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A COLLECTION

OF

THE ACTS

PASSED BY

THE GOVERNOR-GENERAL OF INDIA IN COUNCIL

IN THE YEAR

1899.

CALCUTTA:

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TITLES OF ACTS

PASSED BY

THE GOVERNOR GENERAL OF INDIA IN COUNCIL IN THE YEAR 1899.

-
- I. An Act to amend the Indian Marine Act, 1887.
 - II. „ to consolidate and amend the law relating to Stamps.
 - III. „ to further amend the Presidency Small Cause Courts Act, 1882.
 - IV. „ to provide for the exemption from the operation of municipal building laws of certain buildings and lands which are the property, or in the occupation, of the Government and situate within the limits of a municipality.
 - V. „ to further amend the Indian Evidence Act, 1872.
 - VI. „ to amend the Indian Contract Act, 1872.
 - VII. „ to further amend the Inland Steam-vessels Act, 1884.
 - VIII. „ to consolidate and amend the law relating to the importation, possession and transport of petroleum and other substances.
 - IX. „ to amend the law relating to Arbitration.
 - X. „ to amend the law relating to Carriers.
 - XI. „ to further amend the Court-fees Act, 1870.
 - XII. „ to amend the law relating to the forgery of currency-notes and bank-notes.
 - XIII. „ to consolidate and amend the law relating to Glanders and Farcy.
 - XIV. „ to further amend the Indian Tariff Act, 1894.
 - XV. „ to validate certain marriages solemnized in the Native States of Pudukkottai and Travancore in India.
 - XVI. „ further to amend the Northern India Canal and Drainage Act, 1873.
 - XVII. „ further to amend the Indian Registration Act, 1877.
 - XVIII. „ to amend the Land Improvement Loans Act, 1883.
 - XIX. „ to provide for the conversion into British Indian currency of sums expressed in British currency in the Army Act.

- ~~XX.~~ An Act further to amend the Presidency Banks Act, 1876.
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Revised
21-6-22

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ACT No. I OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th
January, 1899.)

An Act to amend the Indian Marine Act,
1887.

XIV of 1887. WHEREAS it is expedient to amend the Indian Marine Act, 1887 (hereinafter referred to as "the said Act"); It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Marine Act (1887) Amendment Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

2. In section 2, sub-section (1), clause (a), of the said Act, for the words 'the Indian Marine Service' the words 'the Royal Indian Marine Service (herein referred to as "the Indian Marine Service" or "Her Majesty's Indian Marine Service")' shall be substituted.

Amendment of section 2, sub-section (1), clause (a), Act XIV, 1887.

3. In the same section and sub-section of the said Act, for clauses (b), (c) and (d) the following clauses shall be substituted, namely:—

Substitution of new clauses for clauses (b), (c) and (d), section 2, sub-section (1), Act XIV, 1887.

(b) "gazetted officer" means a person who, by virtue of his letter of appointment, is holding a position in the Indian Marine Service as—

Commander,
Lieutenant,
Sub-Lieutenant,

Chief Engineer,
Engineer, or
Assistant Engineer:

(c) "warrant-officer" means a person who, by virtue of his appointment, is holding a position in the Indian Marine Service as—

Assistant Surgeon,
Gunner,

Carpenter,
Clerk, or

Engine-driver, first class:

(d) "petty officer"

[Price one anna and six pies.]

(d) "petty officer" means a person who is employed in the Indian Marine Service as—

General Mess Steward,	Carpenter's Mate, second class,
Chief Syrang of Lascars, first class,	Carpenter's Crew, first class,
Chief Syrang of Lascars, second class,	Carpenter's Crew, second class,
Syrang of Lascars, first class,	Plumber,
Syrang of Lascars, second class,	General Mess Butler, first class,
Sukkani,	General Mess Butler, second class,
Tindal of Lascars, first class,	Cook, first class,
Tindal of Lascars, second class,	Cook, second class,
Engine-driver, second class,	Ship's Steward,
Syrang of Stokers, first class,	Tide-watcher,
Syrang of Stokers, second class,	Kassab, first class,
Tindal of Stokers, first class,	Kassab, second class,
Tindal of Stokers, second class,	Pilot,
Carpenter's Mate, first class,	Chart-room Attendant,
	Leadsman, or
	Interpreter :

Substitution of new sub-sections for sub-sections (1), (2) and (3), section 53, Act XIV, 1887.

4. (1) In section 53 of the said Act, for sub-sections (1), (2) and (3) the following sub-sections shall be substituted, namely :—

"53. (1) An Indian Marine Court shall consist of a president and not less than two, or more than four, other members, such members to be of rank not inferior to that of Lieutenant.

(2) The president of an Indian Marine Court for the trial of a Commander shall be of rank not below that of Commander, and two at least of the other officers composing the Court shall be of rank not below that of Commander.

(3) Except in the case of an Indian Marine Court convened under section 52, sub-section (2), the president of an Indian Marine Court for the trial of any person below the grade of Commander shall be of rank not below that of Commander."

(2) To the said section the following sub-sections shall be added, namely :—

"(10) The seniority and precedence of officers serving on the same Indian Marine Court shall be governed

governed by their seniority as shown in the latest Indian Marine List. The fact of any officer bearing a superior title by virtue of an appointment which he may for the time being be holding, shall not give him seniority or precedence over any officer serving with him on the Indian Marine Court who may be senior to him on the Indian Marine List.

(11) The authority convening an Indian Marine Court shall, when practicable, appoint a Judge Advocate to every trial, who shall be, if possible, an officer of the Judge Advocate General's Department.

(12) The authority convening an Indian Marine Court shall also appoint a person as Provost-Marshal, who shall be responsible for the arrest and safe custody of the prisoner or prisoners as directed, until the decision of the confirming authority is made known and communicated to him by the convening authority."

5. After section 70 of the said Act the following shall be added, namely :—

“ Supplemental.

“ 70A. When an Indian Marine vessel is wrecked, lost, destroyed or captured by the enemy, it shall, for the purposes of this Act, be deemed to remain an Indian Marine vessel until her crew are regularly removed into some other Indian Marine vessel or until a Court of Inquiry has been held into the cause of the wreck, loss, destruction or capture thereof.”

Addition of new section after section 70, Act XIV, 1887.

Provision in case of wreck, loss, destruction, or capture of Indian Marine vessel.

THE INDIAN PETROLEUM ACT, 1899.

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[Price six annas and six pies.]

Petroleum.

[ACT VIII]

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1899.]

ACT No. VIII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17th February, 1899.)

An Act to consolidate and amend the law relating to the importation, possession and transport of petroleum and other substances.

WHEREAS it is expedient to consolidate and amend the law relating to the importation, possession and transport of petroleum and other substances; It is hereby enacted as follows:—

Preliminary.

1. (1) This Act may be called the Indian Petroleum Act, 1899; and

Short title, commencement and extent.

(2) It shall come into force at once.

(3) Sections 1 to 3, section 25, and all the provisions of this Act in so far as they relate to dangerous petroleum and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may, by notification in the local official Gazette, direct.

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

Definitions.

