of the Committee, shall be nominated or appointed a member of a Committee of Arbitration.

(2) If any person who has been nominated has, in the opinion of the District Magistrate, a direct interest in the matter under reference, or if his services are not immediately available as aforesaid, and if the officer or the owner, as the case may be, fails to nominate another member in his place within seven days from the date on which he is called on so

to

Members of Committees of Arbitration to be persons who have no direct interest and whose services are immediately available.

to do, such failure shall be deemed to constitute a failure to make a nomination within the meaning of section 28.

Meeting and powers of Committees of Arbitration.

30. (1) When a Committee of Arbitration has been duly constituted, the Cantonment Magistrate shall by notice inform each of the members of the fact, and the Committee shall meet as soon as may be thereafter.

(2) The Committee shall have power to receive evidence and to administer oaths to witnesses, and the Cantonment Magistrate shall issue the necessary processes for the attendance of witnesses and the production of documents required by the Committee, and may enforce the said processes as if they were processes for attendance or production before himself.

Powers of chairman of Committee of Arbitration as to meetings.

31. The chairman of the Committee of Arbitration shall fix the time and place of meeting, and shall have power to adjourn the meeting from time to time, as may be necessary.

Calculation of amount of purchase-money by Committees of Arbitration.

32. In determining the amount of the purchase-money to be paid for a house to be sold under section 14, sub-section (2), the Committee of Arbitration convened under section 24 shall estimate the market-value of the house at the date on which the notice was served on the owner under section 6 or section 7, as the case may be.

Calculation of rent by Committees of Arbitration.

33. Subject to the presumption mentioned in the first explanation to section 8, in determining the amount of monthly rent to be paid for a house, the Committee of Arbitration shall estimate the letting-value of the house, and shall have regard to, amongst other things, the circumstances of the neighbourhood and the period of time and season for which the house is likely to be occupied during the year.

Decisions of Committees of Arbitration.

34. (1) The decision of every Committee of Arbitration shall be in accordance with the majority of

of votes taken at a meeting at which the chairman and at least one of the other members are present.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the chairman shall prevail.

(3) The decision of a Committee of Arbitration shall be final.

CHAPTER V.

APPEALS.

35. (1) If any owner or any tenant of a house is aggrieved by a notice issued under section 6 or section 7, he may appeal to the General Officer of the Command. Appeal when allowed.

(2) No such appeal shall be admitted unless made within a period of twenty-one days from the service of the notice aforesaid, and such period shall be computed in accordance with the provisions of the Indian Limitation Act, 1877, with respect to the computation of periods of limitation thereunder. XV of 1877.

36. (1) Every petition of appeal shall be in writing and accompanied by a copy of the notice appealed against. Petition of appeal.

(2) Any such petition may be presented to the Cantonment Authority; and that Authority shall be bound to forward it to the General Officer of the Command, and may attach thereto any report which it may desire to make in explanation of the notice appealed against.

(3) If any such petition is presented direct to the General Officer of the Command and an immediate order on the petition is not necessary, the General Officer of the Command may refer the petition to the Cantonment Authority for report.

37. The decision of the General Officer of the Command on any such appeal shall be final: Order in appeal final.

Provided

Provided that no appeal shall be decided until the appellant has been heard or has had a reasonable opportunity of being heard.

Suspension
of action
pending
appeal.

38. Where an appeal from a notice has been presented within the period prescribed by section 35, sub-section (2), all action on such notice shall, on the application of the appellant, be held in abeyance pending the decision of the appeal.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Recovery of
rents from
military
tenants in
cantonments.

39. (1) If a military officer is given possession of a house in pursuance of a notice issued under section 6 or section 7, the rent payable by such officer under this Act shall be registered by the Cantonment Authority in a register to be maintained in such form as the Local Government may, by rule, prescribe.

(2) If such officer fails, before the fifteenth day of any month, to pay the rent so registered and due from him in respect of the month immediately preceding, the Cantonment Authority, if so satisfied, shall, on the application of the owner made before the end of the later month, report the matter, through the proper channel, to the Officer Commanding the District.

(3) The Officer Commanding the District may, if he is satisfied that the amount claimed is still due, order that it be withheld from the salary and allowances of the defaulting officer, and, upon notice of the order to the officer whose duty it is to disburse such salary and allowances, such disbursing officer shall, unless such salary and allowances are under attachment by order of a Civil Court, withhold and remit to the Cantonment Authority, for payment to the owner, the amount specified in the order.

(4) If, within two months from the date of an application made by the owner under sub-section (2)

on

on which the Officer Commanding the District has made an order under sub-section (3), the amount of the rent in respect of which such application and order were made is not paid to the owner, the Cantonment Magistrate shall, on the application of the owner, require the defaulting officer to vacate the house within four days, and, if such officer fails to do so, the Cantonment Magistrate shall, by himself or by another person generally or specially authorized by him in this behalf, enter on the premises and enforce the surrender of the house.

40. Every notice or requisition prescribed by this Act shall be in writing, signed by the person by whom it is given or made or by his duly appointed agent, and may be served by post on the person to whom it is addressed, or, in the case of an owner who is absent from the cantonment, on his agent appointed under section 226 of the Cantonment Code, 1899.

Service of notice and requisitions.

41. (1) The Governor General in Council may make rules to carry out the purposes and objects of this Act.

Power for Governor General in Council to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) regulate the procedure of Committees of Arbitration; and

(b) define the powers of inspection and entry which may be exercised in carrying out the purposes and objects of this Act or of any rule thereunder.

