

signs the bills for the quarterly demand shall compare the amount of the bills with the corresponding figures in the Assessment Registers.

11. Petitions against the assessment should, if possible, be presented in forms of a uniform pattern. The use of Form No. XLII is *suggested* for this purpose.

12. All new assessments made after the publication of the list under section 112, and all increases to the original assessments, shall be posted in a *prescribed* register in Form No. XLIII under the initial of the Vice-Chairman or Secretary. The two money columns headed "Amount of former Quarterly Instalment" and "Amount of future Quarterly Instalment" in this register shall be totalled at the end of every quarter, and the details of the new and increased assessments posted into the Assessment or Valuation Registers in the section or sections devoted to the road, street, or village where the new or improved holdings are situated.

13. It must be remembered that the new and enhanced assessments can, under section 93 of the Act, only take effect from the beginning of the quarter next following that in which such new assessments or enhancements are made.

REMISSIONS.

14. Decreases in the assessment take the form (1) either of reduction of assessment caused by the holding becoming uninhabitable; or (2) of a permanent remission in consequence of the extreme poverty of the occupier; or (3) of a temporary remission in consequence of the holding being vacant or unoccupied. In cases (1) and (2) the details of the remission granted must be posted from the Remission Register, Form No. XLIV (*see* next paragraph), into the Assessment or Valuation Register. In case (3) the details of the remission granted need not be posted into the Assessment or Valuation Register, the entry in the Bill Register, Form No. XLVI, being sufficient.

15. In all three cases full particulars of the remissions granted shall be entered in a register in *prescribed* Form No. XLVI, the Register of Remissions, under the initial of the Vice-Chairman or Secretary. The columns headed "Amount of original Quarterly Tax," "Amount Remitted," and "Amount of future Quarterly Tax" shall be totalled at the end of every quarter, and as often as it may be found desirable to prepare the *prescribed* statement of demands, collections, remissions, and outstanding balance (*see* Rule 23). The amount remitted for *each quarter* for each holding shall be shown in the column provided for the

purpose in the Remission Register, but of course only one entry as to the amount of the future quarterly tax need be entered for each holding.

16. The only really effectual way of supervising the collection of the tax on holdings or on persons, and the latrines, lighting, and water-rates is to compare the balance of the rates shown to be outstanding according to the Municipal books with the actual aggregate of the counterfoil *red* receipts in the hands of the collecting agency. It is imperatively necessary, therefore, *first*, that the counterfoil bill forms (*see* Rule 18) be kept in a place of safety until required for use, so that none may be surreptitiously abstracted and filed in ; and, *secondly*, that whenever a remission is granted, the counterfoil bill receipt upon which the remission has been made be put up with the list of remissions and stamped "*Cancelled*" in large type. It will then be impossible for the collecting agency either to prepare fraudulent receipts or to put up receipts which have really been remitted in support of the account of the outstanding balance of the demand.

BILLS FOR RATES AND METHOD OF THEIR SERVICE.

17. Bills, in cheque form, of three parts, printed either in English, or in the Vernacular, or both, shall be prepared in the *prescribed* Form No. XLV. They shall be filled up from the information recorded in the Assessment Registers, and they shall bear consecutive numbers, where possible, printed. The bills shall be signed or stamped with a *fac-simile* signature by the Chairman, Vice-Chairman, Secretary, or the Municipal Commissioner for the Ward in which the bills are issued, and the details shall be entered in the Bill Register *prescribed* (Form No. XLVI). If a *fac-simile* stamp be used for signing bills, care must be taken that it is always kept in a place of safety.

18. The Bill Register shall be totalled every quarter under the initials of the Vice-Chairman or Secretary.

19. The bills for each collecting circle shall be arranged in parcels, one for each subdivision as defined in Rule 8, and upon the last day of the quarter the collecting sircars shall present themselves at the Municipal Office and each shall take away one or more parcels of bills for delivery. Should the tax be paid upon demand, the bill, and the receipt duly received by the sircar shall be made over to the tax-payer, the date of payment noted by the sircar in the counterfoil of the bill, and the details for each paid bill entered in the Sircar's Daily Receipt Register (*prescribed* Form No. XLVII).

20. If the tax be not paid upon demand, the sircar shall separate the bill from the receipt, which is printed in red ink for the purpose of reducing the chance of a mistake to a minimum, and serve the bill upon the assessee in the manner prescribed in section 356 of the Act. At the same time he shall, whenever possible, mention the date on which he will call again for the amount (*see* Rule 25).

21. When the sircar shall have served all the bills which formed the parcel or parcels received by him, he shall return to the office and deliver to the Tax Darogah all the money collected, together with the counterfoil bill book, and the receipts of the bills in his parcel which have not been paid, and also his account in Form No. XLVII duly totalled, and provided with an abstract at foot of the account, showing how much has been collected on account of the demand for each quarter separately. The total of his account should, of course, agree with the amount of money paid in and with the aggregate of the counterfoils of the bills which are missing from the bill cheque book. The Tax Darogah shall at once test the account by these counterfoils, also by counting the money paid in, and by checking the totals. If all is in order, he shall initial the account in token of having received the money. The parcel of bills appertaining to the next subdivision shall then be made over to the sircar for collection.

22. Each sircar shall be provided with two Daily Receipt Registers (Form No. XLVII), in which to exhibit his receipts; he shall take one book with him on his collecting rounds, and leave the other in the office to enable the Tax Darogah to post up the necessary entries as to the date of payment of bills, &c., in the Bill Register (Form No. XLVI), and to prepare his register of collections and remissions on account of the demand for each quarter (*prescribed* Form No. XLVIII) *see* next rule.

TAX DAROGAH'S REGISTER OF COLLECTIONS AND REMISSIONS ON ACCOUNT OF THE DEMAND FOR EACH QUARTER.

23. A separate register, in *prescribed* Form No. XLVIII, shall be maintained by the Tax Darogah for the demand for each quarter. From this register the Tax Darogah shall prepare and lay before the Vice-Chairman, at not less intervals than once a month, the statement (*prescribed* Form XLIX), showing the progress made in the collections of the rate for each quarter. These statements shall be verified by the Vice-Chairman or Secretary, and Accountant, and shall be laid before the Commissioners each month at their ordinary monthly meeting held under section 38 of the Act.

SERVICE OF DUPLICATE BILLS AND NOTICES OF DEMAND AND
THE ISSUE OF DISTRESS WARRANTS.

24. On the first day of the second month of the quarter, the sircar shall again serve, in the manner before described, the unpaid receipts, together with notices of demand, which will, in the interval, have been attached to the receipts by the Tax Darogah in the office. If the demand still remains unpaid, the notices of demand shall be left with the assessesees, and the unpaid receipts shall be returned to the Tax Darogah for the preparation of distress warrants, with a note of the date on which the notices of demand were served. When fifteen days shall have elapsed after the delivery of a notice of demand, the sircar shall proceed with the warrant of distress, and if the demand as well as the fee prescribed by law for the warrant expenses be not then satisfied, he shall make an attachment of the defaulter's property, preparing an inventory of all goods and chattels so attached, and proclaiming a notice of sale by beat of drum.

BILLS PAID AT OFFICE.

25. In the event of any unpaid bill being brought to the Municipal Office, and there satisfied, the Tax Darogah shall take the receipt out of the counterfoil bill-book, and hand it over to the payee, noting the payment on the counterfoil and entering the amount in a daily account (Form No. XLVII), similar to that used by the sircars. The position of a Tax Darogah in regard to any collections realized at the office will be precisely that of a sircar in his collecting circle, and he will dispose of the account which he prepares in Form No. XLVII precisely as he does of those submitted to him by the sircars for their out-door collections.

COLLECTION OF TAXES AT THE MUNICIPAL OFFICE.

26. An alternative procedure is also suggested under which the division of the Municipal area into circles, the compilation of the assessment, and the preparation of the bills will be carried out in the same manner as under the procedure described above. The distinctive feature of the alternative procedure consists in the refusal to permit the sircars to collect any money. Their duty will be strictly limited to the service of the bills upon the assessesees, and the service of the bills will be carried out precisely as described above; but as each bill will contain a caution against the payment of any money to the server of the bill, and a direction to the rate-

payer to proceed to the Municipal Office, and there to deposit the amount of the bill, it will only be necessary to arrange, for the systematic service of the rate bills by the sircars upon each assessee during the course of the month.

27. At the close of each week, the books containing the counterfoils of the bills and the receipts will be returned by the serving peons to the Municipal Office with a certificate that every bill missing from the book has been properly served upon the assessee.

28. The Tax Darogah, assisted by any number of additional clerks, should remain in the Municipal Office, at a counter, during certain fixed hours of each day, and upon presentation of a bill which has been served upon an assessee by the sircar, he should receive the amount tendered and make over to the tax-payer the receipt which corresponds to the number of the bill. The amount so received should be entered in a day book in Form No. XLVII, one book being used for each description of rate or tax. If two or three receiving clerks are employed to receive taxes, each should have a separate day book.

