Act No. XXI of 1859.

- EXPIRED.

Act No. XXII of 1859.

(Received the assent of the Governor General on the 3rd September 1859)

1. Part of Act I of 1852 repealed.

2. Duty on Salt imported by sea.

3. Duty on Spirits exported from any Port in India and imported at any Bombay Port.


An Act to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).

Whereas it is expedient to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay); It is enacted as follows:—

I. Section XX of Act I of 1852, and so much of Schedule A annexed to the said Act as prescribes the rate of Duty to be charged on Salt imported by sea into any port of the Presidency of Bombay, are repealed.

II. All the provisions now in force of the above-mentioned Act which have reference to the Customs Duty now charged and leviable on Salt imported by sea into any port of the Presidency of Bombay, shall be taken to have reference to the Duty prescribed in the Schedule annexed to this Act.

III. Spirits exported from any port within the British territories in India, and imported at any port subordinate to the Government of Bombay, shall be liable on importation to the same rate of Duty, as the Governor in Council of Bombay may from time to time impose under Act III of 1852 or any future enactment on Spirits manufactured within the Presidency of Bombay. Provided always that, if the said Spirits be accompanied by a document signed by competent autho-
nity, certifying that a Duty, whether of Customs or otherwise, has been paid on the said Spirits within the British territories in India, credit shall be allowed for the sum so paid in settling the Customs at the port of import; and if such sum equal or exceed the full amount leviable on import, then the Spirits on which such Duty has been paid shall be admitted Duty free.

IV. This Act shall be construed as part of the said Act I of 1852; and any Act subsequent to Act I of 1852 which refers to that Act shall be construed to refer to that Act as hereby altered; and any Act which refers to Section XX of Act I of 1852 shall, as to all matters arising after the passing of this Act, have the same effect as if it referred to Section III of this Act.

SCHEDULE.*

Rate of Duty to be charged on Salt imported by sea into any port of the Presidency of Bombay from any port or place not subject to the Government of India, or from Aden or from any port or place in the Straits of Malacca.

Salt not covered by a Pass, ........ 1 Rupee per Indian Maund.

Act No. XXIII of 1859.†
(Received the assent of the Governor General on the 3rd September 1859.)

1. Laws repealed. Exception.
2. Duties on goods passing by land into or out of certain Foreign Settlements, situate within the limits of the Madras Presidency.
3. Duties on goods passing by land into or out of certain Foreign Settlements, situate within the limits of the Bombay Presidency.

* Modified by Act VII of 1861.
† See Act X of 1860, to which are annexed the Schedules of Duties authorized by Act XI of 1862 in lieu of the Customs Duties authorized to be charged either by this Act or Act X of 1860.
An Act to alter the Rates of Duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively.

WHEREAS it is expedient to fix the Duties of Land Customs on goods passing into or from the Presidency of Fort Saint George or the Presidency of Bombay from or into Foreign Settlements on the line of coast at the same rates as the Duties of Sea Customs specified in Schedules A and B annexed to Act VII of 1859 (to alter the Duties of Customs on goods imported or exported by Sea); It is enacted as follows:—

I. Section VI of Act VI of 1844 (for revising the Duties on imports and exports in the Presidency of Fort Saint George) and Section II of Act XXIX of 1857 (to make better provision for the collection of Land Customs on certain Foreign frontiers of the Presidency of Bombay) are hereby repealed, except so far as they respectively relate to Salt or Opium, which shall remain subject to the same rates of Duty, or shall be prohibited without a pass as the case may be, as if this Act had not been passed.

II. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of coast within the limits of the Presidency of Fort Saint George, at the rates prescribed in Schedules A and B of Act VII of 1859. And all the provisions of Act VI of 1844 now in force, relating to the rates of Duty mentioned or referred to by Section VI of that Act, are hereby declared to apply to the rates of Duty mentioned in Schedules A and B of the said Act VII of 1859, as if such last mentioned rates had been specially mentioned in that Section.