42. (1) The power to make rules under section 41 shall be subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette of India and in such other manner (if any) as the Governor General in Council may direct.

Further provisions respecting rules.

(2) Any rule under section 41 may be general for all cantonments or parts of cantonments in
British

44 *Cantonments (House-Accommodation)*. [ACT II
(Chapter VI.—Supplemental Provisions.—Sections
43-44.)

British India in which this Act is for the time being operative, or may be special for any of such cantonments or parts, as the Governor General in Council may direct.

(3) A copy of the rules under section 41 for the time being in force in a cantonment shall be kept open to inspection free of charge at all reasonable times in the office of the Cantonment Authority.

(4) In making any rule under section 41, subsection (2), clause (b), the Governor General in Council may direct that whoever obstructs any person, not being a public servant within the meaning of section 21 of the Indian Penal Code, in making any inspection or entry, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing offence, with fine which, in addition to such fine as aforesaid, may extend to five rupees for every day after the first during which such offence continues.

XLV of 11

Inapplica-
bility of
section 556
of the Code
of Criminal
Procedure,
1898, to
trials of
offences
against
rules.
Protection
to persons
acting under
Act.

43. No Judge or Magistrate shall be deemed, within the meaning of section 556 of the Code of Criminal Procedure, 1898, to be a party to, or personally interested in, any prosecution for an offence against any rule under this Act merely because he is a member of the Cantonment Committee or has ordered or approved the prosecution.

V. of 1898

44. No suit or other legal proceeding shall lie against any person for anything done, or in good faith intended to be done, under this Act or in pursuance of any lawful notice or order issued under this Act.

ACT NO. III OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th February, 1902.)

An Act further to amend the Indian Steam-ships Act, 1884, and to validate certain certificates granted to engine-drivers of steam-ships.

VII of 1884. **WHEREAS** it is expedient further to amend the Indian Steam-ships Act, 1884, and to validate certain certificates granted to engine-drivers of steam-ships; It is hereby enacted as follows:—

1. This Act may be called the Indian Steam-ships (Amending and Validating) Act, 1902. Short title.

VII of 1884. 2. In section 23 of the Indian Steam-ships Act, 1884, the word "foreign", where it first occurs, shall be omitted; for the words "at the port of survey" the words "at the port where the survey was made" shall be substituted; and in the proviso, after the words "in the case of" the words "a foreign steam-ship to" shall be inserted. Amendment of section 23, Act VII, 1884.

3. In section 25 of the said Act, after the word "specified" the words "steam-ship or" shall be inserted, and for the words "to them" the word "thereto" shall be substituted. Amendment of section 25, Act VII, 1884.

VII of 1884. 4. All certificates of competency granted under the authority of the Commissioner in Sind between the first day of December, 1885, and the third day of July, 1900, to certify the competency of the grantees thereof to act as engine-drivers of steam-ships, shall be deemed to have been granted under the Indian Steam-ships Act, 1884, and shall be recognised as valid for voyages of those classes with reference to which they were granted: Validation of certain certificates granted in Sind to engine-drivers of steam-ships.

Provided

Provided that nothing in this section shall be deemed to affect such certificates in any other respect.

ACT No. IV OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th
February, 1902.)

An Act to apply the provisions of the Indian
Railway Companies Act, 1895, to certain
Tramway Companies.

WHEREAS by the Indian Railway Companies Act,
1895, the Railway Companies therein mentioned
are authorized to pay interest on their paid-up share
capital out of capital in the manner and on the con-
ditions prescribed by the said Act;

X of 1895.

And whereas it is expedient to apply the provisions
of the said Act to Companies formed for the construc-
tion of tramways not differing in structure and work-
ing from light railways;

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Tram-
ways Act, 1902; and

Short title
and extent.

(2) It extends to the whole of British India.

X of 1895.

Ben. Act
III of 1883.
XI of 1886.

2. The Governor General in Council may, by
notification in the Gazette of India, direct that the
provisions of the Indian Railway Companies Act,
1895, in so far as the same are applicable, shall apply
to any Company formed for the construction of a
tramway under the Bengal Tramways Act, 1883, or
the Indian Tramways Act, 1886, and thereupon it
shall be lawful for the Tramway Company mentioned
in the notification to pay interest upon its paid-up
share capital out of capital in the manner and subject
to the conditions prescribed by the said Indian Rail-
way Companies Act, 1895.

Application
of Act X,
1895, to
Tramway
Companies.

ACT No. V OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th February, 1902.)

An Act further to amend the Law relating to Administrators General and Official Trustees.

WHEREAS it is expedient further to amend the law relating to Administrators General and Official Trustees; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Administrators General and Official Trustees Act, 1902; and

(2) It shall be deemed to have come into force on the first day of January, 1902.

Appointment of Deputy Administrator General and Official Trustee.

2. (1) The Government may appoint a Deputy to assist the Administrator General as Administrator General and, if he is also Official Trustee, as Official Trustee; and the Deputy so appointed shall, subject to the control of the Government and the general or special orders of the Administrator General, be competent to discharge any of the duties and to perform any of the functions of the Administrator General as Administrator General or, if he is also Official Trustee, as Official Trustee.

(2) A Deputy appointed under sub-section (1) may be either a barrister or a solicitor or attorney, and, notwithstanding anything in the Administrator General's Act, 1874, any Deputy so appointed may officiate as Administrator General. II of 1874.