MODEL RULES FOR THE CONDUCT OF BUSINESS AT MEETINGS.

NOTE.—These Rules are taken, *mutatis mutandis*, from the General and Model Rules issued by the Lieutenant-Governor under the Local Self-Government Act.

RULE 1.—An ordinary meeting of the Commissioners shall *e.g. "first Monday," be held on the day* of every "last Saturday." month. Provided that if the day of any month falls on a gazetted holiday, or if for any other reason it is deemed inconvenient, the Chairman may fix another day for the ordinary meeting.

RULE 2.—Meetings shall be held at the Office of the Commissioners, or at such place as the Chairman may from time to time determine.

RULE 3.—Notices of motions accompanied by *verbatim* drafts must be sent to the Chairman, or, in the case of there being a Secretary, to the Secretary, in time to be included in the list of business for the next meeting. Notices received too late shall be inserted in the list of business of the next succeeding meeting.

RULE 4.—A notice book shall be kept by the of the Commissioners, in which all notices of motions shall be entered. All such notices shall be dated and numbered as received.

Adjourned Meetings.

RULE 5.—An adjourned meeting is not competent to transact any business save that which the original meeting left unfinished.

RULE 6.—An adjourned meeting, being merely a continuation of the original meeting, does not require any fresh notice.

CONDUCT OF PROCEEDINGS AT MEETINGS, &c.

Order of Business.

RULE 7.—At ordinary meetings, the business shall be conducted in the following order:—

(a)—The minutes of the last ordinary meeting, and of any special meeting held since, shall be read and, if approved as correctly entered, shall be signed by the Chairman of such meeting.

(b)—Business postponed from the last ordinary meeting shall be considered.

(c)—A progress report of works shall be laid before the Commissioners.

(d)—Letters and reports of Committees shall be read, and accounts and statements shall be considered and passed.

(e)—Motions of which due notice has been given to be discussed.

RULE 8.—At a special meeting, only the business for which the meeting was called shall be considered. Provided that, with the consent of the majority of the members present, any other business may be considered.

RULE 9.—In the event of any objection being raised to the manner in which any resolution has been recorded, the Chairman shall decide the question after reference to the original draft of the resolution, and if he finds the minute to be inaccurate, shall make the necessary correction in the minute book.

RULE 10.—Unless by permission of the majority of the meeting, all subjects shall be discussed in the order in which they appear in the notice paper.

Of Motions and Amendments.

RULE 11.—Every motion and amendment duly moved must be seconded, and until seconded, no debate thereon can take place.

RULE 12.—Every motion or amendment duly made and seconded, and pressed to a division, shall be reduced to writing and signed by the proposer and seconder before being put to the vote. Every such resolution or amendment shall be recorded in full in the proceedings, together with the number and names of voters for and against it.

RULE 13.—Every amendment shall be so worded as to be capable of making an intelligible sentence either alone or in its proper place in an original motion, as the case may be; provided that no amendment can merely negative the original motion.

RULE 14.—The President of the Meeting may, for reasons to be recorded in writing and entered in the minutes of the proceedings—

(a)—Rule that a motion or amendment is illegal or out of order, and

(b)—Make such alterations in a motion or amendment as shall in his opinion render it legal, and in order; and may in case (a) refuse to put the motion or amendment to the meeting; and in case (b) refuse to put the motion or amendment to the meeting unless and until the proposer and seconder accept and sign the alterations so made.

And the decision of the President shall be final.

RULE 15.—After a motion has been moved and seconded, an amendment may be moved at any stage of the debate thereon.

RULE 16.—On the discussion being concluded, in the event of several amendments having been proposed, the President shall put the last amendment to the vote first; if it is negatived, he shall put the last preceding amendment; and lastly, the first amendment; and if all the amendments are lost, the original proposition shall be put to the vote.

RULE 17.—When a motion or an amendment has been put from the chair, and been declared by the President to be duly carried, no further proposals for amending the motion or amendment can be entertained.

RULE 18.—A copy of the minutes of the proceedings of any meeting of the Commissioners shall be supplied to every Commissioner who may apply for it. An abstract of the minutes shall be affixed in some conspicuous spot accessible to the public at the place of meeting of the Commissioners.

Of the right to speak.

RULE 19.—The President may require members to stand when they address the meeting.

RULE 20.—The member who first addresses the meeting shall be entitled to be heard first, and should more than one member rise to address the meeting at the same time, the order of precedence shall be determined by the President.

RULE 21.—Any member shall be at liberty to call the attention of the President to a point of order, even when a member is speaking. On a point of order being raised, the member addressing the meeting shall resume his seat until the question has been decided by the President. After the decision of the President, the same point of order cannot be raised again. Except as provided by this rule, no member shall interrupt a speaker in possession of the meeting.

RULE 22.—Except as provided in the last preceding rule, no member shall speak except to move or second a motion or amendment, or to support or oppose a motion or amendment which has been duly moved and seconded.

RULE 23.—A speaker who has exhausted his right to speak on an original motion, may speak on any amendment being moved, as that raises a new question.

RULE 24.—The mover of a motion or amendment shall in all cases have a right of reply, but otherwise no member shall speak more than once on the same motion or amendment, unless in explanation of some part of his original speech.

Miscellaneous.

RULE 25.—Unless not less than two-thirds of the Commissioners consent by signing a requisition, no subject once finally disposed of can be reconsidered within six months.

RULE 26.—When any business, of which notice has not been given, is considered at a meeting, the decision record-

ed or resolution adopted at such meeting shall be of no effect unless and until it is confirmed at the next succeeding ordinary meeting, or at a special meeting called expressly for the purpose.

RULE 27.—For the purpose of taking into consideration business involving many details, the meeting may resolve itself into a Committee of the whole body. When this has been determined on, the rule prohibiting any person from speaking more than once on the same question shall be deemed suspended until the meeting resumes.

RULE 28.—When a motion or amendment is put to the vote, the President or Secretary shall record against it, *first*, the names of members voting for it, and then the names of those voting against it.

RULE 29.—Voting by proxy is prohibited ; and no member may vote upon any motion or amendment unless he be present in person at the time when it is put to the vote.

RULE 30.—The minutes shall contain a brief abstract of the discussion preceding each resolution.

Of protests or dissents.

RULE 31.—Protests must be limited to a concise and definite statement of the motives which prompted the votes of members who voted in the minority on a given question.

RULE 32.—Protests must be handed to the Chairman before the conclusion of the meeting at which the resolution protested against was passed.

RULE 33.—Protests duly made shall be appended to and published with the minutes.

Of Adjournments.

RULE 34.—It shall be competent to any member to move the adjournment of the debate or of the meeting in a speech not exceeding five minutes in duration.

RULE 35.—When a motion for the adjournment of the meeting or of a debate is made, it shall be seconded without a speech, and put by the Chairman to the vote without debate or amendment.

RULE 36.—No motion for the adjournment of the meeting or of a debate shall be admissible which proposes an adjournment beyond the next ordinary meeting.

Division of duties among the Commissioners.

RULE 37.—The Commissioners may, from time to time, appoint out of their number such and so many Committees either of a general or special nature, and consisting of such number of persons as they think fit, for any purposes which in their opinion can be conveniently regulated and managed by means of such Committees; but the acts of every such Committee shall be submitted to the Commissioners for their approval.

RULE 38.—The Members of the General Committees shall hold office for one year only, but shall be eligible for re-appointment.

RULE 39.—Save in the case of illness, a Member of a General Committee who, without the previous permission of the Commissioners, shall fail to attend six consecutive meetings of such Committee, shall thereby cease to be a member, and the Committee shall apply to the Commissioners to appoint another member in his place.

RULE 40.—The Commissioners may, from time to time, delegate to one or more of its members the duty of inspecting any work which is being carried out under their orders, or any institution under their control and management.

Proceedings of Committees.

RULE 41.—A Committee may meet and adjourn as it thinks proper.

RULE 42.—The quorum of a Committee shall be three members.

RULE 43.—A Committee may elect a Chairman of its meetings.

RULE 44.—If no Chairman is elected, or if the Chairman elected is not present at the time for holding any meeting, the members present shall choose one of their number to be Chairman.

RULE 45.—Every question at a meeting shall be determined by a majority of the votes of the members present and voting on that question.

RULE 46.—In case of an equal division of votes, the Chairman shall have a second or casting vote.

PENSION AND LEAVE RULES.

See (sections 46 and 47.)

The following rules are in force in the Calcutta Municipality, and will be useful as a model:—

PENSION RULES.

(1) For all continuous service in posts regularly sanctioned by the Corporation, except service on salaries on or below Rs. 10, pension may be granted.

(2) Service does not qualify unless the officer holds a substantive office on a permanent establishment, but if an officer on a permanent establishment is detached on temporary duty, on the understanding that when the temporary duty ceases, he will return to the permanent establishment, he continues to count services as if he had remained on the permanent establishment.

(3) Press servants on the fixed establishment are entitled to pension.