(a) "petroleum" includes also—

(i) the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, paraffin oil, mineral oil, kerosine, petroline, gasoline, benzoline, benzine and benzol;

(ii) any

(Preliminary.—Section 3.)

- (ii) any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any product of petroleum; and
- (iii) any liquid, or viscous mixture having in its composition any of the liquids aforesaid;

but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

- (b) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees of Fahrenheit's thermometer:

Provided that, when all or any of the petroleum on board a ship, or in the possession of a dealer, is declared by the master of the ship or the consignee of the cargo, or by the dealer, as the case may be, to be of one uniform quality, the petroleum shall not be deemed to be dangerous, if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of these samples has its flashing point below seventy degrees of that thermometer:

- (c) to "import" means to bring into British India by sea or land:
- (d) to "transport" means to remove within British India from one place to another:
- (e) "prescribed" means prescribed by rules made under this Act: and
- (f) "ship" includes anything made for the conveyance by water of human beings or property.

Matters supplemental to definitions.

3. (1) The "flashing point" of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when

(Preliminary.—Section 4.)

when tested in accordance with the directions in the first schedule with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing, have been made.

(2) Notwithstanding anything in the definitions of "import" and "transport," the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare—

(a) that petroleum imported into the Province from any part of British India, by sea or across intervening territory not being part of British India, shall, for all or any of the purposes of this Act, be deemed to be transported; and

(b) that petroleum transported into the Province from any place in British India shall, for all or any of those purposes, be deemed to be imported;

and thereupon the provisions of this Act and of the rules made under this Act, with respect to transport and import, respectively, shall apply to petroleum so imported or transported.

4. (1) The Governor General in Council may, by notification in the Gazette of India, alter or add to the first schedule by laying down new or varied tests and directions for preparing and using them; and, after the issue of any such notification as aforesaid, the reference in section 3, sub-section (1), to the first schedule shall be construed as referring to the said schedule as so altered or added to for the time being.

Power to vary tests and prescribe new tests.

(2) The Governor General in Council may, in like manner, lay down special tests and issue special instructions in respect of the testing of any substance other than petroleum to which the whole or any

portion

(Dangerous Petroleum.—Sections 5-7.)

portion of this Act may be applied in exercise of the power conferred by section 22, and for which the tests in the first schedule are unsuitable.

(3) The provisions of section 23 of the General Clauses Act, 1897, shall apply to notifications under this section as if they were rules or orders required to be made after previous publication. X of 1897.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding forty gallons.

5. (1) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported or kept by any one person or on the same premises, except under, and in accordance with the conditions (if any) of, a license from the Local Government granted as next hereinafter provided.

(2) Every application for such a license shall be in writing in the prescribed form, and shall contain the prescribed particulars.

Dangerous petroleum in quantities not exceeding forty gallons.

6. No quantity of dangerous petroleum equal to, or less than, forty gallons shall be kept or transported without a license :

Provided that nothing in this section shall apply in any case where the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

Vessels containing dangerous petroleum to be labelled.

7. Dangerous petroleum—

(a) which is imported and is kept at any place after seven days from the date of its importation, or

(b) which is transported, or

(c) which is sold or exposed for sale,

shall be contained in vessels having attached thereto labels in conspicuous characters stating the description

1899.]

Petroleum.

(Petroleum generally.—Sections 8-9.)

tion of the petroleum, with the addition of the words "highly inflammable" and with the addition,—

- (d) in the case of a vessel kept, of the name and address of the consignee or owner;
- (e) in the case of a vessel transported, of the name and address of the sender; and,
- (f) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum generally.

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

Power for Governor General in Council to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the granting of licenses to transport petroleum from any part of British India to any other part of British India in cases in which such licenses are by law required.

9. (1) The Local Government, with the previous sanction of the Governor General in Council, may make rules to regulate the importation of petroleum and the granting of licenses to possess or to transport petroleum within the Province in cases in which such licenses are by law required.

Power for Local Government to make rules.

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

- (a) determine the ports at which alone petroleum may be imported;
- (b) provide for ascertaining the quantity and description of any petroleum on board any ship;
- (c) determine the places at which, and the conditions on and subject to which, petroleum may be discharged into boats, landed, transhipped or stored;

(d) provide

(Petroleum generally.—Section 9.)

- (d) provide for the selection by an officer appointed by the Local Government in this behalf, and for the delivery to him, either after or before petroleum has been landed, of samples of all petroleum landed or intended to be landed ;
- (e) provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples ; —
- (f) provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petroleum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with the results of the testing of those samples ; †
- (g) fix fees for the sampling and testing of petroleum ;
- (h) fix fees for the storage of petroleum unless any local authority is empowered in that behalf ;
- (i) define, with respect to any petroleum produced within the Province, the limits of the places in which such petroleum is to be refined ;
- (j) provide for the testing at or near those places of petroleum so produced ;
- (k) prevent the removal from those limits, otherwise than under the provisions of this Act applicable to dangerous petroleum, of petroleum so produced which has not satisfied the prescribed tests ;
- (l) prescribe the authority by which licenses to possess or to transport petroleum may be granted ;

(m) fix

(Petroleum generally.—Section 10.)

- (m) fix the fee to be charged for any such license ;
- (n) limit the quantity of petroleum to be covered by any such license ;
- (o) prescribe the conditions which may be inserted in any such license ;
- (p) limit the time during which any such license is to continue in force ;
- (q) provide for the renewal of any such license ;
- (r) provide for the nature and situation of the premises in respect of which licenses to possess petroleum may be granted, the inspection of premises so licensed and the testing of petroleum found thereon ; and
- (s) prescribe the manner in which the petroleum covered by a license to transport is to be packed, the mode and time of its transit, the route by which it is to be taken, and its stoppage and inspection during transit.

10. (1) Petroleum discharged into boats or landed in accordance with rules made under section 9, subsection (2), shall not be removed from the boats or places in or at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Local Government in this behalf and the officer has given a certificate that the petroleum is not dangerous petroleum. ✓

Procedure after petroleum has been discharged or landed.

(2) If the officer, after testing the samples, refuses to give the certificate in respect of any petroleum, the Local Government may permit the consignee, within a time to be fixed by the Local Government in this behalf,—

- (a) to rectify the petroleum,
- (b) to apply for a license to import the petroleum as dangerous petroleum, or
- (c) to re-export the petroleum.

(3) If

(Petroleum generally.—Sections 11-13.)

(3) If the consignee does not, within the time fixed under sub-section (2), avail himself of the permission granted under that sub-section, the petroleum may be disposed of as the Local Government may direct.

(4) Notwithstanding anything in the foregoing provisions of this section, the Local Government, in its discretion, may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorize its removal from the boats or places in or at which it is stored.

Possession and transport of petroleum.

11. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises, or shall be transported, except under, and in accordance with the conditions of, a license granted under this Act :

Provided that the Local Government may, by notification in the local official Gazette, exempt from the operation of this section petroleum when transported in such particular manner and under such particular conditions as may be set forth in the notification.

Power to inspect and require dealer to sell samples.

12. Any officer specially authorized in this behalf by the Local Government may require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples.