III. Duties of Customs shall be levied on goods passing by land into or out of Foreign Settlements situate on the line of coast within the limits of the Presidency of Bombay, at the rates prescribed in Schedules A and B of the said Act VII of 1859. And all the provisions of Act XXIX of 1857
now in force, relating to the rates of Duty referred to by Section II of that Act, are hereby declared to apply to the rates of Duty mentioned in Schedules A and B of the said Act VII of 1859, as if such last mentioned rates had been specially mentioned in that Section.

**MADRAS.**

(Received the assent of the Governor General on the 6th September 1859).


2. Laws repealed.

3. Jurisdiction of Officers appointed under Regulation XI, 1816.

4. Superintendence vested in Governor in Council.

5. Inspector-General of Police, &c.


7. Inspector-General to be appointed a Justice of the Peace. To have the powers of a Magistrate, but to exercise such powers under the orders of Government. District Superintendent may be appointed a Magistrate. In what cases he may act in that capacity.


9. Inspector-General to control the Force and make rules.

10. Appointment and dismissal of Police Officers.

11. Police Officers to receive certificates of office.


13. Additional Police Officers employed at the cost of individuals.

14. Appointment of additional Force in the neighbourhood of Railway and other works.

15. Payment of money for support of additional Police Force.


17. Powers of special Police Officers.

18. Refusal to serve.

19. Police Officers not to resign without leave, or two months notice.

20. Unlawful assumption of Police functions, personation of Police, &c.


22 to 43. Repealed by Act XVII, 1862.

44. Penalties for neglect of duty, &c.
45. Penalty for receiving unauthorized fees, &c.
46. Penalty for extortion, &c.
47. Penalty for obstructing a Police Officer in the execution of his duty.
49. Regulation of public processions, &c., and of carriages and persons at places of public resort. Licenses for use of music in streets.
51. Liability to prosecution for higher penalties not affected. Proviso.

An Act for the better Regulation of the Police within the Territories subject to the Presidency of Fort St. George.

WHEREAS it is expedient to make the Police Force throughout the Madras Presidency a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime, and to re-organize the Police Force and improve the condition of the Village Police; It is enacted as follows:

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, (that is to say),

The word "Magistrate" shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate.

The word "Subordinate," as applied to Police functionaries, shall mean District Superintendents and their Assistants.

The word "Police" shall include general and village Police, Cattoobadhes, Kavalgars, and all other persons, by whatever name known, who exercise any Police functions throughout the Madras Presidency.

The expression "General Police District" shall embrace all districts to which the operation of this Act shall be extended.

Interpretation.

"Magistrate."

"Subordinate."

'Police."

"General Police District."
"Property." The word "property" shall include any chattel, money, or valuable security.

"Number." Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

"Gender." Words importing the masculine gender shall include females.

"Person." The word "person" shall include company or corporation.

"Month." The word "month" shall mean calendar month.

"Cattle." The word "cattle" shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.

II. The several Regulations and Acts mentioned in the Schedule hereunto annexed are hereby repealed and amended to the extent and in the manner therein set forth, within the limits of the General Police District; except so far as they repeal the whole or any part of any other Regulation or Act, and except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation. Provided also, that nothing in this Section shall be construed to affect any judicial function or jurisdiction, original or appellate, which by any existing law may be exercised by any of the Officers mentioned in the enactments above repealed.

III. Nothing contained in this Act shall affect the powers of appointment given to Magistrates by Section XL of Regulation XI, 1816 of the Madras Code, or the jurisdiction or functions of Officers appointed under such powers, save only that no Officer so appointed shall be competent to exercise any of the functions or duties of Executive Police Officers.

IV. The superintendence of the Police throughout the General Police District shall vest in and be exercised by the Governor in Council, and, except as authorized by him under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any
Police functionary, any Regulation, Act or usage to the contrary notwithstanding.

V. The administration of the Police throughout the General Police District shall be vested in an Officer, to be styled the Inspector-General of Police for the Presidency of Madras, and in such subordinates as to the Governor in Council shall seem fit, who shall from time to time be appointed by the Governor in Council, and may be remved by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

VI. All powers not inconsistent with the provisions of this Act, which up to the passing of this Act belonged by law to the existing Police authorities, shall be vested in the Police authorities appointed under this Act. Provided always, that no Police functionary so appointed shall possess or exercise any Judicial or Revenue authority.