(4) Servants of the Corporation, whose pay is either Rs. 10 or less, are not entitled to pension, but may be allowed such gratuity as the Commissioners shall, at a Special Meeting, on a consideration of the circumstances, adjudge proper. Authorized leave in the case of such servants counts as continuous service.

(5) Time passed under suspension, pending inquiry into conduct, counts for pension, if the suspension is immediately followed by reinstatement. Time passed under suspension, adjudged as a specific penalty, does not count.

(6) A break in the continuity of service entails forfeiture of past services, except in the following cases:—

(a) Authorized leave.

(b) Absence prolonged after the end of leave: Provided that if an officer remains absent for more than a week after the end of privilege leave, his past services are forfeited, unless the Chairman, or the Commissioners in Meeting, as the case may be, re-appoint the officer and make a declaration in writing that his past services or part of them shall qualify. Whenever the Chairman shall make such a declaration, the same shall be laid before the Commissioners in Meeting for information and confirm-

ation. If the officer remains absent for more than a month, his past services cannot count without a special order of the Commissioners in Meeting.

(c) Suspension immediately followed by reinstatement which need not necessarily be to the same office.

(d) Abolition of office not followed by a gratuity or by re-appointment within two years.

(7) Resignation of service, or removal from it, on account of misconduct or inefficiency, entails forfeiture of past service.

(8) Compensation, pension or gratuity may be awarded to an officer, either when discharged from the service of the Corporation or on a reduction of establishment.

(9) An invalid pension or gratuity may be awarded on retirement from the service of the Corporation to an officer who, by bodily or mental infirmity, is permanently incapacitated, as established by medical certificate:—

(a) For active employment;

(b) For the particular branch to which he belongs.

(10) Such retirement may be either voluntary or forced.

(11) It will suffice for the Chairman to be satisfied of, and to certify to, the incapacity of officers appointed under section 36 of Act IV of 1876, and in the case of officers appointed under section 32 of the Municipal Act, it shall suffice that two-thirds of the Commissioners, at a Special General Meeting, are satisfied of the incapacity of the officer concerned.

(12) Forced retirement of officers appointed under section 32 of the Municipal Act IV (B. C.) of 1876, is by that section subject to the approval of the Local Government.

(13) If incapacity for further service is the result of irregular or intemperate habits, no pension or gratuity can be granted.

(14) A superannuation pension or gratuity may be granted to an officer compelled to retire.

(15) The amount of pension or gratuity that may be granted, shall be determined by length of service as set forth below:—

(a) After a service of less than 20 years a gratuity not exceeding one month's emoluments for each completed year of service; but not under any circumstances exceed-

ing 12 months' emoluments in all, broken periods of a year not being taken into account in making the calculation.

(b) After a service of not less than 20 years, but less than thirty years, a pension not exceeding one-third of the officer's average emoluments; and also not exceeding Rs. 3,000 a year, or if the officer's average emoluments do not exceed Rs. 12,000 a year, Rs. 2,000 a year.

(c) After a service of not less than 30 years, a pension not exceeding one-half of the officer's average emoluments, and also not exceeding Rs. 5,000 a year, or, if the officer's average emoluments do not exceed Rs. 12,000 a year, Rs. 4,000 a year.

(16) The above shall be the rule ordinarily followed in respect of claims to invalid pension and gratuity. It is optional with the Commissioners in Meeting to deal exceptionally with cases of a special nature.

(17) A retiring pension may be granted, after an approved service of not less than 35 years. It may be the same in amount as an invalid pension admissible after 30 years' service.

(18) Pension and gratuity shall be calculated on the following principles, *viz.* :—

(a) "Pay" means substantive allowances.

(b) "Emoluments" do not include personal, house or horse allowance, or fees, or commission, or percentage drawn by officers.

(c) "Average emolument" means the average calculated upon the last five years of service.

(19) If, during the last five years of his service, an officer has been absent on leave with allowances, or having been suspended, has been reinstated without loss of service, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been, had he not been absent on leave or suspended.

(20) If, during the last five years of his service, an officer has been, for a period, without allowances or suspended under such circumstances, that the period of suspension does not count as service, such period should be disregarded in the calculation of the average, an equal period before the five years being included, *e. g.*—A is on leave for two years without pay. This period is not to

be calculated in determining the average salary of the past five years, but an equal period immediately before the five should be included.

(21) Excepting as provided in Rules 19 and 20, only emoluments actually received can be included in the calculation.

(22) If an officer has held more than one appointment, in respect of each of which, if he had held it separately and alone, pension or gratuity would have been admissible to him, the pension or gratuity or pension and gratuity, admissible to him is the sum of the several pensions or gratuities, or pensions and gratuities which would have been admissible to him if he had held each office separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in Rule 15.

(23) An officer is not entitled for service in an office, conjointly with another office, to any pension or gratuity which would not have been admissible to him, if he had held the office separately and alone.

(24) An officer who is appointed for a limited time only, or for a specified duty, on the completion of which he is discharged, has no claim to pension or gratuity.

(25) An officer, who is not a servant of the Municipality solely, but who holds office under Government, or some other public body, private firm or person, or is in receipt of pension from Government, is not entitled to pension or gratuity.

(26) Service as an apprentice does not qualify for pension or gratuity.

(27) Periods of absence on leave, other than privilege leave, do not count as service for pension.

APPLICATIONS FOR PENSION OR GRATUITY.

(28) *Relates to service-books, a matter treated of in sections 89—91 of the Account Rules.*

(29) An applicant for pension or gratuity shall submit his application to the Chairman, who, after verification of the applicant's services, shall lay the matter before a Special Meeting of the Commissioners.

MANNER OF PAYMENT.

(30) When the application for pension or gratuity shall have been confirmed, or when, in case of forced retirement,

the amount of pension or gratuity shall have been determined, the amount, if it be gratuity, may be paid at once, or by such instalments as the Commissioners may think fit, but if it be pension, it shall ordinarily be paid monthly at the Office of the Commissioners in Calcutta to the pensioner in person, or otherwise in accordance with the following rule :—

(31) A pensioner who is unable to appear in consequence of bodily illness or infirmity, or is exempted from personal appearance, may receive his pension upon the production of a life-certificate signed by a responsible officer of Government, or by some other well-known and trustworthy person. In such cases, the disbursing officer, who is personally responsible for any payments wrongly made, must take all possible precautions to prevent imposition, and must, before the first payment in each year, require proof not only of the existence of the pensioner, but also, if the pensioner has not been exempted from personal appearance, of his inability to attend in person to receive payment.

(32) Unless specially exempted, a pensioner must take payment in person after identification by comparison with the permanent order.

(33) It shall be the duty of the Finance Committee yearly to make provision in the Budget Estimate to meet the cost of pensions and gratuities.

(34) If a pensioner, or a person entitled to gratuity dies, payment of any arrear actually due may be made to his heirs, provided that they apply within six months after his death. Even if the pension or gratuity has not been sanctioned before the death of the officer, the payment may be made under the orders of the Commissioners in Meeting. If an officer dies before actually retiring, or being discharged, his heirs have no claim to anything.

(35) Future good conduct is an implied condition of every grant of pension. The Commissioners reserve to themselves the right of withholding a pension, if the pensioner be convicted of serious crime, or be guilty of grave misconduct.

(36) It shall always be at the discretion of the Commissioners to suspend the above rules either in individual cases or generally.

LEAVE RULES.

1. Leave of absence from duty may be granted under the Rules to all servants of the Municipality; such leave may either be—

Privilege leave.

Extraordinary leave without pay.

Leave on urgent private affairs.

Leave on medical certificate.

Furlough.

Subsidiary leave.

2. The maximum continuous period of such leave shall be—

(a) Privilege leave for three months on full pay: Provided that in any acting arrangements that may be made, no additional expenditure is incurred.

(b) Extraordinary leave for six months.

(c) Furlough for twelve months.

(d) Leave on urgent private affairs on half-pay for six months.

(e) Leave on medical certificate may be granted, whenever sufficient cause is shown, for three years in all, but not for more than two years at one time, and no officer can have leave on medical certificate out of India more than twice. An officer on such leave is entitled to half of his salary for the first 15 months of each period of absence, but not more than 30 months in all. For the rest of his leave, on medical certificate, he is entitled to a quarter of his salary.

(f) Subsidiary leave for ten days on half-pay preparatory to leaving India on furlough or sick leave.

(3) To an officer who has rendered 11 months' continuous service, privilege leave for one month may be granted. Ordinarily privilege leave shall not be allowed for more than one month at a time.

(4) To an officer who has rendered 10 years' active service, furlough may be granted, and a second furlough cannot be granted till after a further active service of 10 years.

(5) To an officer who has rendered three years' continuous service, extraordinary leave may be granted without pay.

(6) Leave may be granted on medical certificate countersigned by the Health Officer.

(7) An officer, whilst on leave, has a lien on his appointment.

(8) Leave of absence cannot be claimed as of right.

(9) All leave shall be granted at the discretion of the Commissioners who shall have power to refuse, and revoke leave of absence of any description at any time according to the exigencies of the service of the Corporation.