Remuneration of Administrator General as such and as Official Trustee.

3. (1) Notwithstanding anything in the Administrator General's Act, 1874, or the Official Trustees Act, 1864, the Administrator General may be remunerated by such fixed salary and allowances, and on such terms and subject to such conditions, as the Governor XVII of 1864.

Governor General in Council may direct; and, where he is so remunerated, he shall be entitled to no further remuneration whatsoever, but shall transfer and pay to such officer, in such manner, and at such times, as the Governor General in Council may, by general or special order, require, all moneys payable to and received by him as Administrator General or, if he is also Official Trustee, as Official Trustee, by way of commission or other remuneration for his service, and the same shall be carried to the account and credit of the Government for the general purposes of the Government; and in such case all the expenses of the establishment necessary for the office of the Administrator General, and, if he is also Official Trustee, for that of Official Trustee, including the provision of office accommodation, together with all other charges to which the said office or offices may be subject, shall be defrayed by the Government.

(2) Nothing in this Act shall be deemed to render the Government or the Administrator General appointed after the commencement of this Act liable for anything done or purporting to be done by or under the authority of the Administrator General before the commencement of this Act, or, where the Administrator General is also Official Trustee, for anything done or purporting to be done by or under the authority of any Official Trustee appointed before the appointment of the Administrator General to be Official Trustee.

(3) The Government shall be deemed to be responsible for the civil liabilities of any Administrator General remunerated by such fixed salary and allowances as aforesaid as Administrator General or, if he is also Official Trustee, as Official Trustee.

(4) Notwithstanding anything in the Code of Civil Procedure, a suit to enforce any such civil liability as aforesaid shall be brought against the Administrator General as Administrator General or, if he is also Official Trustee, as Official Trustee, as the case may be, by his name of office; and no suit so brought shall

E

shall abate by reason of the death, resignation, suspension or removal of the person holding the office of Administrator General or Official Trustee.

Repeal of part of section 9, and section 56, Act II, 1874, and provisions regarding private executors and administrators.

4. (1) The second proviso to section 9, and section 56, of the Administrator General's Act, 1874, are hereby repealed. II of 187

(2) The High Court of the Province may, on application made to it, suspend, remove or discharge any private executor or administrator and provide for the succession of another person to the office of any such executor or administrator who may cease to hold office, and the vesting in such successor of any property belonging to the estate.

(3) No private executor or administrator shall be entitled to receive or retain any commission or agency charges at a higher rate than that for the time being fixed in respect of the Administrator General by or under the Administrator General's Act, 1874. II of 187

Power for High Court to give directions regarding administration of estate or trust.

5. (1) So far as regards the Administrator General of any of the Presidencies of Bengal, Madras and Bombay, the High Court at the Presidency-town may, on application made to it, give to such Administrator General any general or special directions in regard to any estate in his charge or any trust of which he is the Official Trustee, or in regard to the administration of any such estate or trust.

(2) The High Court of the Province may, in like manner, give similar directions to any private executor or administrator other than the Administrator General acting officially.

Power for High Court to make rules assigning jurisdiction.

6. The High Court of the Province may make rules for assigning jurisdiction under the Administrator General's Act, 1874, or the Official Trustees Act, 1864, to subordinate Courts, and for defining such jurisdiction. II of 187 XVII of 1864.

General powers of administration.

7. The Administrator General acting as such or as Official Trustee, and any private executor or administrator, may, in addition to, and not in derogation of,

of, any other powers of expenditure lawfully exercisable by him, incur expenditure—

- (a) on such acts as may be necessary for the proper care and management of any property belonging to any estate or trust administered by him; and,
- (b) with the sanction of the High Court at the Presidency-town in the case of the Administrator General, or with that of the High Court of the Province in the case of a private executor or administrator, on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property.

II of 1874. **8.** Notwithstanding anything in the Administrator General's Act, 1874, or in any other enactment or rule of law for the time being in force, the Governor General in Council may, by general or special order, direct that, where a subject of a foreign State dies in British India and it appears that there is no one in British India, other than the Administrator General, entitled to apply to a Court of competent jurisdiction for letters of administration of the estate of the deceased, letters of administration shall, on the application to such Court of any consular officer of such foreign State, be granted to such consular officer on such terms and conditions as the Court may, subject to any rules made in this behalf by the Governor General in Council by notification in the Gazette of India, think fit to impose.

Provision for administration by consular officer in case of death in certain circumstances of foreign subject.

X of 1865.
VI of 1889. **9.** In section 256 of the Indian Succession Act, 1865, as amended by section 6 of the Probate and Administration Act, 1889, after the word "administration" the words and figures "other than a grant under section 212" shall be inserted.

Amendment of section 256, Act X, 1865.

II of 1874.
XVII of 1864. **10.** This Act shall be read with, and taken as amending, the Administrator General's Act, 1874, and the Official Trustees Act, 1864.

Act to be read with Acts II, 1874, and XVII, 1864.

ACT No. VI OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th March, 1902.)

An Act to abolish the pándharí tax heretofore levied in certain parts of the Central Provinces.

WHEREAS it is expedient to abolish the pándharí tax heretofore levied in certain parts of the Central Provinces; It is hereby enacted as follows:—

Repeal of Act XIV, 1867, and certain other enactments relating thereto.

