

ACT No. XXIX OF 1867.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th June 1867).

An Act to explain and amend Act No. XXI of 1867.

WHEREAS it is expedient to explain and amend Act No. XXI of 1867
Preamble. *(for the licensing of Professions and Trades)*; It is hereby
 enacted as follows:—

New Sections substituted for Sections 10 and 11 of Act XXI of 1867.

1. Sections 10 and 11 of the said Act are hereby repealed, and in lieu thereof respectively shall be substituted the following (that is to say):—

Collector to determine licensees and their classes. “10. The Collector shall from time to time determine what persons are liable to take out licenses under this Act, and under which of the classes mentioned in Schedule A to this Act annexed every such person shall be assessed.

Annual list of licensees. “11. As soon as may be after the first day of May 1867, and the same day in every subsequent year, the Collector shall prepare a list of the persons to be licensed under this Act in the district or place aforesaid, and may from time to time alter and add to the said list. Such list shall state—

- (1). The profession or trade of each of the persons therein named
- (2). The class under which he is assessed, and
- (3). The sum to be paid for his license.

Such list shall be filed in the Office of the Collector, and the list, or such part or parts thereof as he shall think fit, shall be filed in such other places as the Collector shall direct, and shall be open to public inspection at all reasonable times without the payment of any fee.”

2. In

2. In lieu of the first sentence of Section 12 of the said Act, the following shall be substituted (that is to say): "Any person named in such list, and objecting to the class under which he is assessed, or denying his liability to be assessed under this Act, shall be at liberty, if before the fifteenth day of June 1867 he shall have paid the sum in which he has been assessed under this Act, within thirty days of the said fifteenth day of June 1867, or if he pay such sum after the said fifteenth of June 1867, then within thirty days from such payment, to apply by petition to the Collector in order to establish his right to have his name transferred to another class or removed from the list." And Schedule C to the said Act annexed shall be read as if, for the words "persons licensed," the words "persons to be licensed" were substituted, and as if the following words were added thereto (that is to say) "[or that his name may be removed from the said list.]"

Section 12 of Act
XXI of 1867 amended.

Amendment of Sche-
dule C.

3. Section 15 of the said Act is hereby repealed, except as to offences committed and liabilities incurred before the passing of this Act, and in lieu thereof shall be substituted the following (that is to say):—

New Section substi-
tuted for Section 15 of
Act XXI of 1867.

"15. If the Collector shall have caused a notice to be served on any person stating the class under which he has been assessed, and requiring him within seven days from the date of the service to take out a license and to pay for the same the sum (mentioning it) payable therefor under the provisions of this Act, and if the person so served shall not, within the period specified in the said notice, have taken out a license and paid for the same as required by the said notice, he shall, on conviction before a Magistrate, be subject to a penalty not exceeding rupees five hundred, and not less than the sum mentioned in such notice. Every such notice shall be deemed to be sufficiently served if left at the residence or usual place of business of the person to whom it is addressed."

Penalty for carrying
on business without a
license.

4. The first two sentences of Section 19 of the said Act are hereby repealed, and in lieu thereof the following shall be substituted (that is to say): "On and after the first day of May 1867, every Trading Company or Association in British India, whose stock or funds is or are divided into shares and transferable, whether such Company or Association be incorporated or not, and whether its principal

Section 19 of Act
XXI of 1867 amend-
ed.

principal place of business be situate in British India or not, shall take out a license and pay for the same such annual sum as is mentioned in Schedule B to this Act annexed : Provided that, if any such Company or Association satisfy the Collector that the payment to which it is liable under this Section exceeds two per cent. of its profits, during the year ending on the thirtieth day of April preceding the year of assessment, from its operations in British India, then the Collector shall grant a license to such Company or Association upon payment of the sum of two per cent. on such profits: Provided also, that for any such license which shall be granted between the first day of November in each year and the thirtieth day of April next ensuing, there shall be paid only one-half of such annual sum, or of such sum of two per cent. on such profits."

5. The provisions of the Sections respectively substituted by this Act for Sections 10, 11 and 15 of the said Act apply to Trading Companies and Associations under Section 19 of the same Act, as amended by this Act: Provided that the maximum penalty to which a Trading Company or Association shall be subject, on conviction under the Section substituted by this Act for Section 15 of the said Act, shall be rupees two thousand.

This Act to be read
with Act XXI of 1867.

6. This Act shall be read with and taken as part of the said Act No. XXI of 1867, and shall have effect as from the eighth day of March 1867.