Notice to be given when officer proposes to test samples.

13. When any such officer has, in exercise of the powers conferred by section 12, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to the dealer informing him that he is about to test the sample, or cause it to be tested, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

14. On

1899.]

Petroleum.

(*Petroleum generally.—Section 14. Penalties.—Sections 15-16.*)

14. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken, is or is not dangerous petroleum, the officer or other person may certify the fact; and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be proof of the fact stated therein, and a certified copy of the certificate shall be given, free of charge, to the dealer at his request.

Certificate as to result of testing.

Penalties.

15. Whoever,—

- (a) in contravention of this Act or of any of the rules thereunder, imports, possesses or transports any petroleum; or
- (b) otherwise contravenes any such rules as aforesaid; or
- (c) breaks any condition contained in a license granted under this Act; or,
- (d) being a dealer in petroleum, refuses or neglects to show to any officer authorized under section 12 any place or any of the vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples;

Penalty for illegal importation, possession or transport of petroleum or for refusal to comply with section 12.

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

16. Whoever keeps, sells or exposes for sale dangerous petroleum in vessels not labelled as prescribed

Penalty for contravention of section 7.

Petroleum.

[ACT VIII

(*Penalties.—Sections 17-18. Test-apparatus.—Sections 19-20.*)

scribed by section 7 shall be punishable with fine which may extend to five hundred rupees.

Confiscation
of petroleum.

17. In any case in which an offence under section 15, clause (a), clause (b) or clause (c), or section 16 has been committed, the convicting Magistrate may direct that—

(a) the petroleum in respect of which the offence has been committed, or

(b) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

Jurisdiction.

18. The criminal jurisdiction under this Act shall, in the Presidency-towns, be exercised by a Presidency Magistrate, and, elsewhere, by a Magistrate of the first class or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Test-apparatus.

Model test-
apparatus.

19. A model of the apparatus for testing petroleum under this Act shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus."

Verification
of test-ap-
paratus.

20. (1) The Chemical Examiner shall, on payment of the prescribed fee (if any), compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

(2) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (1),

is

(Miscellaneous.—Sections 21-22.)

is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number and with the date of the verification, and shall further give a certificate in writing under his hand, in the prescribed form, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(3) A certificate granted under this section shall, until the contrary is proved, be proof of the matters stated therein.

(4) The Chemical Examiner shall keep a register, in the prescribed form, of all certificates granted under this section.

(5) Subject to the payment of the prescribed fees (if any), the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

21. The Local Government may, by notification in the local official Gazette, exempt from the operation of all or any of the provisions of this Act, or of all or any of the rules made under this Act, any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported as ordinary cargo and in quantity not exceeding that specified in the notification.

Power to exempt petroleum from operation of Act.

22. (1) The Governor General in Council may, by notification in the Gazette of India, apply the whole or any portion of this Act to any substance, other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 11, the quantities of the substance to which those sections shall apply.

Power to apply Act to other substances.

(2) When

(Miscellaneous.—Sections 23-25. The First
Schedule.—Testing.)

(2) When the whole or any portion of this Act has been applied as aforesaid to any substance other than petroleum, the provisions so applied shall be construed with all necessary modifications and shall have effect as if such other substance had been included in the definition of petroleum.

Power to limit operation of enactments, relating to possession or transport of petroleum, in municipalities.

23. The Governor General in Council may, by notification in the Gazette of India and in the local official Gazette, limit, in any manner he deems fit, the operation of any enactment for the time being in force relating to local authorities in any local area or to any particular local authority, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum.

Previous publication, etc., of rules.

24. (1) Every power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication in such manner as the Governor General in Council may, by notification in the Gazette of India, direct.

(2) All rules made by the Governor General in Council or by the Local Government under this Act shall be published in the Gazette of India or the local official Gazette, as the case may be, and on such publication shall have effect as if enacted by this Act.

Repeal.

25. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column thereof.

THE FIRST SCHEDULE.

TESTING.

(See section 3.)

I.—Nature of the Test-apparatus.

The apparatus consists of the following parts:—

- (1) the oil-cup ;
- (2) the cover, with slide, test-lamp, and clockwork arrangement for opening and closing the holes in the cover and for dipping the test-flame ;
- (3) the

(The First Schedule.—Testing.)

- (3) the water-bath or heating vessel ;
- (4) the tripod stand with jacket and spirit-lamp for heating the water-bath ;
- (5) the thermometer for indicating the temperature of the oil in the oil-cup ;
- (6) the thermometer for indicating the temperature of the water in the water-bath ;
- (7) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup ;
- (8) the dropping bottle or *pipette* for replenishing the test-lamp ; and
- (9) a barometer standardised at the Meteorological Office of the Province or at any other place appointed by the Local Government.

The oil-cup is a cylindrical flat-bottomed vessel made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close-fitting overlapping cover, which carries the thermometer, the test-lamp and the adjuncts thereto. The test-lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air-chamber intervenes between the two: consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through

(The First Schedule.—Testing.)

the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clockwork arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test-flame is applied.

II.—Directions for drawing the Sample and preparing it for testing.

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorized by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or cyphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about forty fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home, cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

2. *Preparing the sample for testing.*—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer, introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

III.—Directions for preparing and using the Test-apparatus.

1. *Preparing the water-bath.*—The water-bath is filled by pouring water into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in the first instance

by

(The First Schedule.—Testing.)

by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick-holder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller, through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or *pipette* provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit, is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test-lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil-cup is now watched, and, when the temperature has reached 56° Fahrenheit, the clockwork is set in motion by pressing the trigger.

If no flash takes place, the clockwork is at once rewound and the trigger pressed at 57° Fahrenheit, and so on, at every degree

(The First Schedule.—Testing.)

degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit, the temperature at which it occurs is to be recorded. Two fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, and if in no instance the flash has taken place within eight degrees of the temperature at which the testing is commenced, each result is to be corrected for atmospheric pressure as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, while in no instance has the flash taken place within eight degrees of the temperature at which the testing was commenced, the series of tests is to be rejected, and a fresh series of three similarly obtained, and so on, until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

If, however, a flash has occurred at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2° and until a flash has not occurred in any of the three tests within eight degrees of the temperature at which the testing is commenced: Provided always that, if at the commencement of the series of tests a flash has occurred on the first application of the test-flame at 56°, and if a flash has also occurred on the first application of the flame in each of three successive tests in which, thereupon, the test-flame is first applied at 46° as above directed, the testing officer shall certify that the petroleum has a flashing point below 47°, and the sample shall be reported dangerous.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But, if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200° or is

oil

(The First Schedule.—Testing.)

oil to which a notification of the Local Government exempting it from the operation of the Act will be applicable in the event of the flashing point being found to be at or above 120° , the test shall be continued as follows:—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the overflow-pipe). The air-chamber is then to be filled to a depth of $1\frac{1}{2}$ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied, from 96° Fahrenheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit or 120° Fahrenheit, as the case may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2) without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure.*—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1.6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner:—

Example.—An oil has given a flashing point of 71° the barometer being at 28.6 inches; take the nearest number to

71²

(The First Schedule.—Testing.)