(10) If an officer, who has obtained leave of absence, makes over charge of his office before noon, his leave begins on and includes the day on which he makes over charge, otherwise it begins on and includes the following day.

(11) Except, as provided in the latter part of Rule 2 (e), an officer on furlough or leave, other than privilege or extraordinary, is entitled to a leave allowance equal to half the salary attached to his post on the date on which he takes his leave.

(12) Absence from duty without leave, unless satisfactorily explained, may involve loss of pay and appointment.

(13) Furlough-leave on medical certificate, and leave on urgent private affairs out of India, begin on and include the day of the departure of the vessel in which the officer sails. To an officer taking such leave, subsidiary leave, not ordinarily exceeding 10 days, may be granted from the day on which he gives up office to the day before that on which his furlough or other leave begins.

(14) Furlough and other leave out of India end on and include the day before the arrival of the vessel in which the officer returns. To an officer coming back from furlough, leave on medical certificate, or leave on urgent private affairs, or subsidiary leave, not ordinarily exceeding 10 days, may be granted from the day on which the vessel arrives to the day before that on which he assumes the office to which he may be appointed.

(15) Suspension from office, as a penalty for misconduct, is an interruption of duty qualifying for privilege leave.

(16) Furlough may be commuted to leave on medical certificate.

(17) Leave allowances are payable in Calcutta after the end of each month.

(18) Any special case, not falling within the above rules, shall be determined by the Commissioners in Meeting.

ACT No. XI OF 1881.

(Received the assent of the Governor-General on the 25th
February 1881.)

*An Act to give power to prohibit the levy of Municipal
taxes in certain cases.*

WHEREAS it is expedient to empower the Governor-
General in Council to prohibit, in
certain cases, the levy of Municipal
taxes payable by persons in the military service or by the
Secretary of State for India in Council; It is hereby enact-
ed as follows:—

Short title.

1. This Act may be called "The
Municipal Taxation Act, 1881."

Local extent.

It extends to the whole of British
India:

Commencement.

and shall come into force at once.

2. In this Act
"Municipal Com-
mittee" defined.

"Municipal Committee" includes a
Municipal Corporation or a body of
Municipal Commissioners constituted
by or under the provisions of any enactment for the time
being in force.

3. Notwithstanding anything contained in any enact-
ment for the time being in force, the
Governor-General in Council may, by
an order in writing, prohibit the levy by a Municipal
Committee of any specified tax—

(a) payable by any person subject to the Army Disci-
pline and Regulation Act, 1879, or the Indian Articles of
War, who is compelled by the exigencies of military duty
to reside within the limits of a Municipality; or

(b) payable by the Secretary of State for India in
Council.

The Governor-General in Council may, by a like order,
rescind any such prohibition.

No. 2-54, dated Simla, the 17th June 1885.

From—A. MACKENZIE, ESQ., C. S., Secy. to the Govt. of India, Home Dept.
To—The Secretary to the Government of Bengal, Municipal Dept.

I AM directed to invite attention to paragraph 2 of Home Department Circular Letter No. 5—165-173 of the

The Governor-General in Council does not propose to issue any General Order under clause (b) of section 3 of the Act regarding the exemption of Government property from Municipal taxation; but His Excellency in Council will be prepared to take action under that clause, if any case of inordinate assessment of Government property is brought to notice for which redress cannot be obtained under the ordinary Municipal law.

18th November 1881 (quoted in the margin), regarding the exemption of Government property from Municipal taxation. As it appears possible that the wording of the paragraph in question may convey a misapprehension of the intentions of the Government of India regarding the application of the provisions of clause (b), section 3 of Act XI of 1881, the Governor-General in Council considers it desirable to explain that that clause was framed mainly with a view to enable the Government to deal with cases of assessment of Government property when the property to be assessed is from its nature such as not to admit of the application of ordinary principles in assessing the payment thereon of any particular tax;

as, *e.g.*, when the assessment is on the letting value, and the property is of such a nature that it is difficult to conceive its being let and impossible to form any estimate of the rent that would be obtained for it if the Government offered to let it. It was the intention of the Act of 1881 to enable the Government to deal with such cases, failing an amicable (though possibly arbitrary) settlement with the local authority concerned, by *at once* issuing an order of prohibition under section 3, clause (b), and appointing an officer under section 5, without entering upon any formal argument or attempting to contest the matter by way of appeal or otherwise. In cases, however, in which there are no such peculiar circumstances attaching to the Government property assessed, as *e.g.*, where it consists of ordinary dwelling-houses, the assessment should either be accepted, or, if it appears unduly high, proceedings should be taken to obtain redress under the ordinary Municipal law, and recourse should not be had to the special provisions of the Act of 1881.

2. I am to request that, with the permission of His Honour the Lieutenant-Governor, the above principles may be carefully borne in mind if any question should arise in the Lower Provinces as to the application of the Act.

4. So long as any order made under section three, prohibiting the levy of a tax on any person mentioned in clause (a) of that section, remains in force, the Secretary of State for India in Council shall be liable to pay to the Municipal Committee mentioned in the order the amount which otherwise would have been payable to such Committee by such person:

Provided that the said Secretary of State in Council shall not be liable to pay any sum in respect of any horse which such person is bound by the regulations of the service to which he belongs, to keep.

5. So long as any order made under section three, prohibiting the levy of any tax payable by the Secretary of State for India in Council, remains in force, the said Secretary of State in Council shall be liable to pay to the Municipal Committee, in lieu of such tax, such sums (if any) as an officer from time to time appointed in this behalf by the Local Government may, having regard to all the circumstances of the case, from time to time determine to be fair and reasonable.

6. If any question arises whether any duty is military duty within the meaning of this Act, arising under this Act, the decision of the Governor-General in Council thereon shall be conclusive.

If any question arises whether any person is compelled as aforesaid to reside within the limits of a Municipality, or is bound as aforesaid to keep any horse, the decision thereon of such authority as the Governor-General in Council may, from time to time, appoint in this behalf shall be conclusive.

ACT No. V. OF 1866.

[AS AMENDED BY ACT NO. IV OF 1878.]

(Received the assent of the Lieutenant-Governor on the 24th March 1866, and of the Governor-General on the 29th idem.)

An Act to make better provision for the regulation of Hackney Carriages and Palankuins in the Town and Suburbs of Calcutta.

WHEREAS it is expedient to make better provision for the Regulation of Hackney Carriages and Palankuins in the Town and Suburbs of Calcutta; It is enacted as follows:—

I. [Repealed by India Act XII of 1873.]

Registration of Hackney Carriages.

II. Every Hackney Carriage, within the Town and Suburbs of Calcutta, shall be annually registered by a Registering Officer who shall be appointed for the purpose by the Government,

and who shall keep a Register in which he shall enter every Hackney Carriage, under either the First, the Second, or the Third Class. Every act, matter or thing done by the Registering Officer, under or by virtue of this Act, shall be subject to the order, disposition, and control of the Commissioner of Police, so far as the Town and Suburbs of Calcutta are concerned; and in respect of other towns and places, of such other officer as the said Lieutenant-Governor shall in that behalf appoint.

“ But the local Government may, if it think fit, empower Added by Act IV of the Corporation of the Town of 1878. Calcutta to appoint such Registering Officer, and any officer when so appointed shall, so far as the Town and Suburbs of Calcutta are concerned, be subject to the order, disposition, and control of the said Corporation.

“ The appointment and removal of such Registering Officer shall be subject to the provisions of section thirty-six of the Calcutta Municipal Consolidation Act, 1876.”

III. The year of registration shall commence on the Time and duration of first day of each year; and registry. every registration made on any date within such year of registration shall be in force to the end thereof and no longer. The Registering Officer shall, at the time of registration, deliver License to be delivered to owner. a license to the owner of every Hackney Carriage registered as aforesaid. Such license shall contain the particulars hereinafter described, and shall be in force for the year of registration and no longer.

IV. The owner of any Carriage, who is desirous of registering it as a Hackney Carriage, must apply to the Registering Officer, stating the Class in which he desires that the Carriage may be registered; and he shall submit the Carriage for the inspection of the Registering Officer at such convenient time and place as the said officer shall appoint. The Registering Officer shall, on examination of the Carriage, decide whether the Carriage is fit to be registered in the Class applied for, and shall accordingly either register it in that Class, or

refuse to grant the application. The person in whose name any Carriage is registered shall be deemed the owner of such Carriage for the purposes of this Act: Provided

What Carriages to be registered under First Class. that no Carriage shall be registered under the First Class, unless the same belong to a Coach Builder, Hotel-keeper, or Livery Stable-keeper, and do not ply for hire in the public streets.

V. The following particulars shall be entered in the Form of Register and License. Register, and shall be specified in the license to be given to the owner:—

1st.—The Class and the number assigned to the Carriage in the Register.

2nd.—The name and residence of the owner of the Carriage.

3rd.—The number of Horses to be employed in drawing such Carriage.

4th.—The number of persons the Carriage is licensed to carry.