VII. The Inspector-General of Police shall be appointed a Justice of the Peace; he shall also have the full powers of a Magistrate throughout the General Police District, but shall exercise these powers subject to such orders as may from time to time be issued by the Governor in Council. The Governor in Council may vest any District Superintendent of Police with all or any of the powers of a Magistrate within such limits as he may deem proper; but such Superintendent shall exercise the powers with which he shall be so invested, only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and as far as may be necessary for the performance of the duties assigned to him by this Act.

VIII. The entire Police establishment of the Madras Presidency shall for the purposes of this Act be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be from time
to time ordered by the Governor in Council with the sanction of the Governor General of India in Council.

IX. The Inspector-General may from time to time, subject to the approval of the Governor in Council, frame such orders and regulations as he shall deem expedient, relative to the general government and distribution of the Force, the places of residence, the classification, rank, and particular service of the members thereof; their inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; to the collecting and communicating intelligence and information; and all such other orders and regulations relative to the said Police Force as the said Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the discharge of all its duties.

X. The appointment of all Police Officers shall, under such rules as the Governor in Council shall from time to time sanction, rest with the Inspector-General of Police and the Deputy Superintendents, who may under such rules as aforesaid at any time dismiss, suspend, or fine to any amount not exceeding one month's pay, any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

XI. Every person so appointed shall receive on his enrolment a certificate (A) under the seal of the Inspector-General, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer, or other person empowered to receive it.

XII. There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the Governor in Council shall direct, not being a greater
rate than one anna in the Rupee; which sum so deducted, and also the monies accruing from stoppages from the pay of Police Officers during absence from sickness or other cause, and fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing, or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Governor in Council, shall from time to time be invested in such manner and in such securities as the Governor in Council may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund"; and shall be applied from time to time to the payment of superannuation or retiring allowances, or gratuitous, under such rules as may be passed by the said Governor in Council: Provided always, that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled of right to any allowance from this Fund; or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officer.

XIII. It shall be lawful for the Inspector-General of Police, or any District Superintendent, if they shall think fit, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers to keep the peace at any place within the General Police District, at the charge of the person making the application, but subject to the orders of the said Inspector-General or District Superintendent and for such time as they shall think fit; Provided always that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General or District Superintendent, to require that the Officers so appointed shall be discontinued: such person shall be
relieved from the charge of such additional Force from the expiration of such notice.

XIV. Whenever any Railway, Canal, or other Public work shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector-General, with the consent of the Governor in Council, to direct the employment of such additional Force, and to maintain the same so long as such necessity shall continue; and to make orders from time to time upon the Treasurer or other officer having the control or custody of the funds of any Company carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

XV. All monies paid in respect of such additional Force as is mentioned in the two last preceding Sections, shall be paid into a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Governor in Council may pass; and all sums of money payable under those Sections shall be recoverable by suit in any competent Court, or by distress and sale of the goods of the defaulter under the warrant of a Magistrate.

XVI. When it shall appear that any tumult, riot, or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation and for the protection of the inhabitants and the security of property in such place, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the public or village servants or residents of the neighbourhood, as such Police Officer may require, to act as special Police Officers for such time and in such manner as he shall deem
necessary; and it shall be the duty of such Magistrate at once to comply with such applications.

XVII. Every special Police Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

XVIII. If any person, being appointed a special Police Officer as aforesaid, shall without sufficient excuse neglect or refuse to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable upon conviction before a Magistrate to a fine not exceeding Fifty Rupees for such neglect, refusal, or disobedience.

XIX. No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent; or unless he shall have given to his superior Officer two months’ notice in writing of his intention to do so. Nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Inspector-General.

XX. From and after the passing of this Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police; and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him for the execution of his duty; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it; or who shall otherwise personate the character or act the part of any Police Officer for any pur-
pose whatever; shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable on conviction before a Magistrate to a penalty not exceeding Two Hundred Rupees, or to imprisonment; with, or without hard labor, for a period not exceeding six months, or both.