71° in the vertical column headed 28·6. This number is 70·8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number, that is, the true flashing point of the oil, is 73°.

IV.—Directions for determining the flashing point of petroleum which is not fluid at ordinary temperatures.

1. *Nature of the test-apparatus.*—The instrument employed is the Abel-Pensky petroleum testing apparatus, fitted with an additional thermometer to indicate the temperature of the oil in close proximity to the walls of the cup. This thermometer has a cylindrical bulb, $\frac{1}{2}$ inch in length and $\frac{5}{16}$ inch in diameter. It is scaled from 45° to 165° Fahrenheit, ten degrees on the scale occupying $\frac{3}{8}$ inch. The thermometer is held vertically in a socket attached to the cover of the oil-cup in such a position that the bulb is $\frac{1}{10}$ inch from the side of the cup.

(The thermometer can be removed and the orifice which is provided for it closed by means of an india-rubber plug, if the apparatus is required for testing petroleum in the ordinary way.)

2. *Directions for preparing the sample for testing.*—About ten fluid ounces of the oil are placed in a pint-flask, the mouth of which is then closed with an india-rubber stopper and the sample is liquefied by placing the flask in a water-bath, the temperature of which is only raised sufficiently high to liquefy the oil.

3. *Directions for preparing and using the test-apparatus.*—The water-bath and test-lamp are to be prepared in the manner prescribed in Part III of this Schedule. The oil-cup is to be filled with the liquefied oil, and the cover (into which both thermometers are to be previously inserted) placed on it, care being taken that the bulb of the additional thermometer is not brought into contact with the bracket-gauge fixed inside the cup. The oil-cup is then to be placed in a refrigerator, or plunged up to the projecting collar in water maintained at sufficiently low temperature, until both thermometers indicate the temperature at which the testing of petroleum is directed in Part III of this Schedule to be commenced. The oil-cup is then to be removed, wiped dry and placed in the water-bath, and the testing effected in the manner prescribed in Part III of this Schedule, the temperature indicated by the additional (vertical) thermometer alone being noted, and the average of three determinations, duly corrected for atmospheric pressure, being recorded as the flashing point of the sample, provided that no greater difference than 4° Fahrenheit exists between any two of such results.

Table

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Petroleum.

(The First Schedule—Testing.)

Table for correction of Flashing Points indicated by the test for Variations in Barometric Pressure on either side of Thirty Inches.

Barometer in inches.

	27	27.2	27.4	27.6	27.8	28	28.2	28.4	28.6	28.8	29	29.2	29.4	29.6	29.8	30	30.2	30.4	30.6	30.8	31
60.2	60.5	61.8	60.8	61.2	61.5	61.8	62.1	62.4	62.8	63.1	63.4	63.7	64	64.4	64.7	65	65.3	65.6	66	66.3	66.6
61.2	61.5	62.8	61.8	62.2	62.5	62.8	63.1	63.4	63.8	64.1	64.4	64.7	65	65.4	65.7	66	66.3	66.6	67	67.3	67.6
62.2	62.5	63.8	62.8	63.2	63.5	63.8	64.1	64.4	64.8	65.1	65.4	65.7	66	66.4	66.7	67	67.3	67.6	68	68.3	68.6
63.2	63.5	64.8	63.8	64.2	64.5	64.8	65.1	65.4	65.8	66.1	66.4	66.7	67	67.4	67.7	68	68.3	68.6	69	69.3	69.6
64.2	64.5	65.8	64.8	65.2	65.5	65.8	66.1	66.4	66.8	67.1	67.4	67.7	68	68.4	68.7	69	69.3	69.6	70	70.3	70.6
65.2	65.5	66.8	65.8	66.2	66.5	66.8	67.1	67.4	67.8	68.1	68.4	68.7	69	69.4	69.7	70	70.3	70.6	71	71.3	71.6
66.2	66.5	67.8	66.8	67.2	67.5	67.8	68.1	68.4	68.8	69.1	69.4	69.7	70	70.4	70.7	71	71.3	71.6	72	72.3	72.6
67.2	67.5	68.8	67.8	68.2	68.5	68.8	69.1	69.4	69.8	70.1	70.4	70.7	71	71.4	71.7	72	72.3	72.6	73	73.3	73.6
68.2	68.5	69.8	68.8	69.2	69.5	69.8	70.1	70.4	70.8	71.1	71.4	71.7	72	72.4	72.7	73	73.3	73.6	74	74.3	74.6
69.2	69.5	70.8	69.8	70.2	70.5	70.8	71.1	71.4	71.8	72.1	72.4	72.7	73	73.4	73.7	74	74.3	74.6	75	75.3	75.6
70.2	70.5	71.8	70.8	71.2	71.5	71.8	72.1	72.4	72.8	73.1	73.4	73.7	74	74.4	74.7	75	75.3	75.6	76	76.3	76.6
71.2	71.5	72.8	71.8	72.2	72.5	72.8	73.1	73.4	73.8	74.1	74.4	74.7	75	75.4	75.7	76	76.3	76.6	77	77.3	77.6
72.2	72.5	73.8	72.8	73.2	73.5	73.8	74.1	74.4	74.8	75.1	75.4	75.7	76	76.4	76.7	77	77.3	77.6	78	78.3	78.6
73.2	73.5	74.8	73.8	74.2	74.5	74.8	75.1	75.4	75.8	76.1	76.4	76.7	77	77.4	77.7	78	78.3	78.6	79	79.3	79.6
74.2	74.5	75.8	74.8	75.2	75.5	75.8	76.1	76.4	76.8	77.1	77.4	77.7	78	78.4	78.7	79	79.3	79.6	80	80.3	80.6
75.2	75.5	76.8	75.8	76.2	76.5	76.8	77.1	77.4	77.8	78.1	78.4	78.7	79	79.4	79.7	80	80.3	80.6	81	81.3	81.6

Flashing Point in Degrees Fahrenheit.

Petroleum. [ACT VIII, 1899.]
(The Second Schedule.—Enactments repealed.)

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 25.)

Year	Number.	Short title.	Extent of repeal.
1886	XII	The Petroleum Act, 1886 .	The whole.
1890	XIV	The Petroleum Act (1886) Amendment Act, 1890.	Ditto.
1891	XII	The Repealing and Amend- ing Act, 1891.	So much as relates to Act XII of 1886.
1897	XIV	The Indian Short Titles Act, 1897.	So much as relates to Act XIV of 1890.
1898	VII	The Petroleum Act, 1898 .	The whole.

ACT No. IX OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd March, 1899.)

An Act to amend the Law relating to Arbitration.

WHEREAS it is expedient to amend the law relating to arbitration by agreement without the intervention of a Court of Justice; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Arbitration Act, 1899.

Short title, extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force on the first day of July, 1899.

2. Subject to the provisions of section 23, this Act shall apply only in cases where, if the subject-matter submitted to arbitration were the subject of a suit, the suit could, whether with leave or otherwise, be instituted in a Presidency-town :

Application.