VI. A fee of three rupees shall be paid for each registration of a Carriage of the First Class, and a fee of two rupees for each registration of a Carriage of the Second or Third Class under this Act.

VII. The Registering Officer may at his discretion compound, for any period not exceeding one year, with Livery Stable-keepers and other persons keeping Carriages of the First Class for hire, for a certain sum to be paid in lieu of all fees payable during that period for the registration of such Carriages.

VIII. The Registering Officer may cancel the registration of any Carriage under this Act, whenever it shall appear to him that such Carriage, or any Horse or Harness used with such Carriage, is unfit for public use, due regard being had to the Class in which such Carriage is registered.

IX. Whenever any change shall take place in the ownership of a Hackney Carriage, if the person to whom such Carriage shall have been transferred shall desire to

Notice to be given on change of ownership.

use it as a Hackney Carriage, he shall, before so using it, give to the Registering Officer notice in writing of such transfer, and of his name and place of abode. If any such person shall, before giving such notice as aforesaid, use such Carriage as a Hackney Carriage, he shall be liable to fine not exceeding five rupees for every day during which he shall so use the same.

X. Whenever the owner or driver of a Carriage registered under this Act, shall change his residence, he shall give notice thereof in writing signed by him to the Registering Officer, specifying in such notice his new residence. Every such owner or driver who shall change his residence, and shall neglect for one week to give such notice, shall be liable to a penalty not exceeding ten rupees.

XI. The Registering Officer, on receiving the notices, specified in either of the two last preceding sections, shall make the necessary alteration in the Register, and no fee shall be chargeable in respect thereof.

Registrar to enter change of residence or ownership without fee.

XII. Whoever keeps, or is the proprietor of, any Carriage required by this Act to be registered, and shall omit to have the same so registered, shall be liable to a fine not exceeding one hundred rupees. Any Police-officer may seize and remove to a Police station such Carriage, together with the Horse or Horses drawing the same. If the Carriage so seized be not claimed, and if any fine imposed be not paid, within 10 days, such Carriage, together with the Horse or Horses seized with it, may be sold by auction, and the proceeds applied to the payment of the fine, and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of 20 days, shall be forfeited to the Government.

Penalty for not registering.

Plate on Hackney Carriage.

XIII. Upon the registration of any Carriage in the Second or Third Class, the Registering Officer shall provide a plate bearing the Class and the number of such Carriage in the Register, and the

A plate, specifying Class and number, to be affixed to Carriage.

number of persons it is licensed to carry, and shall cause such plate to be affixed on such conspicuous part of the outside of such Carriage as shall to the said Registering Officer seem proper.

XIV. If any Carriage shall be let or used for hire without having a proper plate duly affixed as required by the preceding section, the owner thereof shall be liable to a penalty not exceeding fifty rupees.

XV. Whenever the writing on any plate shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any plate shall be proved to the satisfaction of the

Owner entitled to have new plate, on loss or obliteration of former one.

Registering Officer to have been lost or mislaid, the owner of the Carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the Registering Officer and shall be entitled to have a new plate affixed, upon payment of such sum of money, not exceeding three rupees, as the Registering Officer shall, from time to time, appoint: Provided that if any plate, which shall have been proved as aforesaid to

Lost plate, if found to be delivered to Registering Officer.

have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer: and every person in or into whose possession any such plate as last aforesaid shall be or come, and who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every registered owner who shall use, or permit to be used, any plate after the writing thereon shall have become obliterated, defaced or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding fifty rupees.

XVI. On the expiration or other determination of the registration, the owner of any Carriage registered as aforesaid shall cause the plate of such Carriage to be delivered to the Registering Officer. Any

Penalty on owner for not delivering up plate on expiration of registration.

person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said officer, and every person who shall retain any

plate affixed in respect of a registration which is no longer in force, shall, for every such offence, be liable to a penalty not exceeding one hundred rupees. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up a plate within 12 calendar months after the expiration of the registration in respect of which such plate was affixed.

XVII. Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall, for every such offence, be liable to a penalty not exceeding two hundred rupees; and it shall be lawful for any Police-officer, or any person employed for that purpose by the Registering Officer, to seize and take away any plate, used or had as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

Driver's License.

XVIII. It shall be lawful for the Registering Officer to grant a license to act as driver of Hackney Carriages to any person who shall apply for the same and to whom it may seem proper to the said officer to grant it: Provided that no person shall be so licensed who is under fourteen years of age. In every such license shall be specified the number of the license, and the name and place of abode, and age of the person to whom such license is granted. Every license shall bear date on the day on which the same shall be granted, and shall continue in force for one year from the date thereof unless the same shall be sooner revoked. And for each such license a fee of two rupees shall be paid.

XIX. If any person shall act as the driver of a Hackney Carriage, without having a license in force for the time being, or, having a license, shall transfer or lend the same, or allow the same to be used by any other person, he shall be liable to a penalty not exceeding twenty rupees, and in default of payment, to imprisonment for a period not exceeding one month.

XX. Any owner who shall knowingly suffer any person, not duly licensed under this Act, to act as driver of any Carriage registered under this Act, of which he shall be the owner, shall be liable to a penalty not exceeding one hundred rupees for every such offence: Provided that such owner so employing or knowingly suffering to act as driver any person who has not been duly licensed under this Act shall, and such unlicensed driver shall, be subject to all the powers, provisions, penalties, and proceedings of and under this Act, for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

XXI. The particulars of every license, which shall be granted under the provisions of this Act, shall be entered in books to be kept for that purpose at the office of the said Registering Officer, and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a fee of two annas.

Driver's Ticket.

XXII. The Registering Officer shall, at the time of granting a license to any driver of a Hackney Carriage of the Second or Third Class, deliver a metal ticket, upon which shall be marked or engraved a number corresponding with the number of his license. Every driver to whom such ticket is delivered, shall, at all times while acting as driver, or while attending before any Magistrate, carry such ticket exposed to view. In case any such driver shall omit to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a penalty not exceeding ten rupees, and in default of payment, to rigorous imprisonment for a period not exceeding one month.

XXIII. Whenever the writing on any ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any ticket shall be proved to the satisfaction of the Registering Officer to have been lost or mislaid, the Driver entitled to have new ticket on loss or obliteration of former one.

person to whom the license relating to any such ticket shall have been granted shall deliver such ticket (if he shall have the same in his possession), and shall produce such license to the Registering Officer, and such person shall then be entitled to have a new ticket delivered to him, upon payment of such sum of money, not exceeding one rupee, as the Registering Officer shall, from time to time, appoint: Provided, always, that if any ticket, which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the Registering Officer; and every person in or into whose possession any such ticket as last aforesaid shall be or come, who shall refuse or neglect for three days to deliver the same to the said Registering Officer, and also every person licensed under the authority of this Act who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding twenty rupees.

XXIV. Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license, and the ticket relating thereto, to the said Registering Officer; and every such driver who, after such expiration or determination as aforesaid, shall wilfully neglect for three days to deliver the same to the said officer and also every person who shall use, or wear, or detain any ticket which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act, and every person to whom any ticket shall have been delivered as aforesaid, who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person, shall, for every such offence, be liable to a penalty of twenty rupees, and in default of payment, to imprisonment for a period not exceeding one month. It shall be lawful for the Registering Officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his license or ticket, at any period within 12 calendar months after the expiration of the license.

XXV. Every person who shall, for the purpose of deception, use or wear or have any ticket resembling, or intended to resemble, any ticket granted under the authority of this Act, shall, for every such offence, be liable to a penalty not exceeding one hundred rupees. And it shall be lawful for any Police-officer, or any person employed for that purpose by the Registering Officer, to seize and take away any such ticket, or any ticket used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the Registering Officer.

XXVI. Whenever any driver shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who shall on such requisition fail to produce such license shall, for every such offence, be liable to a fine not exceeding five rupees. It shall be lawful for any Magistrate, on conviction of any driver of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction, and the amount of the penalty inflicted.

XXVII. It shall be lawful for any Magistrate before whom any driver shall be convicted of any offence, whether under this Act or under any other Act, to revoke the license of such driver, or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the driver; or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same; and every driver or other person who, being so required, shall refuse or neglect to deliver up such license and such ticket, or either of them shall be liable to a penalty not exceeding twenty rupees, so often as he shall be so required and refuse or neglect as aforesaid: and the Magistrate shall immediately send every license and every ticket delivered up to him under this section to the Registering Officer, who shall cancel such license if it has been revoked by the Magistrate, or, if it has been suspended, shall, at the end of

the time for which it shall have been suspended, re-deliver such license with the ticket (if it shall have come into the possession of the Registering Officer) to the person to whom it was granted.

Fares—Hiring—and Plying for Hire.