XXI. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty, and shall have the powers of a Police Officer in every part of the General Police District. It shall be his duty to use his best endeavours and ability to prevent all crimes, offences, and public nuisances; to preserve the peace; to apprehend disorderly and suspicious characters; to detect and bring offenders to justice; to collect and communicate intelligence affecting the public peace; and promptly to obey and execute all orders and warrants lawfully issued to him.

XXII—XLIII. Repealed by Act XVII, 1862.

XLIV. Every Police Officer who shall be guilty of any violation of duty or wilful breach of any lawful orders and regulations not punishable under Section X of this Act; or who shall cease to perform the duties of his office without leave, or without having given two months notice as provided by this enactment, or engage without authority in any employment other than his Police duty; or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully and with evil intent exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody without a warrant, before a Magistrate as hereinbefore provided; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable on conviction before a Magistrate to a penalty not exceeding three months' pay, or to imprisonment with or without hard labor not exceeding three months, or both.
XLV. Any Police Officer who shall, on any pretext or under any circumstance, directly or indirectly collect or receive any fee, gratuity, diet-money, allowance, or recompence other than he may be duly authorized by the Inspector-General or other officer acting under his order to collect or receive, shall on conviction before a Magistrate be liable to a penalty not exceeding six months' pay, or to imprisonment with or without hard labor not exceeding six months, or both.

XLVI. Any Police Officer who shall directly or indirectly extort, exact, seek, or obtain any bribe or unauthorized reward or consideration, by any illegal threat, or pretense, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate; or who shall attempt to commit any of the offences aforesaid, or shall be guilty of cowardice, shall be liable upon conviction before a Magistrate to a fine not exceeding twelve months' pay, or to imprisonment with or without hard labor not exceeding twelve months, or both. Provided always, that nothing in the three last preceding Sections shall be deemed to preclude the Magistrate from committing for trial any cases of this nature too serious for his cognizance.

XLVII. If any person shall assault or resist any Police Officer in the execution of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police Officer; such person shall, on conviction of such offence before any Magistrate, be liable to a fine not exceeding Fifty Rupees, or to imprisonment with or without hard labor not exceeding three months, or both.

XLVIII. Any person who in any street, road, thoroughfare, or passage, within the limits of any town, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding Fifty Rupees, or to imprisonment not exceed-
ing eight days; and it shall be lawful for any Police Officer to take into custody without warrant any person who within his view commits any such offence.

First. Any person who shall slaughter any cattle, or clean any carcass in the streets; any person riding or driving any cattle recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers:

Second. Any person who wantonly or cruelly abuses or tortures any animal:

Third. Any person who shall keep any cattle, or conveyance of any kind, standing in any road or street longer than is required for loading or unloading, or for taking up or setting down passengers, or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the public.

Fourth. Any person exposing goods for sale on the road so as to obstruct passengers:

Fifth. Any person who throws or lays down any dirt, filth, rubbish or any stones or building materials; or who constructs any pail, cowshed, stable, or the like within the bounds of any thoroughfare; or who causes any offensive matter to run from any house, factory, dung heap, or the like into the street:

Sixth. Any person found in any thoroughfare drunk and riotous or incapable of taking care of himself:

Seventh. Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself in or by the side of, or near any public street or thoroughfare; or by bathing or washing-in any tank or reservoir, not being a place set apart for that purpose:

Eighth. Any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure.

XLIX. The Superintendent and Superior Officers of Police may, as occasion requires, direct the conduct of all
assemblies and processions in the public roads, streets, or thoroughfares, prescribe the routes by which, and the times at which such processions may pass; keep order in the public roads, streets, thoroughfares, ghauts and landing places, and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets, or thoroughfares, ghauts or landing places, may be thronged, or may be hable to be obstructed; they may also regulate the use of music in the streets, on the occasion of native festivals and ceremonies; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace; and every person opposing or not obeying the orders so issued as aforesaid, or violating the conditions of such license, shall be liable to a fine not exceeding One Hundred Rupees. Provided always, that nothing in this Section contained shall be deemed to interfere with the general control of the Magistrate over such matters.