Provided that the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the local official Gazette, declare this Act applicable in any other local area as if it were a Presidency-town.

of 1877.
IV of 1882. 3. The last thirty-seven words of section 21 of the Specific Relief Act, 1877, and sections 523 to 526 of the Code of Civil Procedure shall not apply to any submission or arbitration to which the provisions of this Act for the time being apply :

Exclusion of certain enactments in certain cases where Act applies.

Provided that nothing in this Act shall affect any arbitration pending in a Presidency-town at the

commencement

[Price three annas and three pies.]

Arbitration.
(Sections 4-7.)

[ACT IX

commencement of this Act or in any local area at the date of the application thereto of this Act as aforesaid, but shall apply to every arbitration commenced after the commencement of this Act or the date of the application thereof, as the case may be, under any agreement or order previously made :

Provided, also, that nothing in this Act shall affect the provisions of the Indian Companies Act, 1882, VI of 1882. relating to arbitration.

Definitions.

4. In this Act, unless there is anything repugnant in the subject or context,—

(a) “the Court” means, in the Presidency-towns, the High Court, and, elsewhere, the Court of the District Judge; and

(b) “submission” means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

Submission to be irrevocable except by leave of Court.

5. A submission, unless a different intention is expressed therein, shall be irrevocable, except by leave of the Court.

Provisions implied in submissions.

6. A submission, unless a different intention is expressed therein, shall be deemed to include the provisions set forth in the first schedule, in so far as they are applicable to the reference under submission.

Reference to arbitrator to be appointed by third person.

7. The parties to a submission may agree that the reference shall be to an arbitrator or arbitrators to be appointed by a person designated therein.

Such person may be designated either by name or as the holder for the time being of any office or appointment.

Illustration.

The parties to a submission may agree that any dispute arising between them in respect of the subject-matter of the submission shall be referred to an arbitrator to be appointed by the Bengal Chamber of Commerce, or, as the case may be, to an arbitrator to be appointed by the President for the time being of the Bengal Chamber of Commerce.

8. (1) In

Arbitration.
(Sections 8-9.)

8. (1) In any of the following cases :—

- (a) where a submission provides that the reference shall be to a single arbitrator, and all the parties do not, after differences have arisen, concur in the appointment of an arbitrator ;
- (b) if an appointed arbitrator neglects or refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties do not supply the vacancy ;
- (c) where the parties or two arbitrators are at liberty to appoint an umpire or third arbitrator and do not appoint him ;
- (d) where an appointed umpire or third arbitrator refuses to act, or is incapable of acting, or dies, or is removed, and the submission does not show that it was intended that the vacancy should not be supplied, and the parties or arbitrators do not supply the vacancy ;

Power for the Court in certain cases to appoint an arbitrator, umpire or third arbitrator.

any party may serve the other parties or the arbitrators, as the case may be, with a written notice to concur in appointing an arbitrator, umpire or third arbitrator.

(2) If the appointment is not made within seven clear days after the service of the notice, the Court may, on application by the party who gave the notice, and after giving the other party an opportunity of being heard, appoint an arbitrator, umpire or third arbitrator, who shall have the like power to act in the reference and make an award as if he had been appointed by consent of all parties.

9. Where a submission provides that the reference shall be to two arbitrators, one to be appointed by each party, then, unless a different intention is expressed therein,—

Power for parties in certain cases to supply vacancy.

- (a) if either of the appointed arbitrators refuses

to

Arbitration.
(Sections 10-11.)

[ACT IX

to act, or is incapable of acting, or dies or is removed, the party who appointed him may appoint a new arbitrator in his place ;

- (b) if, on such a reference, one party fails to appoint an arbitrator, either originally or by way of substitution as aforesaid, for seven clear days after the other party, having appointed his arbitrator, has served the party making default with a written notice to make the appointment, the party who has appointed an arbitrator may appoint that arbitrator to act as sole arbitrator in the reference, and his award shall be binding on both parties as if he had been appointed by consent :

Provided that the Court may set aside any appointment made in pursuance of clause (b) of this section.

Powers of arbitrator.

10. The arbitrators or umpire acting under a submission shall, unless a different intention is expressed therein,—

- (a) have power to administer oaths to the parties and witnesses appearing ;
- (b) have power to state a special case for the opinion of the Court on any question of law involved ; and
- (c) have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

Award to be signed and filed.

11. (1) When the arbitrators or umpire have made their award, they shall sign it and shall give notice to the parties of the making and signing thereof and of the amount of the fees and charges payable to the arbitrators or umpire in respect of the arbitration and award.

(2) The arbitrators or umpire shall, at the request of any party to the submission or any person claiming under him, and upon payment of the fees and charges due in respect of the arbitration and award,

and

Arbitration
(Sections 12-16.)

and of the costs and charges of filing the award, cause the award, or a signed copy of it, to be filed in the Court; and notice of the filing shall be given to the parties by the arbitrators or umpire.

(3) Where the arbitrators or umpire state a special case under section 10, clause (b), the Court shall deliver its opinion thereon; and such opinion shall be added to, and shall form part of, the award.

12. The time for making an award may, from time to time, be enlarged by order of the Court, whether the time for making the award has expired or not.

Power for Court to enlarge time for making award.
Power to remit award.

13. (1) The Court may, from time to time, remit the award to the reconsideration of the arbitrators or umpire.

(2) Where an award is remitted under sub-section (1), the arbitrators or umpire shall, unless the Court otherwise directs, make a fresh award within three months after the date of the order remitting the award.

14. Where an arbitrator or umpire has misconducted himself, or an arbitration or award has been improperly procured, the Court may set aside the award.

Power to set aside award.

15. (1) An award on a submission, on being filed in the Court in accordance with the foregoing provisions, shall (unless the Court remits it to the reconsideration of the arbitrators or umpire, or sets it aside) be enforceable as if it were a decree of the Court.

Award when filed to be enforceable as a decree.

(2) An award may be conditional or in the alternative.

Illustration.

A dispute concerning the ownership of a diamond ring is referred to arbitration. The award may direct that the party in possession shall pay the other party Rs. 1,000, the said sum to be reduced to Rs. 5 if the ring is returned within fourteen days.

16. Where an arbitrator or umpire has misconducted himself, the Court may remove him.

Power to remove arbitrator or umpire.

-17. Any

Arbitration.
(Sections 17-20.)

[ACT IX

Costs. **17.** Any order made by the Court under this Act may be made on such terms as to costs or otherwise as the Court thinks fit.

Forms. **18.** The forms set forth in the second schedule, or forms similar thereto, with such variations as the circumstances of each case require, may be used for the respective purposes there mentioned, and, if used, shall not be called in question.

Power to stay proceedings where there is a submission. **19.** Where any party to a submission to which this Act applies, or any person claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power for High Court to make rules. **20.** The High Court may make rules consistent with this Act as to—

- (a) the filing of awards and all proceedings consequent thereon or incidental thereto;
- (b) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;
- (c) the transfer to Presidency Courts of Small Causes for execution of awards filed, where the sum awarded does not exceed two thousand rupees;
- (d) the staying of any suit or proceeding in contravention of a submission to arbitration; and,
- (e) generally,

1899.]

Arbitration.