XXVIII. The owner or driver of every Hackney Carriage, registered in the Second or Third Class shall be entitled to demand and take for the hire of such Carriage the fares set forth in the Schedule (A) to this Act annexed: Provided always that when the owner or driver of any such Hackney Carriage, to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Carriage for any time or times amounting altogether to not less than fifteen minutes, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop a further sum (above the fare to which he shall be entitled, calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes, that he shall have been so stopped; and no owner or driver shall demand or receive, over and above the said fare, any sum for back fare for the return of the Carriage from the place at which it was discharged: Provided also that nothing in this Act contained shall prevent any driver or owner from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

XXIX. The owner of every Hackney Carriage of the Second or Third Class shall put up, and at all times keep distinctly printed, painted or marked in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such Carriage as a Hackney Carriage; and the owner of every such Carriage who shall fail to comply with the provision of this section, shall, for each offence, be liable, on conviction, to a fine not exceeding ten rupees.

Owner to keep table of fares inside Carriages of Second and Third Class.

XXX. The driver of every Carriage of the Second and Third Class registered under this Act, shall (unless he have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) drive such Carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired: Provided always that when any such Carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour; and if the driver of such Carriage shall be required to drive more than four miles within one hour, then, in every such case, the driver thereof shall be entitled to demand, in addition to the fare regulated by time in Schedule (A) to this Act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance, as set forth in the same schedule. Any such driver who shall not drive his Carriage at the rate required as aforesaid, except in cases of unavoidable delay, or who shall refuse or omit to drive the same to any place within the limits aforesaid to which he may be required to drive by the hirer, shall be liable to a penalty not exceeding ten rupees, or, in default, to rigorous imprisonment for a period not exceeding one month.

XXXI. The driver of every First and Second Class Carriage, registered under this Act, shall carry in or upon such Carriage, a reasonable quantity of luggage for every person hiring such Carriage, without any additional charge.

XXXII. Any owner or person in charge of any Hackney Carriage registered under this Act, who shall without sufficient reason refuse to let such Carriage for hire, shall be liable on conviction to a fine not exceeding fifty rupees, and to pay such further sum by way of compensation to the party complaining as to the Magistrate who shall hear the case may seem just; and such further sum shall, in default of immediate payment, be levied in the mode provided for the levying of fines under this Act.

And when any such Hackney Carriage shall be standing on any premises, which under this Act may have been declared to be a public Stand, the owner of the said premises shall be deemed to be the person in charge of such Hackney Carriage within the meaning of this section.

XXXIII. Every driver of a Hackney Carriage who shall be drunk during his employment, or make use of insulting or abusive language or gesture; or who shall (elsewhere than at some Stand or other place appointed for the purpose) stand or loiter, for the purpose of being hired, in or upon any public street, road or place; or who shall suffer his Carriage to stand for hire across any street, or alongside of any other Carriage, or who shall refuse to give way (when he reasonably and conveniently may do so) to any other Carriage; or who shall wilfully obstruct, or hinder, the driver of any other Carriage in taking up or setting down any person into, or from, such other Carriage; or who shall wrongfully prevent, or endeavour to prevent, the driver of any other Carriage from being hired; or who shall demand or take more than the proper fare to which he is legally entitled; or who shall refuse to admit and carry in his Carriage the number of persons painted or marked on such Carriage or specified in the Register, or who shall carry more than such number of passengers; or who shall refuse to carry by his Carriage a reasonable quantity of luggage as provided for by this Act; or who, being hired by time shall, before he has been discharged by the hirer, desert from the hiring; or who shall ply for hire with any Carriage or Horse which shall be at the time unfit for public use, shall be liable to a penalty not exceeding ten rupees, and in default of payment, to rigorous imprisonment for a period not exceeding one month.

XXXIV. Any driver employed as such by the owner of any Carriage registered under this Act who shall, without sufficient excuse, refuse or neglect to attend at the premises of such owner for the purpose of driving any such Carriage, whereby such owner is

Penalty in case of drunkenness or misconduct of driver in loitering, refusing to be hired, demanding more than his fare, &c.

Penalty on drivers absenting themselves from their employment.

prevented from letting out the same, shall, on complaint by such owner, be liable, for each offence, to a fine not exceeding ten rupees (which, or any part of which, may, by order of the Magistrate, be paid to the owner as compensation), and in default of payment, to rigorous imprisonment for a term not exceeding one month.

XXXV. When a complaint is made before a Magistrate against the driver of a Carriage registered under this Act for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the Carriage personally to appear, and to produce the driver of such Carriage to answer the complaint. If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear, or to produce the driver, according to such summons, he shall be liable to a penalty not exceeding fifty rupees, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him: Provided that if such owner shall, without a reasonable excuse, neglect or refuse to appear and produce such driver, on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver, or either of them.

XXXVI. If any person, who shall have hired a Carriage registered under this Act, shall refuse to pay to the owner or driver thereof, on demand, the fare payable under this Act, it shall be lawful for the Magistrate who shall hear the case to order payment of such fare, and also of such compensation for loss of time as shall seem reasonable, and, in default of payment, such fare and compensation may be recovered in the same way as fines are recoverable under this Act: and if any hirer, who shall have used any such carriage, shall attempt to evade payment of his fare, he shall be liable, on conviction, to a fine not exceeding fifty rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned.

XXXVII. Any person who shall maliciously or knowingly tear, destroy or remove any table of fares which shall have been put up under the provisions of Section XXIX of this Act, shall be liable on conviction to a fine not exceeding twenty rupees, and any portion of such last mentioned fine may be awarded to the owner of the Hackney Carriage to which such table of fares shall have been affixed.

XXXVIII. Any person using a Carriage registered under this Act, who shall wilfully injure the same, shall be liable on conviction to a fine not exceeding twenty rupees, and shall also pay to the owner of the Carriage compensation for the injury. The amount of such compensation shall be determined by the convicting Magistrate, and may be recovered in the same way, as fines are recoverable under this Act.

XXXIX. In case of any dispute between the hirer and driver of any Hackney Carriage of the Second or Third Class, registered under this Act, the hirer may, if any Magistrate be then sitting, require the driver to drive to the Court of such Magistrate: and if any driver shall refuse to obey such requisition, it shall be lawful for the hirer to give such driver into the custody of the nearest Police-officer. Such Police-officer shall thereupon take the driver and hirer, together with the Carriage and Horses, to such Court, and the then sitting Magistrate shall, in either of the cases aforesaid, hear and determine the dispute in a summary way.

XL. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the Registering Officer shall, on proof of such signature, be taken to be conclusive evidence of all the distances therein stated to have been ascertained by the said officer.

XLI. It shall be lawful for any Hackney Carriage of the Second or of the Third Class to ply for hire as a Stage Carriage. The owner or driver of a Carriage,

Penalty for destroying, &c., table of fares.

Penalty for wilful injury to Carriage.

Disputes how to be settled.

Table of distances signed by Registering Officer conclusive.

Second and Third Class Carriages may ply as Stage Carriages.

so plying for hire, or hired as a Stage Carriage, shall not be subject to the provisions of Section XXVIII of this Act, but shall be entitled to demand and take for the hire of such Carriage, such fares as shall be agreed upon between him and the several hirers respectively. All the other provisions of this Act shall be applicable to the case of a Hackney Carriage plying, as a Stage Carriage, so far as the same shall be applicable in each particular instance.

XLII. The Registering Officer shall, from time to time, appoint one or more Stands in the Town and Suburbs of Calcutta for Carriages registered under this Act, and may also assign for the use of such Carriages, as public Stands, any Coach Houses or Stables or Sheds, or other suitable places. Every public Stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Oordoo, and Bengalee languages, that the Stand is a public Stand under this Act.

Palankuins.

XLIII. Every Palankuin, plying for hire within the Town or Suburbs of Calcutta, shall be annually registered by the officer appointed for registering Hackney Carriages at the time and in the manner hereinbefore provided with respect to the registration of Hackney Carriages; and upon each registration a fee of eight annas shall be paid: Provided that the Registering Officer may refuse to register any Palankuin, or may cancel the registration thereof whenever it may appear to him to be unserviceable or unfit for public use.

XLIV. The following particulars shall be entered in the Register, namely, the number of the Palankuin, and the name and residence of the owner; and every change of ownership or residence shall be notified to the Registering Officer, subject to the same provisions and penalties in default as are provided in the case of the owners of Hackney Carriages.

XLV. The owner of every registered Palankuin shall cause the registered number thereof to be painted in English and Bengalee figures on a conspicuous part thereof. The owner of any Palankuin plying for hire without being registered or having the number affixed thereto as aforesaid shall be liable to a penalty not exceeding ten rupees. The person in whose name a Palankuin is for the time being registered shall be deemed the owner thereof for the purposes of this Act.

XLVI. The owner of every Palankuin shall put up, and at all times keep distinctly printed, painted or marked in the English, Oordoo, and Bengalee languages, in such manner and in such position as shall be directed by the Registering Officer, on the inside of such Palankuin, the amount of fare, according to distance and time, which may be legally demanded and taken from the hirer of such Palankuin.

XLVII. The owner or person in charge of every Palankuin shall be entitled to demand and take for the hire of such Palankuin the fares set forth in the Schedule (B) to this Act annexed: Provided that when the owner or person in charge of any such Palankuin to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such Palankuin for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled, calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or person in charge shall demand or receive, over and above the said fare any sum for back hire for the return of the Palankuin from the place at which it was discharged: Provided also that nothing in this Act contained shall prevent any owner or person in charge from being bound by any contract into which he

may enter to receive payment at a rate lower than that fixed by this Act.