L. In all cases of convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict; Provided always, that such charges against Police Officers above the rank of a Private shall only be adjudicated on by European functionaries, and that Village Watchers alone shall be hable to conviction by Heads of Villages.

LI. Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act; or to prevent any person from being hable under any other Law, Regulation, or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided always that no person shall be punished twice for the same offence.

LIT. All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in
case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate, in manner provided by Act II of 1839.

LIII. All actions and prosecutions against any person, which may be lawfully brought for any thing done or intended to be done under the provisions of this Act or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action and of the cause thereof, shall be given to the defendant, or to the Superintendent or other Superior Officer of the District in which the act was committed, one month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action; Provided always, that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

LIV. When any action, prosecution, or proceeding shall be brought against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate. And the defendant shall thereupon be entitled to a decree in his favor, notwithstanding any defect of jurisdiction in such Magistrate. And no proof of the signature of such Official shall be necessary, unless the Court shall see reason to doubt its being genuine; Provided always, that any remedy which the party may have against the authority issuing such warrant shall remain entire.
LV. This Act shall take effect in any and every such District as the Governor in Council shall appoint by notification published in the Official Gazette.

SCHEDULE.

LAWS REPEALED.

The following words in Section XXXVI of Regulation IX, 1816 "The Officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party," and Section XLII.

* Regulation XI, 1816, Sections III, IV, V, VI, VII, XI, XV, XVI, XVII, XVIII, XXI, XXII, XXIII, XXIV, XXV, XXVI, Clause 2, XXIX, XXXV, XXXVIII, XXXIX, XL, XLI, XLII, XLVIII, and LV.

Regulation IV, 1821, Section III

So much of Clause 2 Section II of Regulation IV, 1821, as declares that all subordinate Officers of Police of every description shall be subject to the authority of the Tulsicldars of their respective Districts.

So much of Section VII of Regulation VI, 1831, as affects village watchmen or other persons holding village offices in the Police Department

Act VII of 1813, Sections XXXIX and XI.

LAWS AMENDED.

So much of Clause 4 Section XIII of Regulation XI, 1816 as directs the Head of the Village to apprehend any person supposed to have committed a murder.

So much of Clause 1 Section XXVII of Regulation XI, 1816, as directs the Head of the Village to make every exertion to apprehend any person accused or suspected of having committed the offences referred to in the said Clause.

* So much of this Schedule as repeals Regulation XI, 1816, Sec. XL Clause 1 is repealed by Act XVII, 1862. Schedule
FORM A.

A. B. has been appointed a Member of the Police Force under Act XXIV of 1859, and is vested with the powers, functions, and privileges of a Police Officer.

GENERAL

Act No. XXV. of 1859.

(Received the assent of the Governor General on the 14th December 1859.)

1. Number of Native Passengers to be carried in unlicensed Vessel.
2. Number of Native Passengers to be carried in licensed Vessels. Two exceptions.
3. Penalty on Master of unlicensed Vessel for infringement of the above provisions.
4. Penalty on Master of licensed Vessel.
5. Government to appoint Ports for shipment of Passengers when the number of Passengers to be carried is greater than one to every four tons of burden.
6. Grant of licenses to Vessels.
7. Certain licensed Passenger Vessels to carry provisions according to appointed scale.
8. Penalty for omitting to supply Passengers with prescribed allowance of food and water.
9. Supply of provisions on board Passenger Ships plying to and from Ceylon, &c.
10. List of Passengers to be signed by Master. Additional Passengers.
11. Penalty for bringing Native Passengers into any Port on the Eastern Coast of the Bay of Bengal from any Foreign European Settlement in excess of authorized proportion.
12. Penalty for impeding entry or inspection.
13. Penalty on landing Passenger at a place other than that at which he has contracted to land.
15. Adjudication of offences and recovery of penalties. Sum ordered to be paid leviable by distress on Ship.
17. Application of penalties.
An Act to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal.

WHEREAS it is necessary to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal; It is enacted as follows:—

I. No vessel shall carry Native Passengers from any port or place under the Presidency of Fort St. George or from Chittagong or from any port in the Province of Orissa, to any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon; or from any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca, to any port or place under the Presidency of Fort St. George, or to Chittagong, or to any port in the Province of Orissa, in a proportion greater than one Passenger to every four tons of the burden of such vessel, without a license.