(Sections 21-23. *The First Schedule.—Provisions to be implied in Submissions.*)

(e) generally, all proceedings in Court under this Act.

I of 1877.

21. In section 21 of the Specific Relief Act, 1877, after the the words "Code of Civil Procedure" the words and figures "and the Indian Arbitration Act, 1899," shall be inserted, and for the words "a controversy" the words "present or future differences" shall be substituted.

Amendment of section 21, Act I, 1877.

22. The provisions of this Act shall be binding on the Crown.

Crown to be bound.

23. (1) This Act shall apply within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon in cases where, if the subject-matter submitted to arbitration were the subject of a suit, the suit could, whether with leave or otherwise, be instituted within those local limits.

Special provision as to application of Act to Rangoon.

(2) For the purposes of this Act, the local limits aforesaid shall be deemed to be a Presidency-town and the Recorder of Rangoon shall have all the powers of a High Court.

THE FIRST SCHEDULE.

(See section 6.)

PROVISIONS TO BE IMPLIED IN SUBMISSIONS.

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writing within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

V. The

Arbitration.

[ACT IX

(The First Schedule.—Provisions to be implied in Submissions. The Second Schedule.—Forms.)

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may, from time to time, enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.

(See section 18.)

FORM I.

Submission to single arbitrator.

In the matter of the Indian Arbitration Act, 1899:—

Whereas differences have arisen and are still subsisting between A. B. of _____ and C. D. of _____ concerning _____

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.

C. D.

Dated the _____, 1899

1899.]

Arbitration.

(The Second Schedule.—Forms.)

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Indian Arbitration Act, 1899;—

Whereas differences have arisen and are still subsisting between A. B. of _____ and C. D. of _____ concerning _____ ;

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.

C. D.

Dated the _____, 1899

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Indian Arbitration Act, 1899;—

Whereas, by an agreement in writing, dated the _____ day of _____, 18____, and made between A. B. of _____ and C. D. of _____, it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned ;

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning _____ ;

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

(Signed) A. B.

C. D.

Dated the _____, 1899 .

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Indian Arbitration Act, 1899, and an arbitration between A. B. of _____ and C. D. of _____ :—

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (or above) submission until the _____ day of _____ 1899 .

(Signed) X. Y.,

Arbitrator.

Dated the _____, 1899 .

Arbitration. [ACT IX, 1899.]
(The Second Schedule.—Forms.)

FORM V.

Special case.

In the matter of the Indian Arbitration Act, 1899, and
an arbitration between A. B. of _____ and
C. D. of _____ :—

The following special case is, pursuant to the provisions
of section 10, clause (b), of the said Act, stated for the opinion
of the

* Here specify
the Court.

* :—

(Here state the facts concisely in numbered paragraphs.)

The questions of law for the opinion of the said Court
are :—

First, whether _____

Secondly, whether _____

(Signed) X. Y.,
Arbitrator.

Dated the _____, 189 _____

FORM VI.

Award.

In the matter of the Indian Arbitration Act, 1899, and
an arbitration between A. B. of _____ and C. D.
of _____ :—

Whereas in pursuance of an agreement in writing
dated the _____ day of _____, 189 _____, and made
between A. B. of _____ and C. D. of _____
, the said A. B. and C. D. have referred to
me, X. Y., the matters in difference between them concerning
(or as the case may be);

Now I, the said X. Y., having duly considered the matters
submitted to me, do hereby make my award as follows :—

I award—

(1) that _____

(2) that _____

(Signed) X. Y.,
Arbitrator.

Dated the _____, 189 _____

ACT No. X OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 3rd March,
1899.)

An Act to amend the law relating to Carriers.

WHEREAS it is expedient to amend the law relating to carriers; It is hereby enacted as follows :—

1. (1) This Act may be called the Carriers Act, 1899; and Short title and commencement.

(2) It shall come into force on the first day of May, 1899.

III of 1865.

2. After section 9 of the Carriers Act, 1865, the following section shall be added, namely :— Addition of new section after section 9, Act III, 1865.

“10. No suit shall be instituted against a common carrier for the loss of, or injury to, goods entrusted to him for carriage, unless notice in writing of the loss or injury has been given to him before the institution of the suit and within six months of the time when the loss or injury first came to the knowledge of the plaintiff.” Notice of loss or injury to be given within six months.

XV of 1877.

3. (1) In Part IV of the first division of the second schedule to the Indian Limitation Act, 1877, after the entry numbered 29 the following entries shall be inserted, namely :— Amendment of Schedule II, Act XV, 1877.

“30.—Against a carrier for compensation for losing or injuring goods.	Ditto	When the loss or injury occurs.
31.—Against a carrier for compensation for non-delivery of, or delay in delivering, goods.	Ditto	

(2) In

[Price one anna three pies.]

(2) In Part V of the same division of the said schedule, the entries numbered 30 and 31, respectively, are hereby repealed; and, in the entry numbered 32, for the word "Ditto" in the second column the words "Two years" shall be substituted.

ACT No. XI OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th March, 1899.)

An Act to further amend the Court-fees Act, 1870.

VII of 1870. **WHEREAS** it is expedient to further amend the Court-fees Act, 1870; It is hereby enacted as follows:—

1. (1) This Act may be called the Court-fees Amendment Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

VII of 1870.

2. After section 19G of the Court-fees Act, 1870, the following sections shall be added, namely:—

Addition of new sections after section 19G, Act VII, 1870.

“19H. (1) Where an application for probate or letters of administration is made to any Court other than a High Court, the Court shall cause notice of the application to be given to the Collector.

Notice of applications for probate or letters of administration to be given to Revenue-authorities, and procedure thereon.

(2) Where such an application as aforesaid is made to a High Court, the High Court shall cause notice of the application to be given to the Chief Controlling Revenue-authority of the Province.

(3) The Collector within the local limits of whose revenue-jurisdiction the property of the deceased or any part thereof is, may at any time inspect or cause to be inspected, and take or cause to be taken copies of, the record of any case in which application for probate or letters of administration has been made; and if, on such inspection or otherwise, he is of opinion that the petitioner has under-estimated the value of the property of the deceased, the Collector

may,

[Price two Annas and three pies.]

may, if he thinks fit, require the attendance of the petitioner (either in person or by agent) and take evidence and inquire into the matter in such manner as he may think fit, and, if he is still of opinion that the value of the property has been under-estimated, may require the petitioner to amend the valuation.

(4) If the petitioner does not amend the valuation to the satisfaction of the Collector, the Collector may move the Court before which the application for probate or letters of administration was made, to hold an inquiry into the true value of the property :

Provided that no such motion shall be made after the expiration of six months from the date of the exhibition of the inventory required by section 277 of the Indian Succession Act, 1865, or, as the case may be, by section 98 of the Probate and Administration Act, 1881. X of 1865.
V of 1881.

(5) The Court, when so moved as aforesaid, shall hold, or cause to be held, an inquiry accordingly, and shall record a finding as to the true value, as near as may be, at which the property of the deceased should have been estimated. The Collector shall be deemed to be a party to the inquiry.