1. Act XIV of 1867 (*an Act to provide for the assessment of the pándharí tax in certain parts of the Central Provinces*), so much of section 10 of the Scheduled Districts Act, 1874, as relates to the said Act XIV of 1867, and the words and figures "to the pándharí tax levied in the Central Provinces under Act XIV of 1867 or", occurring in section 48 of the Indian Income-tax Act, 1886, are hereby repealed. XIV of 1867
II of 1886

ACT NO. VII OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th March, 1902.)

An Act to recognise and give effect to a change in the constitution and designation of the territories formerly known as the North-Western Provinces and Oudh.

WHEREAS the territories formerly administered by the Chief Commissioner of Oudh have been united under one Local Government with those administered by the Lieutenant-Governor of the North-Western Provinces;

And whereas it has been resolved that the territories so united in one Lieutenant-Governorship shall be known as "the United Provinces of Agra and Oudh";

And whereas it is expedient to recognise and give effect to the change so made in the constitution and designation of the said territories;

It is hereby enacted as follows:—

1. This Act may be called the United Provinces (Designation) Act, 1902. Short title.

2. In every enactment heretofore passed and now in force, and in every appointment, order, scheme, rule, by-law, notification or form made or issued thereunder, all references to the North-Western Provinces and Oudh shall be construed as referring to the United Provinces of Agra and Oudh, all references to the North-Western Provinces and to the Province of Oudh, respectively, shall be construed as referring to the corresponding territories as comprised in the United Provinces of Agra and Oudh, all references to the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh, respectively, References in existing enactments to North-Western Provinces and Oudh.

respectively, shall be construed as referring to the Lieutenant-Governor of the United Provinces of Agra and Oudh; and all references to the Lieutenant-Governor of the North-Western Provinces and Oudh in Council shall be construed as referring to the Lieutenant-Governor of the United Provinces of Agra and Oudh in Council.

ACT No. VIII OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th June, 1902.)

An Act further to amend the Indian Tariff Act, 1894.

VIII of
1894.

WHEREAS it is expedient further to amend the Indian Tariff Act, 1894; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1902; and

Short title
and duratio

(2) It shall remain in force until the thirty-first day of August, 1903.

VIII of
1894.

2. After section 8A of the Indian Tariff Act, 1894, as amended by the Indian Tariff Amendment Act, 1899, the following section shall be added, namely:—

Addition of
new section
8B after
section 8A,
Act VIII,
1894.

XIV of 1899.

“8B. (1) Where the rate of duty or other taxation imposed in any country, dependency or colony upon sugar not produced therein exceeds the rate of duty or other taxation imposed upon sugar produced therein by more than the equivalent of six francs per one hundred kilogrammes in the case of refined sugar or five francs and fifty centimes per one hundred kilogrammes in the case of other sugar, then, upon the importation of any sugar from such country, dependency or colony into British India, whether the same is imported directly from the country of production or otherwise, and whether it is imported in the same condition as when exported from the country of production or has been changed in condition by manufacture or otherwise, the Governor General in Council may, by notification in the Gazette of India, impose, in addition to any other duty or taxation imposed

Special
import-duty
on sugar in
certain cases

imposed under this Act or any other law for the time being in force, a special duty not exceeding one moiety of such excess.

(2) The Governor General in Council may, from time to time, by general or special order, declare, for the purposes of sub-section (1),—

(a) what articles or substances containing any saccharine matter shall be deemed to be 'sugar' and what kinds of sugar shall be deemed to be 'refined sugar' or 'other sugar', respectively; and

(b) what sums in the currency of British India shall be deemed to be the equivalent of 'francs' and 'centimes', respectively.

(3) The amount of the excess referred to in sub-section (1) shall be from time to time ascertained, determined and declared by the Governor General in Council, and the Governor General in Council may, by notification in the Gazette of India, make rules for the identification of sugar and for the assessment and collection of any special duty imposed upon the importation thereof under sub-section (1)."

Act not to
apply in
certain cases.

3. This Act shall not apply to any imported article or substance, the bill of lading for which was signed and given before the twenty-third day of May, 1902.

ACT No. IX OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 27th June, 1902.)

An Act to amend the Indian Paper Currency Act, 1900.

VIII of
1900.

WHEREAS it is expedient to amend the Indian Paper Currency Act, 1900; It is hereby enacted as follows:—

1. This Act may be called the Indian Paper Currency Act, 1902. Short title.

VIII of
1900.

2. Section 1, sub-section (3), and section 3 of the Indian Paper Currency Act, 1900, are hereby repealed. Repeal of section 1 (3) and section 3, Act VIII of 1900.

ACT No. X OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th October, 1902.)

An Act further to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient further to amend the Indian Emigration Act, 1883, and to make better provision for the departure by sea out of India of Natives of India engaged for certain purposes; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Indian Emigration (Amendment) Act, 1902; and

(2) It extends to the whole of British India.

Addition to preamble, Act XXI, 1883.

2. To the preamble to the Indian Emigration Act, 1883, the words "and to regulate their departure by sea out of India in certain cases" shall be added.

Addition of new clause to section 6, Act XXI of 1883.

3. In section 6 of the said Act, after the word "context" the following clause shall be inserted, namely:—

"(1) 'labour' means 'unskilled labour' and does not include any work or other occupation of the nature hereinafter referred to in Chapter XIV:" and the existing clauses (1) to (9) shall be renumbered clauses (2) to (10), respectively.

Amendment of clause (2), section 6, Act XXI, 1883.