II. No vessel shall be licensed to carry Passengers on any such voyage as aforesaid, in a proportion greater than one Passenger to every ton of burden, nor unless the Vessel has space on a deck or platform under hatches reserved for the accommodation of the Passengers in the proportion of six superficial feet for every Passenger, with not less than five feet clear between the upper deck and the lower deck or platform: except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manaar or Falks' Strait to any port or place in Ceylon, which may be licensed to carry a number of Passengers not exceeding the proportion of two and a half to every ton of her burden, provided that the whole of the space, usually allotted for cargo and not occupied by ballast, be kept for the accommodation of the Passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the Passengers on the deck or decks of the Vessel be not less than four superficial feet for each Passenger, and except a vessel carrying Native Passengers between Chittagong and any Port or place on the Coast of Ayrakan, which may be licensed to carry a
number of Passengers not exceeding the proportion of two and a half to every ton of her burden, subject to such regulations as the Government of Bengal may prescribe.

III. The Master or Tindal of any vessel which shall carry Native Passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in Section I, shall be liable to a fine not exceeding Twenty Rupees for each Passenger in excess of such proportion.

IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of Passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding Twenty Rupees for each Passenger in excess of such number, or for each Passenger who is not provided with accommodation agreeably to the license.

V. Passengers in a greater number than one Passenger to every four tons of the burden of any vessel, shall not be shipped from the territories under the Government of Fort St. George or from the Province of Orissa, for Ceylon or the Eastern Coast of the Bay of Bengal or the Straits of Malacca; or from the Eastern Coast of the Bay of Bengal or the Straits of Malacca, for the said Territories or Province or for Chittagong, except from such ports as shall be from time to time appointed by the local Government by an Order published in the Government Gazette and in the Straits Settlement in such manner as the Governor shall notify; and the Master or Tindal of any vessel who shall take on board Passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above-mentioned, shall be liable to a fine not exceeding Twenty Rupees for each Passenger embarked.

VI. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping Native Passengers, or such other persons as the local Government may from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided, that such licenses shall
not be granted, except for vessels within the exceptions in Section II, till the vessels have been surveyed according to such directions as shall be given from time to time by the local Government. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal and the number and composition of the crew; and shall specify the number of Passengers she may carry and the space to be assigned for their accommodation.

VII. The Master or Tindal of any vessel licensed to carry Passengers from any port in the territories under the Government of Fort St. George or from Chittagong or from any port in the province of Orissa, to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca; or from any port on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, to any port or place in the territories under the Government of Fort St. George, or to Chittagong, or to any port in the Province of Orissa; which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of the local Government published in the Government Gazette and in the Straits Settlement in such manner as the Governor shall notify, shall be liable to a fine not exceeding Twenty Rupees for each Passenger in excess of the number fully supplied with provisions and water according to such scale.

VIII. The Master or Tindal of any vessel licensed to carry Passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every Passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to Twenty Rupees for every Passenger who has suffered privation thereby.

IX. The Master or Tindal of any vessel licensed to carry Passengers from any port under the Government of Fort St. George to Ceylon, or between Chittagong and any
port or place on the Coast of Arracan, who shall proceed on any such voyage without having laid in a supply of water and provisions for the Passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the local Government may from time to time appoint for the purpose, which shall be hung up at the Custom House of the Port, shall be liable to a fine not exceeding One Hundred Rupees.

X. The Master or Tindal of any vessel licensed to carry Passengers as hereinbefore provided shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation, or such other person as the local Government may from time to time appoint for the purpose, a list, according to the form annexed to this Act, of all Passengers to be conveyed in such vessel; and such Officer, after satisfying himself of the correctness of the same, and that the number of Passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the port to which the vessel is bound; and should any additional Passengers engage to proceed by such Vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list obtaining the signature of the controlling Officer as before. The Officer in charge of the Customs may withhold the Port Clearance till this rule is complied with.