(6) For the purposes of any such inquiry, the Court or person authorized by the Court to hold the inquiry may examine the petitioner for probate or letters of administration on oath (whether in person or by commission), and may take such further evidence as may be produced to prove the true value of the property. The person authorized as aforesaid to hold the inquiry shall return to the Court the evidence taken by him and report the result of the inquiry, and such report and the evidence so taken shall be evidence in the proceeding, and the Court may record a finding in accordance with the report, unless it is satisfied that it is erroneous.

(7) The finding of the Court recorded under subsection (5) shall be final, but shall not bar the entertainment and disposal by the Chief Controlling Revenue-authority of any application under section 19E.

(8) The

(8) The Local Government may make rules for the guidance of Collectors in the exercise of the powers conferred by sub-section (3).

19I. (1) No order entitling the petitioner to the grant of probate or letters of administration shall be made upon an application for such grant until the petitioner has filed in the Court a valuation of the property in the form set forth in the third schedule, and the Court is satisfied that the fee mentioned in No. 11 of the first schedule has been paid on such valuation.

Payment of court-fees in respect of probates and letters of administration.

(2) The grant of probate or letters of administration shall not be delayed by reason of any motion made by the Collector under section 19H, sub-section (4).

19J. (1) Any excess fee found to be payable on an inquiry held under section 19H, sub-section (6), and any penalty or forfeiture under section 19G may, on the certificate of the Chief Controlling Revenue-authority, be recovered from the executor or administrator as if it were an arrear of land-revenue by any Collector in any part of British India.

Recovery of penalties, etc.

(2) The Chief Controlling Revenue-authority may remit the whole or any part of any such penalty or forfeiture as aforesaid, or any part of any penalty under section 19E or of any court-fee under section 19E in excess of the full court-fee which ought to have been paid.

19K. Nothing in section 6 or section 28 shall apply to probates or letters of administration."

Sections 6 and 28 not to apply to probates or letters of administration.

VI of 1870.

3. To the Court-fees Act, 1870, the following schedule shall be added, namely :—

Addition of schedule to Act VII, 1870.

"SCHEDULE III.

“SCHEDULE III.

(See section 19I.)

FORM OF VALUATION (TO BE USED WITH SUCH MODIFICATIONS, IF ANY, AS MAY BE NECESSARY).

IN THE COURT OF

Re Probate of the Will of , (or *Administration of*
the property and credits of ,) *deceased.*

I

{ solemnly affirm }
{ make oath }

and say that I am the executor (or one of the executors or one of the next of kin) of , deceased, and that I have truly set forth in Annexure A to this affidavit all the property and credits of which the abovenamed deceased died possessed or was entitled to at the time of his death, and which have come, or are likely to come, to my hands.

2. I further say that I have also truly set forth in Annexure B all the items I am by law allowed to deduct.

3. I further say that the said assets, exclusive only of such last-mentioned items, but inclusive of all rents, interest, dividends and increased values since the date of the death of the said deceased, are under the value of

ANNEXURE A.

VALUATION OF THE MOVEABLE AND IM-MOVEABLE PROPERTY OF DECEASED.	.Rs.	A.	P.
Cash in the house and at the banks, household goods, wearing-apparel, books, plate, jewels, etc.			
(State estimated value according to best of Executor's or Administrator's belief.)			

Property

1899.]

Court-fees.

	Rs.	A.	P.
Property in Government securities transferable at the Public Debt Office.			
<i>(State description and value at the price of the day; also the interest separately, calculating it to the time of making the application.)</i>			
Immoveable property, consisting of			
<i>(State description, giving, in the case of houses, the assessed value, if any, and the number of years' assessment the market-value is estimated at, and, in the case of land, the area, the market-value and all rents that have accrued.)</i>			
Leasehold property			
<i>(If the deceased held any leases for years determinable, state the number of years' purchase the profit rents are estimated to be worth and the value of such, inserting separately arrears due at the date of death and all rents received or due since that date to the time of making the application.)</i>			
Property in public companies			
<i>(State the particulars and the value calculated at the price of the day; also the interest separately, calculating it to the time of making the application.)</i>			
Policy of insurance upon life, money out on mortgage and other securities, such as bonds, mortgages, bills, notes and other securities for money.			
<i>(State the amount of the whole; also the interest separately, calculating it to the time of making the application.)</i>			

Court-fees.

[ACT XI, 1899.]

	Rs.	A.	P.
Book debts			
<i>(Other than bad.)</i>			
Stock in trade			
<i>(State the estimated value, if any.)</i>			
Other property not comprised under the foregoing heads.			
<i>(State the estimated value, if any.)</i>			
TOTAL			
Deduct amount shewn in Annexure B not subject to duty.			
NET TOTAL			

ANNEXURE B.

SCHEDULE OF DEBTS, ETC.

	Rs.	A.	P.
Amount of debts due and owing from the deceased, payable by law out of the estate.			
Amount of funeral expenses			
Amount of mortgage incumbrances			
Property held in trust not beneficially or with general power to confer a beneficial interest.			
Other property not subject to duty			
TOTAL			

Repeal.

§4. Section 20 of the Probate and Administration Act, 1889, is hereby repealed.

VI of 1889.

ACT No. XII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th March, 1899.)

An Act to amend the law relating to the forgery of currency-notes and bank-notes.

WHEREAS it is expedient to amend the law relating to the forgery of currency-notes and bank-notes; It is hereby enacted as follows :—

1. (1) This Act may be called the Currency-Notes Forgery Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

2. After section 489 of the Indian Penal Code the following sections shall be added, namely :—

Addition of new sections after section 489, Act XLV, 1860.

‘ Of Currency-Notes and Bank-Notes.

‘ 489A. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any currency-note or bank-note, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Counterfeiting currency-notes or bank-notes.

‘ *Explanation.*—For the purposes of this section and of sections 489B, 489C and 489D, the expression “bank-note” means a promissory note or engagement for the payment of money to bearer on demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or as a substitute for, money.

‘ 489B. Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine,

Using as genuine forged or

genuine,

[Price one anna and three pies.]

Currency-Notes Forgery. [ACT XII, 1899.]

counterfeit
currency-
notes or
bank-notes.

genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Possession of
forged or
counterfeit
currency-
notes or
bank-notes.

‘489C. Whoever has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Making or
possessing
instruments
or materials
for forging
or counter-
feiting
currency-
notes or
bank-notes.

‘489D. Whoever makes, or performs any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency-note or bank-note, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.’

Addition to
Schedule II,
Act V, 1898.

3. In the Code of Criminal Procedure, 1893, V of 1898 Schedule II, after the entries relating to section 489 of the Indian Penal Code the following shall be added, XLV of 1860.
namely :—

“Of Currency-Notes and Bank-Notes.

489A	Counterfeiting currency-notes or bank-notes.	May arrest without warrant.	Warrant .	Not bailable.	Not compound- able.	Transportation for life, or imprison- ment of either de- scription for 10 years, and fine.	Court of Session.
489B	Using as genuine forged or counter- feit currency-notes or bank-notes.	Ditto .	Ditto .	Ditto .	Ditto .	Ditto . . .	Ditto
489C	Possession of forged or counter- feit currency-notes or bank-notes	Ditto .	Ditto .	Bailable .	Ditto .	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
489D	Making or possess- ing instruments or materials for forging or counter- feiting curren- cy-notes or bank- notes.	Ditto .	Ditto .	Not bailable.	Ditto .	Transportation for life, or imprison- ment of either description for 10 years, and fine.	Ditto.”