4. For the proviso to clause (2), as renumbered, of the same section, the following proviso shall be substituted, namely:—

"Provided that, in case of any doubt or dispute as to whether any person should be deemed so to emigrate, the question shall be referred to the Local Government, whose decision shall be final."

Repeal of clause (a) of proviso to section 105, Act XXI of 1883.

5. In the proviso to section 105 of the said Act, clause (a) is hereby repealed.

6. After

6. After Chapter XIII of the said Act the following Chapter shall be added, namely :—

Addition of Chapter after Chapter XIII, Act XXI, 1883.

“CHAPTER XIV.

“NATIVES OF INDIA ENGAGED AS ARTISANS OR FOR EXHIBITIONS, ENTERTAINMENTS OR SERVICE IN PLACES OF PUBLIC RESORT OR DOMESTIC SERVICE ABROAD.

“107. (1) Whoever desires to engage any Native of India to depart by sea out of India for the purpose—

Application for permission to engage Natives of India to depart abroad for certain purposes.

- (a) of working as an artisan, or
- (b) of any exhibition or entertainment, or
- (c) of service in any restaurant, tea-house or other place of public resort, or,
- (d) save as provided in sub-section (2), of domestic service,

in any place beyond the limits of India other than the Island of Ceylon or the Straits Settlements, shall apply for the permission of the Local Government having jurisdiction at the port from which such person is to depart (which shall be a port from which emigration is lawful) and shall state in his application—

- (i) the number of the persons whom he proposes so to engage ;
- (ii) the place or places beyond the limits of India to which such persons and their dependents are to proceed ;
- (iii) the accommodation to be provided for such persons and their dependents until their departure out of India and during the voyage ;
- (iv) the provision to be made for the health and well-being of such persons and their dependents during the period of the proposed engagement, and for their repatriation at the end of such period ;
- (v) the terms of the agreements under which such persons are to be engaged ; and

(vi) the

(vi) the security in British India which he proposes to furnish for the due observance of such agreements and for the proper treatment of the persons to be engaged and their dependents.

(2) Nothing in sub-section (1) shall be deemed to apply to any person who in good faith—

(a) engages a Native of India to accompany him out of India as his personal domestic servant, or

(b) engages in compliance with the request of some other person, not being in India, a Native of India to depart out of India for the purpose of becoming the personal domestic servant of such other person.

Explanation.—For the purposes of this Chapter, the words “emigrant” and “emigrate” in the definition of “dependent” in section 6, clause (4), shall be read as referring to the departure by sea out of India of a person whom it is desired to engage under this Chapter.

Applications
how to be
disposed of.

“108. On receiving an application under section 107, the Local Government may, after such inquiry as may be necessary, grant the permission applied for on such terms and conditions (if any) as it thinks fit, or withhold such permission, and the decision of the Local Government shall be final.

Appearance
of engaged
persons
before, and
registration
of names
by, Protector
of Emigrants.

“109. (1) Before any Native of India departs from India in accordance with permission granted under section 108, the person by whom he has been engaged shall appear before the Protector of Emigrants at the port of embarkation with such Native of India, and with any persons intending to accompany him as his dependents.

(2) If it appears to the Protector of Emigrants that permission to engage such Native of India has been duly obtained and that the terms of the agreement under which such Native of India has been engaged are in accordance with the terms of the permission granted, and that the conditions on which such permission was granted

granted have been complied with, he shall register in a book to be kept for the purpose such particulars concerning such Native of India and his dependents (if any) and concerning the person engaging him in such form as the Governor General in Council by rules made under this Chapter prescribes.

“110. Where such security as is referred to in section 107, sub-section (1), sub-clause (vi), has been furnished, the Local Government may, after such inquiry as may be necessary, pass orders in regard to the forfeiture of the security and the application of the same or of any part thereof, or may order the return of the security or of any part thereof to the person by whom it was furnished, or to his representative.

Provisions
as to security.

“111. (1) Whoever,—

- (a) without having first obtained the permission of the Local Government referred to in section 107, sub-section (1), enters or attempts to enter into an agreement purporting to bind any Native of India to depart by sea out of India for any of the purposes specified in the said sub-section, or
- (b) causes any Native of India engaged by him for any such purpose as aforesaid to depart from any port which is not a port from which emigration is lawful, or
- (c) causes any Native of India engaged by him, after grant of the permission referred to in section 108, to depart by sea out of India without registration of the particulars required by section 109, sub-section (2),

Penalties
and restriction
on
prosecutions.

shall, on conviction by a Magistrate of the first class, be punishable with fine which may extend to two hundred and fifty rupees for each Native of India in respect of whom the offence is committed.

(2) Prosecutions under this section shall not be instituted except by the Protector of Emigrants or
by

by an officer appointed for the purpose by any Local Government.

Delegation
to Protector
of Emigrants
of authority
to receive or
dispose of
applications.

“112. The Local Government may, by notification in the local official Gazette, authorize a Protector of Emigrants to receive or dispose of applications made under this Chapter :

Provided that an appeal shall lie to the Local Government from every order passed by a Protector of Emigrants in exercise of the authority so conferred.

Rules.

“113. (1) The Governor General in Council may, by notification in the Gazette of India, make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) All rules under this section shall be made subject to the condition of previous publication.”

ACT NO. XI OF 1902.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th October, 1902.)

An Act to make further provision for sanitation in villages in the Central Provinces.

WHEREAS it is expedient to make further provision for sanitation in villages in the Central Provinces; It is hereby enacted as follows:—

1. (1) This Act may be called the Central Provinces Village-sanitation Act, 1902.