XLVIII. It shall not be lawful for any person to act as the bearer of a Registered Palankuin, unless such person shall have obtained a license from the Registering Officer in manner hereinbefore prescribed for drivers of Hackney Carriages; and all the provisions of this Act in any way relating to the taking out, granting, renewing or producing the licenses, or to the issuing, granting, wearing or using tickets granted to drivers of Hackney Carriages, shall be applicable in like manner to the bearers of Palankuins. For every license to act as a Palankuin bearer, granted under this Act, there shall be paid a fee of eight annas.

XLIX. The bearers of every Palankuin registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such Palankuin to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired. If such Palankuin shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour. Whenever the bearers of such Palankuin shall be required to carry it more than two and a half miles within one hour, they shall be entitled to demand, in addition to the fare regulated by time in the said Schedule (B), for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the same Schedule. All and every the provisions of this Act, as to offences committed by or against the owners and drivers of Hackney Carriages, and the penalties in respect of the same and recovery thereof, and all the remedies by or against hirers, owners or drivers of Hackney Carriages, and all and several the remedies given to hirers, owners, and drivers of Hackney Carriages, except the provision contained in Section XXXV shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of Palankuins.

Miscellaneous.

L. The driver of every Hackney Carriage and bearers of every Palankuin within the limits of this Act, wherein any property shall be left by any person, shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest Police station, and shall there deposit and leave the same with the Inspector or other Officer on duty. And any such driver or bearer making default herein, shall be liable to a penalty not exceeding fifty rupees. And the said officer with whom any such property shall be deposited, shall forthwith enter in a book, to be kept for that purpose, the description of such property, and the name and address of the driver or bearer who shall bring the same, and the day on which it shall be brought, and the property so entered shall be returned to the person who shall prove to the satisfaction of the Commissioner of Police that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver or bearers who brought the same as the said Commissioner shall award: Provided always that, if such property shall not be claimed by and proved to belong to some one within one year after the same shall have been deposited, the said Commissioner shall cause such property to be sold or otherwise disposed of, and the proceeds, after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act.

LI. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed: and the provisions for the recovery of fines contained in Section LXI of Act XXV of 1861 (*the Code of Criminal Procedure*) shall apply to all fines and penalties imposed under this Act by any Magistrate in the Suburbs of Calcutta or in any Town or place to which this Act shall be extended, as hereinafter provided: and the provisions of Act IV of 1866, passed by the Lieutenant-Governor of Bengal in

Council, entitled "the Calcutta Police Act, 1866," or any Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta. All Disposal of penalties and fees. penalties and fees to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal, from time to time, shall direct.

For Section LXI of Act XXV of 1861, read Sections 386, 387, of Act X of 1882.

LII. In every case in which any complaint of any offence under this Act shall be laid or made before any Magistrate and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the complaint, the Magistrate shall have power to award such amends, not exceeding twenty rupees, to be paid by the complainant to the person complained against, or to the owner of a Carriage, if summoned under Section XXXV of this Act, or to both, for their loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner provided for levying fines under this Act.

LIII. 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) :—

Interpretation.
 The word "Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any persons lawfully exercising the full powers of a Magistrate in the Suburbs of the said Town or in any Town or place to which this Act shall be extended, as hereinafter provided, and any Assistant to a Magistrate or Deputy Magistrate specially authorized by Government to exercise in the said Suburbs, Town or place, the powers vested by this Act in a Magistrate.

The words "Hackney Carriage" in this Act shall mean "Hackney Carriage." any Carriage used or intended to be used for conveying passengers for hire from any place in the Town of Calcutta or the Suburbs thereof: Provided always that the term "Hackney Carriage" shall not include any Carriage used wholly upon any Railway.

The word "Stage Carriage" in this Act shall mean any "Stage Carriage." Hackney Carriage, the passengers in which shall be charged, or shall pay separate and distinct fares, or shall be charged, or pay, at the rate of separate and distinct fares, for their respective places or seats therein, or conveyance thereby.

"Horse." The term "Horse" shall include Mules and Ponies.

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 the feminine.

LIV. It shall be lawful for the Lieutenant-Governor of Bengal, by a notification to be published in the *Calcutta Gazette*, to extend the provision of this Act to any other Towns or places within the provinces under his control.

SCHEDULE (A)—(referred to in Section XXVIII).

Rates and Fares to be paid for Hackney Carriages of the Second and Third Classes.

Description of carriage.	FARE BY DISTANCE.		FARE BY TIME.			
	For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day or five hours.	For a whole day consisting of nine hours.
Second Class ...	6 Annas ...	After the rate of 4 Annas for every mile and for any part of a mile over and above any number of miles completed.	12 Annas...	6 Annas ...	2 Rupees...	3 Rupees.
Third Class ...	3 Annas ...	After the rate of 2 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas...	3 Annas ...	1 Rupee ...	1 Rupee 8 Ans.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare to be paid according to time.

SCHEDULE (B)—(referred to in Section XLVII).

Rates and Fares to be paid for Palankeens.

C, B. M. A.

FARE BY DISTANCE.		FARE BY TIME.			
For any distance within and not exceeding one mile.	For any distance exceeding one mile.	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day or five hours.	For a whole day consisting of nine hours.
3 Annas ...	After the rate of 3 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas ...	3 Annas ...	1 Rupee ...	1 Rupee 8 Ans.

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Palankeen Fares.

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The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare to be paid according to time.

ACT No. IV OF 1873.

(Received the assent of the Lieutenant-Governor on the 21st April 1873, and of the Governor-General on the 25th June 1873.)

An Act for Registering Births and Deaths.

WHEREAS it is expedient to provide the means for a complete register of births and deaths; It is hereby enacted as follows:—

1. The Lieutenant-Governor may at any time, by a notification published in the *Calcutta Gazette*, direct that all births and deaths, or all births or all deaths, occurring within the limits of any area after a certain date to be named in such notification shall be registered, and for that purpose may define the limits of such area.

The Lieutenant-Governor may direct that all births or deaths, or births and deaths shall be registered in any area;

and may define limits of such area.
From and after such date this Act shall apply to the whole of the area so defined.

2. The Magistrate of the District may, for the purpose of such registration, divide any such area into such and so many districts as he may think fit, and may appoint one or more persons to be registrars of births or of deaths, or of births and deaths, within such district, and may at any time for sufficient reason dismiss any such registrar, and may fill up any vacancy in the office of registrar.

The Magistrate shall cause to be published a list containing the name and place of office of every registrar in the area, and specifying the hours of the day during which such registrar shall attend at his office for the purpose of registration.

3. Every registrar shall have an office within the district of which he is appointed registrar, and shall cause his name, with the addition of registrar of births

Magistrate may divide area into districts, and may appoint registrars.

Magistrate to publish list of registrars.
Every registrar to have an office in his district.

(or of deaths, or of births and deaths, according to his appointment) for the district for which he is so appointed, and notice of the hours during which he will attend for the purpose of registration, to be affixed in some conspicuous place on or near the outer door of his office.

4. The Magistrate shall cause to be prepared a sufficient number of register books for making entries of all births or deaths or both according to such forms as the Lieutenant-Governor may from time to time sanction; and the pages of such books shall be numbered progressively from the beginning to the end; and every place of entry shall be also numbered progressively from the beginning to the end of the book, and every entry shall be divided from the following entry by a line.

5. Every registrar shall inform himself carefully of every birth, or of every death, or of himself of, and register, both, according to his appointment, births and deaths, which shall happen in his district, and shall register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered, according to the forms mentioned in the last preceding section, touching every such birth or every such death, as the case may be, which shall not have been already registered.

6. Every chowkeedar or other village watchman in any area to which this Act shall apply, or where there is no chowkeedar or other village watchman, such person as the Magistrate may appoint, shall be required to report every birth or death occurring within his beat to such registrar and at such periods as the Magistrate may direct. He shall obtain in writing, if possible, and if it is impossible for him to obtain in writing, he shall obtain verbally, from any person who is bound to give information of the birth or death, all particulars which are required to be known and registered, and he shall report such particulars to the registrar.

Any chowkeedar or other village watchman, or other person so appointed, who wilfully or negligently refuses or omits to produce such writing, if any, or to report such birth or death, shall be punishable

at the discretion of the Magistrate, with fine which may extend to two rupees.

7. The father or mother of every child born within such area, or in case of the death, illness, absence, or inability of the father and mother, the midwife assisting at the birth of such child, shall, within eight days next after the day of every such birth, give information, either personally or in writing, to the registrar of the district, or by means of the chowkeedar or other village watchman, or other person as provided in the last preceding section, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.

Penalty for neglect. Any person who refuses or neglects to give any information, which it is his duty to give under this section, shall be punishable, at the discretion of the Magistrate, with fine which may extend to five rupees: Provided that no more than one person shall be punishable, at the discretion of the Magistrate, for such refusal or neglect to give information.