XI. If any vessel, bringing Native Passengers into any port or place whatsoever on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca, from any Foreign European Settlement situate on the line of coast within the limits of the Presidency of Fort St. George, shall have on board a greater number of Passengers than in the proportion prescribed in Section I of this Act, the Master or Tindal of such vessel shall be liable to a penalty of Twenty Rupees for each Passenger in excess of such proportion, unless the vessel shall have been licensed under Section VI of this Act, and shall have complied with the stipulations as regards space, water, and provisions laid down in Section II.
XII. The principal Officer in charge of the Customs at
the port of embarkation or of destination, or any person
authorized by him, shall be at liberty at all times to enter
and inspect any Passenger Vessel, and the fittings, provisions,
and stores therein; and whoever impedes such entry or in-
spection, or refuses to allow of the same, shall be liable to a
fine not exceeding Fifty Rupees.

XIII. If any native Passenger in any Ship shall be
landed at any port or place other than the port or place at
which he may have contracted to land, unless with his previ-
sous consent, or unless such landing is made necessary by
perils of the sea or other unavoidable accident, the Master
shall for each offence be liable to a penalty not exceeding
Two Hundred Rupees.

XIV. Nothing in this Act contained shall take away
or abridge any right of action which may accrue to any
Native Passenger, or to any other person, in respect of the
breach or non-performance of any contract made with the
Master or Owner of the Ship or his Agent.

XV. All offences against this Act shall be punishable
in a summary manner by a Magistrate. If the person direct-
ed to pay any penalty is the Master or Tindal of a ship, and
the same is not paid at the time and in the manner prescribed
by the order of payment, the Magistrate may, in addition to
the means prescribed by law for enforcing payment, direct by
warrant the amount remaining unpaid to be levied by distress
and sale of the said ship, her tackle, furniture, and apparel.

XVI. For the purpose of the adjudication of penalties
under this Act, any offence shall be deemed to have been
committed within the limits of the jurisdiction of the Magis-
trate of the place where the offender is found.

XVII. Any Magistrate imposing any penalties under
this Act may, if he thinks fit, direct the whole or any part
thereof to be applied in compensating any person for any
wrong or damage which he may have sustained by the act or
default in respect of which such penalty is imposed, or in or
towards payment of the expenses of the proceeding.
XVIII. The word "Magistrate" in this Act shall include a Magistrate of Police appointed under Act XIII of 1856, a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate, and a Justice of the Peace.

The words "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the said territories where the port or place in question is situate.

XIX. This Act shall commence and take effect from the expiration of Act I of 1857.

**SCHEDULE.**

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<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
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</thead>
<tbody>
<tr>
<td>Name of Vessel</td>
<td>Name of Master</td>
<td>Tons per register</td>
<td>Port of embarkation</td>
<td>Numbers and names of Passengers</td>
<td>Port at which Passengers have contracted to be landed</td>
<td>Date of departure</td>
</tr>
</tbody>
</table>

(Signed) -

Master.

(Countersigned) -

**Principal Officer of Customs.**

*Note.*—In the case of Vessels carrying Passengers to Ceylon, or between Chittagong and any port or place on the Coast of Arakan, it will be sufficient to insert the number, and not the names, of Passengers in Column 5.
Act No. XXVI of 1859.

Expired.

Act No. XXVII of 1859.

Expired.

Act No. XXVIII of 1859.

(Received the assent of the Governor General on the 26th December 1859.)

1. Act XXXIII of 1857 to continue in force for two years from 5th December 1859.

An Act to revive and continue in force for a further period Act XXXIII of 1857 (to make further provision relating to Foreigners.)

WHEREAS by Act XXXIII of 1857 ("An Act to make further provision relating to Foreigners" which received the assent of the Governor General on the 5th December 1857), it was enacted that the said Act should continue in force for two years; and whereas it is expedient to revive and continue the said Act for a further period; It is enacted as follows:

I. The said Act XXXIII of 1857 shall continue in force for the period of two years from the 5th day of December 1859,* and shall be deemed and taken to have had effect as if this Act had actually passed and received the assent of the Governor General before the expiration of the said Act XXXIII of 1857.

* Continued in force for 2 years more by Act I, 1862.
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