Short title and extent.

(2) It extends to the territories for the time being administered by the Chief Commissioner of the Central Provinces.

2. (1) Where the sanitary condition—

(a) of a village, or

(b) of two or more villages having inhabited sites adjacent to one another,

Extension of Act to insanitary villages.

containing not less than five hundred inhabited houses and not being wholly or partly within the limits of a municipality, is, in the opinion of the Deputy Commissioner of the district in which the village or villages is or are situate, such as to be injurious to the health of the inhabitants, the Deputy Commissioner may, by notice in writing, published in such manner as the Local Government may, by rule, prescribe, declare that the local area concerned is in an insanitary state.

(2) After the publication of a notice under subsection (1) the Local Government may,—

(a) on the application of a mukaddam and ten or more other inhabitants of the local area, or,

(b) where

(b) where no such application is made within three months after the date of the publication of the notice, on the application of the Deputy Commissioner,

by notification in the local official Gazette, extend to the local area the provisions of this Act with effect from such date as may be specified in the notification.

Formation
of village-
panchayat.

3. In every local area to which this Act is extended by notification under section 2 a panchayat shall be formed, consisting of the mukaddam of each village and such number, not being less than four, of representatives of the village-community or village-communities in the local area, as the Local Government may by rule prescribe, who shall be chosen by election from among the inhabitants of the local area.

Powers of
panchayat.

4. Subject to the approval of the Deputy Commissioner, the panchayat shall determine—

(a) the sum which is annually required for the conservancy of the local area; and

(b) the sum which may from time to time be required for the improvement of the water-supply or of the village-roads or for any other work of public utility in the local area :

Provided that, where arrangements can be made for the maintenance of a staff of scavengers by the direct payment to them of fees by the inhabitants of, or persons trading in a bazar in, the local area, the cost of such staff shall be omitted from consideration in determining the sum annually required for the conservancy of the local area.

Mode of
raising funds.

5. Subject to the previous sanction of the Local Government, the sums determined in accordance with the provisions of section 4 to be required for the purposes indicated therein may be raised by one or more of the following measures, namely :—

(a) an assessment on the houses and lands within the local area with reference to the circumstances of, and property possessed by, the owners or occupiers of such houses or lands;

(b) the

- (b) the levy of license-fees on professional weighmen or measurers weighing or measuring for hire goods brought for sale into the local area;
- (c) the levy of tolls on carts, pack-animals and porters bringing goods for sale into the local area, and on animals brought for sale and actually sold therein;
- (d) the levy of rents, not exceeding three rupees and four annas per annum in each case, from dealers temporarily occupying open ground in the local area; or
- (e) the levy of fees, not exceeding two per centum of the sale-price, on the voluntary registration of cattle-sales effected in the local area:

Provided, first, that no tax or charge imposed under this section shall be valid until it has been sanctioned by the Commissioner and that no assessment under clause (a) shall exceed the sum determined under section 4 to be required in respect of the year for which the assessment is to be levied: and

Provided, secondly, that the tolls levied under clause (c) may vary according to the class of the goods brought for sale or of the animals brought for sale and actually sold, but shall in no case exceed four annas per cart-load of goods or one per centum of the sale-price of animals, as the case may be.

6. The rates chargeable by weighmen or measurers licensed under clause (b) of section 5 shall not exceed three-quarters per centum of the sale-price of the goods weighed or measured. Rates of licensed weighmen or measurers.

7. (1) The Local Government may make rules to carry out the purposes and objects of this Act. Power of Local Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(a) define the limits of local areas for the purposes of this Act;

(b) regulate

(b) regulate the mode of election and the proceedings of pancháyats, the term of office of the members of a pancháyat, and the circumstances in which, and the authority by whom, such members may be removed;

(c) regulate the rates and amounts of any taxes or charges imposed under section 5, their assessment and collection, the exemptions (if any) to be granted, the safe custody and application of the proceeds, and the auditing of the accounts thereof; and

(d) regulate conservancy and define and prohibit public nuisances.

(3) In making any rules under this section, the Local Government may direct that the breach of any provision thereof shall be punishable with fine which may extend to ten rupees.

Recovery of taxes and charges and scavengers' fees.

8. Arrears of taxes and charges imposed under this Act, and arrears of any fees made directly payable to scavengers under such an arrangement as is contemplated by the proviso to section 4, may, subject to the rules (if any) made under section 7, be realized by the Deputy Commissioner as arrears of land-revenue.

Penalty for unlicensed or unauthorized persons charging fees in certain cases.

9. Where a pancháyat has licensed persons to measure or weigh for hire goods with reference to clause (b), or has appointed persons to register cattle-sales with reference to clause (c), of section 5, any person who has not been so licensed or appointed and who charges any fees for measuring or weighing goods or for registering cattle-sales, shall be punishable with fine which may extend to twenty rupees, and in the case of a continuing offence with fine which, in addition to such fine as aforesaid, may extend to ten rupees for every day after the first during which such offence continues.

Initiation of prosecutions.