8. The nearest male relative of the deceased present at the death, or in attendance during the last illness of any person dying within such area, or, in the absence of any such relative, the occupier of the house, or, if the occupier be the person who shall have died, some male inmate of the house in which such death shall have happened, shall, within eight days next after the day of such death, give information either personally or in writing to the registrar of the district, or by means of the chowkeedar or other village watchman, or other person as provided in section 6, according to the best of his knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person:

Penalty for neglect. Provided that no person shall be bound to give the name of any female relative. Any person who refuses or neglects to give any information, which it is his duty to give under this section, shall be punishable, at the discretion of the Magistrate, with fine which may extend to five rupees: Provided that not more

than one person shall be punishable for such refusal or neglect to give information.

9. Any registrar who refuses or neglects to register any birth or death occurring within his district, which he is bound to register within a reasonable time after he shall have been duly informed thereof, or demands or accepts any fee or reward or other gratification as a consideration for making such registry, shall be punishable, at the discretion of the Magistrate, with fine which may extend to fifty rupees for each such refusal or neglect.

10. Whoever wilfully makes or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement touching any of the particulars required to be known and registered, shall be punishable, at the discretion of the Magistrate, with a fine not exceeding fifty rupees.

11. In any place to which the District Municipal Improvement Act shall have been extended, the Municipal Commissioners may, if at a meeting specially convened for considering such question they shall so determine, arrange for keeping a register of all births or of all deaths, or of all births and deaths occurring within the Municipality. On and after a date to be fixed at such meeting, the Commissioners shall, in such case, be authorized to provide out of the Municipal fund for the employment of a sufficient number of registrars, and for the expenditure necessary for the maintenance of such registers, and shall exercise all the powers of a Magistrate under this Act; and all the provisions of this Act shall be deemed to apply to such place.

B. C. Act III of 1864 was repealed by B. C. Act V of 1876, which Act was repealed by B. C. Act III of 1884.

12. The Magistrate of a district may depute any subordinate Magistrate to exercise the powers and to perform the duties vested in the Magistrate by this Act within such district or any part thereof.

ACT No. VII OF 1865.

Note.—This Act was repealed, as regards the Suburbs of Calcutta only, by B. C. Act IV of 1876. It is in force in Hooghly and Chinsurah, Monghyr, and Bhagulpore.

(Received the assent of the Lieutenant-Governor on the 11th April 1865, and of the Governor-General on the 15th April 1865.)

An Act to make provision for the better regulation and supervision of Public Slaughter-houses in the Suburbs of Calcutta, and for the adoption of proper Conservancy arrangements connected therewith.

WHEREAS it is necessary to make provision for the better regulation and supervision of Public Slaughter-houses and Markets for the sale of meat and fish in the Suburbs of Calcutta and for the adoption of proper conservancy arrangements connected therewith ; It is enacted as follows :—

I. No place within the jurisdiction of the Municipal Commissioners of the Suburbs of the Town of Calcutta appointed under the provisions of Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council (*The District Municipal Improvement Act*), shall be used as a slaughter-house, unless a license in writing for the use thereof as a slaughter-house has been obtained from the Municipal Commissioners, who are hereby empowered, at their discretion, from time to time, to grant such license ; and whoever, without such license, uses as a slaughter-house any place within the limits aforesaid, shall be liable to a penalty not exceeding two hundred rupees, and to a penalty not exceeding fifty rupees, for every day, after the conviction for such offence, during which the said offence is continued : Provided that nothing in this Act shall apply to any Hindu or Mahomedan place of worship.

II. The Municipal Commissioners may, from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places for the purpose of being used as slaughter-houses, and they may make bye-laws for, and with respect to, the management, regulation, and charges for the use of such places.

III. Every owner or occupier of any licensed slaughter-house, within the limits aforesaid, shall cause such drains to be made therein as shall be considered sufficient by the Municipal Commissioners, and (if required so to do by the Municipal Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such slaughter-house, or any place used as a meat market, in a clean and wholesome state; and if such owner or occupier, after notice in writing given to him by the Municipal Commissioners that such market or slaughter-house is defective in any of the said particulars and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a penalty not exceeding fifty rupees, for every day during which such default is continued.

IV. The Municipal Commissioners may, in the manner prescribed, and under the conditions laid down, in Section LXXXIV of the said Act III of 1864, make bye-laws for the inspection of all markets for the sale of meat or fish within the limits aforesaid, and for the management and conduct of the business therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours.

For Section LXXXIV of Act III of 1864 read sections 350, 351, 354 of Act III of 1884.

V. The Municipal Commissioners, or any person appointed by them for that purpose, may, at all reasonable times, with or without assistants, enter into, and inspect, any market, building, shop, stall, or place used for the sale of butcher's meat, Commissioners may enter and inspect slaughter-houses, shops, &c., and may seize unwholesome articles exposed for sale.

poultry, or fish, or as a slaughter-house, and may examine any animal, carcase, or meat which may be therein; and in case any animal, carcase, meat, or fish appear to be intended for the food of man and to be unfit for such food, may seize the same; and if it appear to a Magistrate, upon the evidence of a competent person, that such animal, carcase, meat, or fish is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food; and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred rupees.

VI. The Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act, relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto, may, in addition to the penalty imposed on such person under the authority of this Act, suspend such license for any period not exceeding two months, and upon conviction for a second or other subsequent like offence, such license may, in addition to the penalty imposed under the authority of this Act, be revoked.

VII. Whoever, during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a penalty not exceeding one hundred rupees, for every day, after the conviction for such offence, during which the said offence is continued.

VIII. The provisions of the said Act III of 1864, in regard to prosecutions for offences and the enforcement of fines and forfeitures, shall be applicable to all prosecutions for offences and the recovery of fines and forfeitures under this Act; and the magisterial powers conferred upon the Municipal Commissioners by Section VI of the above Act shall be exercised by them for all the purposes of this Act.

The latter portion of the section has been practically repealed, as no such magisterial powers are now exercised by Municipal Commissioners as such.

IX. It shall be lawful for the Lieutenant-Governor of Bengal to extend, by notification in the *Calcutta Gazette*, the provisions of this Act, or of any specific portion thereof, to any towns or places in which the said Act III of 1864 may be in force.

For Act III of 1864, read Act III of 1884.

ACT No. I OF 1871.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 13th January 1871.)

An Act to consolidate and amend the law relating to Trespasses by Cattle.

WHEREAS it is expedient to consolidate and amend the law relating to trespasses by cattle; It is hereby enacted as follows:—

CHAPTER I.

By Notification of the 16th March 1887, the powers of the Magistrate of the District under this Chapter will be exercised by the Commissioners. It is not obvious, however, what powers are referred to.

PRELIMINARY.

1. This Act may be called 'The Cattle-Trespass Act, 1871.'

It extends to the whole of British India except the Presidency-towns and such districts or tracts of country as the Local Government, with the sanction of the Governor-General in Council, may exclude from its operation.

And it shall come into force on the passing thereof.

2. The Acts mentioned in the schedule hereto annexed are repealed.

References to any of the said Acts in Acts passed subsequently thereto shall be read as if made to this Act.

Short title.

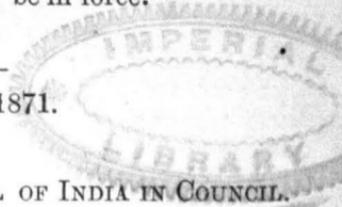
Local extent.

Government, with the sanction of the Governor-General in Council, may exclude from its operation.

Commencement of Act.

Repeal of Acts.

References to repealed Acts.



All pounds established, pound-keepers appointed and villages determined, under Act No. III of 1857 (*relating to trespasses by cattle*), shall be deemed to be, respectively, established, appointed and determined under this Act.

Interpretation-clause. 3. In this Act—

‘Officer of Police’ includes also village watchman, and
‘Cattle’ includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids.

CHAPTER II.

By Notification of the 16th March 1887, the Commissioners will exercise the powers of the Magistrate of the District under this Chapter.

POUNDS AND POUND-KEEPERS.

4. Pounds shall be established at such places as the
Establishment of Magistrate of the District, subject
pounds. to the general control of the Local Government, from time to time directs.

The village by which every pound is to be used shall be determined by the Magistrate of the District.

5. The pounds shall be under the control of the Magistrate of the District; and he shall
Control of pounds. fix, and may from time to time alter,
Rates of charge for feeding impounded cattle. the rates of charge for feeding and watering impounded cattle.

Appointment of pound-keepers. 6. The Magistrate of the District shall also appoint for each pound a pound-keeper:

Provided that in the Presidency of Fort St. George, the heads of villages, and, in the Presidency of Bombay, the Police pátíls, or (where there are no Police pátíls) the heads of villages, shall be *ex-officio* the keepers of village-pounds.

Every pound-keeper appointed by the Magistrate of the District may be suspended or removed by such Magistrate.
Suspension or removal of pound-keepers.