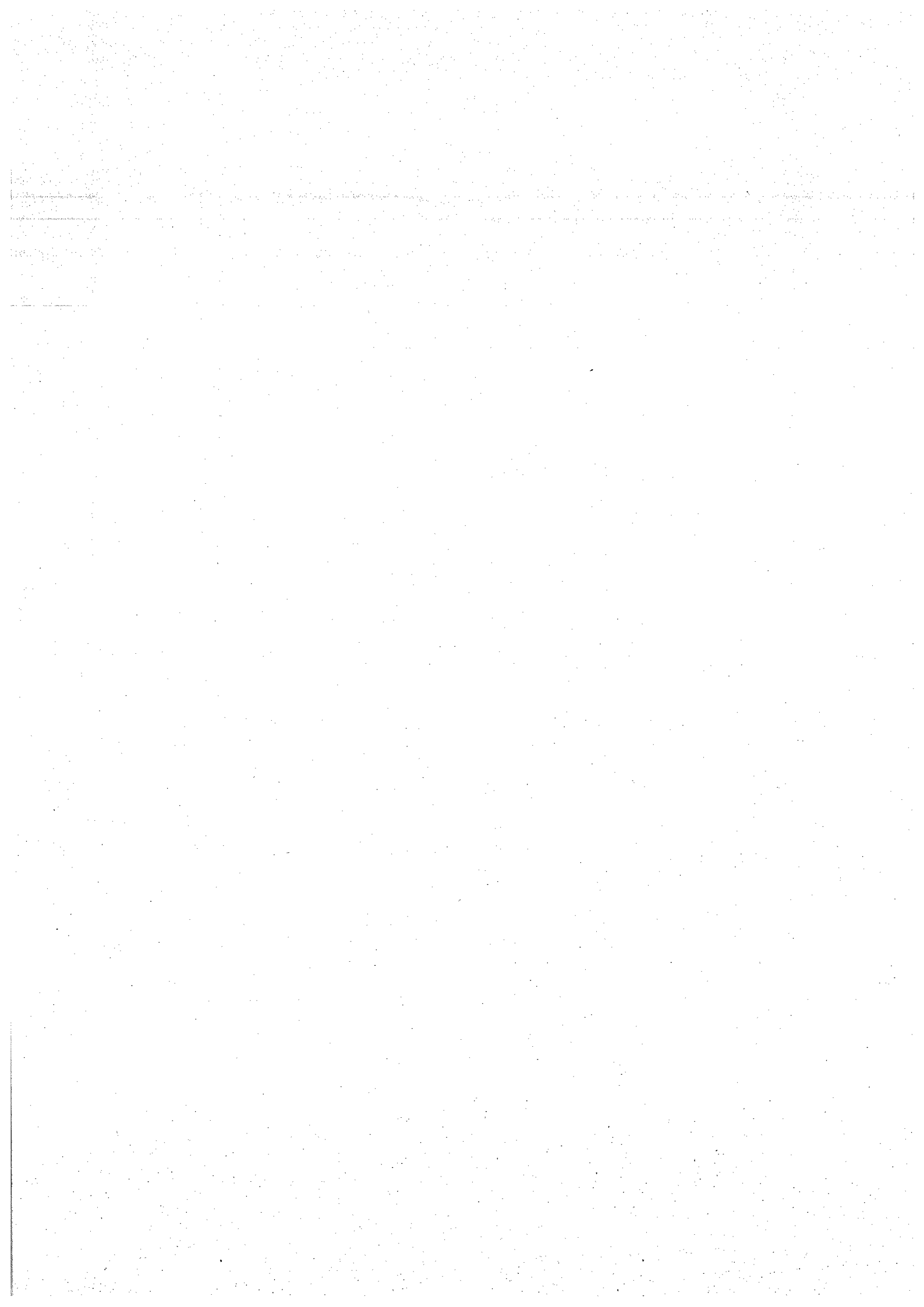
10. A Court shall not take cognizance of an offence punishable under this Act or a rule thereunder except on the complaint of the Deputy Commissioner or of the pancháyat or of some person authorised

authorised specially by the Deputy Commissioner or the panchayat in each case.

I of 1883. 11. The Local Government may direct that the provisions of this Act shall cease to have operation in any local area from a date to be fixed by the Local Government, and may make over any moneys in the hands of the panchayat to the District Council or Local Board having authority under the Central Provinces Local Self-government Act, 1883. Withdrawal of Act.

I of 1883. 12. While the provisions of this Act are in force in any local area, the authority of the District Council or Local Board under section 9 of the Central Provinces Local Self-government Act, 1883, shall be suspended in respect of all matters made over to the management of the panchayat. Suspension of authority of District Council and Local Board.

XIX of 1889. 13. The Central Provinces Village-sanitation Act, 1889, is hereby repealed. Repeal.



INDEX

TO THE

ACTS PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1902.

	ACT.	SECTION.
ACT X OF 1865— section 256 as amended by Act VI. of 1889, s. 6, amended	V	9
ACT XIV OF 1867— repealed	VI	1
ACT II OF 1874— section 9, partly repealed section 56 repealed	V "	4 4
ACT XIV OF 1874— section 10 partly repealed	VI	1
ACT XXI OF 1883— preamble added to section 6, clause (1) added clause (2) as renumbered, amended section 105, clause (a) of proviso, repealed chapter XIV added	X " " " "	2 3 4 5 6
ACT VII OF 1884— section 23 amended section 25 amended	III "	2 3
ACT II OF 1886— section 48 partly repealed	VI	1
ACT XIX OF 1889— repealed	XI	13
ACT VIII OF 1894— section 8B added	VIII	2
ACT X OF 1895— application of, to Tramway Companies	IV	2
ACT VIII OF 1900— section 1, sub-section (3) repealed section 3 repealed	IX "	2 2
IMPERIAL LIBRARY (INDENTURES VALIDATION) Act, 1902— short title validation of indentures set forth in schedules property to vest absolutely in His Majesty certain receipts to discharge the Secretary of State in Council from liability	I " " "	1 2 3 4

[Price one anna and nine pies.]

ii INDEX TO THE ACTS PASSED BY THE GOVERNOR

	ACT.	SECTION.
IMPERIAL LIBRARY (INDENTURES VALIDATION) Act, 1902 —contd.		
indenture with the Agricultural and Horticultural Society of India and others	I	Schedule 1
indenture with the Calcutta Public Library and others	"	Schedule 2
CANTONMENTS (HOUSE ACCOMMODATION) Act, 1902—		
short title, extent and commencement	II	1
definitions	"	2
cantonments or parts of cantonments in which Act is to be operative	"	3
saving of written instruments	"	4
liability of houses to appropriation for occupation by military officers	"	5
appropriation of house for military officer, where not already occupied by a military officer	"	6
appropriation of house for regimental military officer, where house already occupied by departmental military officer	"	7
procedure to be observed before appropriating house	"	8
notice to state that reasonable rent is offered	"	9
sanction to be obtained before a house is occupied for certain purposes	"	10
houses not to be appropriated for military officers in certain cases	"	11
time to be allowed for giving possession of house	"	12
surrender of house when to be enforced	"	13
when owner, on whom notice is issued, has option to call upon military officer or Government to purchase	"	14
provision where tenant required to vacate holds a long lease	"	15
terms of tenancy for military officers	"	16
sub-lease voidable at option of owner	"	17
power for owner to refer question of rent to arbitration	"	18
power for owner to refer question of repairs to arbitration	"	19
power for military tenant to refer to arbitration question of fitness of house for occupation	"	20
power for owner or military tenant to refer other questions to arbitration	"	21
power for military tenant to execute repairs and recover cost	"	22
notice of devolution of interest of house in cantonment to be given	"	23
convening of committees of arbitration in cases under s. 14 (2)	"	24
convening of such committees on requisition of owners	"	25
convening of such committees on requisition of military officers	"	26
procedure for convening such committees generally	"	27
constitution of such committees	"	28
qualifications necessary for members of committees of arbitration	"	29
meetings and powers of committees of arbitration	"	30
powers of chairman as to meetings	"	31
committees of arbitration to calculate amount of purchase money	"	32

GENERAL OF INDIA IN COUNCIL IN THE YEAR 1902. iii

	ACT.	SECTION.
CANTONMENTS (HOUSE ACCOMMODATION) ACT, 1902—<i>contd.</i>		
committees of arbitration to calculate rent	II	33
decision of committee of arbitration	"	34
appeal when allowed	"	35
petition of appeal	"	36
order in final appeal	"	37
suspension of action pending appeal	"	38
recovery of rent from military tenants in cantonments	"	39
service of notice and requisitions	"	40
power for Governor General in Council to make rules	"	41
further provisions respecting rules	"	42
section 556, Civil Procedure Code, 1898, inapplicable to trials of offences against rules	"	43
protection to persons acting under Act	"	44
INDIAN STEAMSHIPS (AMENDING AND VALIDATION) ACT, 1902—		
<i>See Act VII of 1884.</i>	III	
Validation of certain certificates granted in Sind	"	4
INDIAN TRAMWAYS ACT, 1902—		
<i>See Act X of 1895.</i>	IV	
ADMINISTRATORS GENERAL AND OFFICIAL TRUSTEES ACT, 1902—		
short title and commencement	V	
appointment of Deputy Administrator General and Official Trustee	"	1
remuneration of Administrator General as such and as Official Trustee	"	2
repeal of certain sections, Act II of 1874, and provisions regarding private executors and administrators	"	3
power for High Court to give directions regarding administration or trust	"	4
power for High Court to make rules assigning jurisdiction	"	5
general powers of administration	"	6
provision for administration by consular officer in case of death of foreigner in certain cases	"	7
amendment of section 256, Act X of 1865	"	8
Act to be read with Acts II of 1874 and XVII of 1864	"	9
		10
UNITED PROVINCES (DESIGNATION) ACT, 1902—		
short title	VII	1
References in existing enactments to North-Western Provinces and Oudh	"	2
INDIAN TARIFF (AMENDMENT) ACT, 1902—		
<i>See Act VIII of 1884.</i>		
short title and duration	VIII	1
Act VIII of 1894 amended	"	2
Act not to apply in certain cases	"	
INDIAN PAPER CURRENCY ACT, 1902—		
<i>See Act VIII of 1900.</i>	IX	
INDIAN EMIGRATION (AMENDMENT) ACT, 1902.		
<i>See Act XXI of 1883.</i>		
short title and extent	X	1

IV. INDEX TO THE ACTS PASSED BY THE GOVERNOR GENERAL
OF INDIA IN COUNCIL IN THE YEAR 1902.

	ACT.	SECTION.
CENTRAL PROVINCES VILLAGE SANITATION ACT, 1902--		
short title and extent	XI	1
extension of Act to insanitary villages	"	2
formation of village punchayats	"	3
powers	"	4
mode of raising funds	"	5
rates of licensed weighmen or measurers	"	6
powers of Local Government to make rules	"	7
recovery of taxes, charges, etc.	"	8
penalty for unlicensed persons charging fees in certain cases	"	9
initiation of prosecutions	"	10
withdrawal of Act	"	11
suspension of authority of District Council and Local Board	"	12