ACT No. XIII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th March, 1899.)

An Act to consolidate and amend the Law relating to Glanders and Farcy.

WHEREAS it is expedient to consolidate and amend the law relating to glanders and farcy; It is hereby enacted as follows:—

1. (1) This Act may be called the Glanders and Farcy Act, 1899. Short title, extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. (1) In this Act, unless there is anything repugnant in the subject or context, "diseased" means affected with glanders or farcy or any other dangerous epidemic disease among horses which the Governor General in Council may, by notification in the Gazette of India, specify in this behalf. Definition of "diseased."

(2) The provisions of this Act relating to horses shall apply also to asses and mules.

3. The Local Government may, by notification in the local official Gazette, apply this Act, or any provision of this Act, to any local area, to be specified in such notification, within the Province. Application of Act to local areas by Local Government.

4. (1) When this Act has been so applied to a local area, the Local Government may, by notification in the local official Gazette, appoint such persons as it thinks fit to be Inspectors under this Act and to exercise and perform, within the whole of the local area or such portions thereof as it may prescribe, the powers.

Price two annas.]

Glunders and Farcy. [ACT XIII

powers conferred and the duties imposed by this Act on such officers.

(2) Every person so appointed shall be deemed to be a public servant within the meaning of the Indian Penal Code.

XLV of 1867

Power of entry and search.

5. Within the local limits for which he is so appointed, any such Inspector as aforesaid may, subject to such rules as the Local Government may make in this behalf, enter and search any field, building or other place for the purpose of ascertaining whether there is therein any horse which is diseased.

Power of seizure.

6. Within such limits as aforesaid, the Inspector may seize any horse which he has reason to believe to be diseased.

Horse to be examined by Veterinary Practitioner.

7. (1) On any such seizure as aforesaid, the Inspector shall cause the horse seized to be examined as soon as possible by such Veterinary Practitioner as the Local Government may appoint in this behalf :

Provided that, when the Inspector is also a Veterinary Practitioner so appointed, he may make the examination himself.

(2) For the purposes of the examination, the Veterinary Practitioner may submit the horse to any test or tests which the Local Government may prescribe.

Horse to be destroyed if found diseased : otherwise restored.

8. (1) If the Veterinary Practitioner certifies in writing that the horse is diseased, the Inspector shall cause the same to be immediately destroyed :

Provided that, in the case of any disease other than glanders or farcy, horses certified to be diseased as aforesaid may, subject to any rules which the Local Government may make in this behalf, be either destroyed or otherwise treated or dealt with as the Veterinary Practitioner may deem necessary.

(2) If, after completing the examination, the Veterinary Practitioner does not certify that the horse is diseased, the Inspector shall at once deliver the same to the person entitled to the possession thereof.

9. (1) When

9. (1) When any diseased horse has been in any building, shed or other enclosed place, or in any open lines, the Inspector may issue a notice to the owner of the building, shed, place or lines, or to the person in charge thereof, directing him to have the same disinfected and the internal fittings thereof, or such other things found therein or near thereto as the Local Government may by rule prescribe, destroyed.

When horse diseased, place where it has been to be disinfected, etc.

(2) On the failure or neglect of such owner or other person as aforesaid to comply with the notice within a reasonable time, the Inspector shall cause the building, shed, place or lines to be disinfected and the fittings or other things to be destroyed, and the expense (if any) thereby incurred may be recovered from the owner or other person as if it were a fine.

10. The owner or any person in charge of a diseased horse shall give immediate information of the horse being diseased to the Inspector or to such authority as the Local Government may appoint in this behalf.

Owner or person in charge of diseased horse to give notice.

11. No person in charge of any horse which has been in the same field, building or place as, or in contact with, a diseased horse, shall remove such horse except in good faith for the purpose of preventing infection, or under a license to be granted by the Inspector and subject to the conditions of the license.

Prohibition against removal, without license, of horse which has been with diseased horse.

12. (1) Whoever, being an Inspector appointed under this Act, vexatiously and unnecessarily enters or searches any field, building or other place, or seizes or detains any horse on the pretence that it is diseased, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Vexatious entries, searches and seizures.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence has been committed.

13. Whoever refuses or neglects to comply with any notice issued by the Inspector under section 9,

Penalty for refusing to comply with

or

notice under section 9, or for moving horse contrary to section 11. or removes any horse in contravention of section 11, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Power to make rules.

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

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

(a) regulate entries, searches and seizures by Inspectors under this Act;

(b) regulate the use of tests and the isolation of horses subjected thereto, and provide for recovering the expense of detaining, isolating and testing horses from the owners or persons in charge thereof as if it were a fine;

(c) regulate the destruction or treatment, as the case may be, of horses certified under section 8 to be diseased, and the disposal of the carcases of diseased horses;

(d) regulate the disinfecting of buildings and places in which diseased horses have been, and prescribe what things found therein or near thereto shall be destroyed; and

(e) regulate the grant of licenses under section 11 and the conditions on which those licenses shall be granted.

(3) All rules under this section shall be published in the local official Gazette, and, on such publication, shall have effect as if enacted by this Act.

(4) In making any rule under this section, the Local Government may direct that a breach of it shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Appoint-
ment of same
person to be

15. Any Veterinary Practitioner may be appointed by the Local Government to be both Inspector and
Veterinary

1899.] *Glanders and Farcy.*

Veterinary Practitioner for all or any of the purposes of this Act or of any rule thereunder. both Inspector and Veterinary Practitioner.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Act. Protection to persons acting under Act.

17. The enactments mentioned in the schedule are hereby repealed to the extent specified in the fourth column thereof. Repeal.

THE SCHEDULE.
ENACTMENTS REPEALED.
(See section 17.)

Year.	No.	Short Title.	Extent of Repeal.
1879	XX	The Glanders and Farcy Act, 1879.	The whole Act.
1891	XII	The Repealing and Amending Act, 1891.	So much as relates to Act XX of 1879.
1896	XV	The Glanders and Farcy Act (1879) Amendment Act, 1896.	The whole Act.
1897	XIV	The Indian Short Titles Act, 1897.	So much as relates to Act XV of 1896.

577 27.
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ACT No. XIV OF 1899. ~~ACT No. XIV OF 1899.~~

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 20th
March, 1899.)

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

VIII of
1894.

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

- 1. (1) This Act may be called the Indian Tariff
Amendment Act, 1899; and
- (2) It shall come into force at once.
- 2. After section 8 of the Indian Tariff Act, 1894,
the following section shall be added, namely:—

Short title
and com-
mencement.

VIII of
1894.

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

“8A. (1) Where any country, dependency or
colony pays or bestows, directly or indirectly, any
bounty or grant upon the exportation therefrom of
any article and the article is chargeable with duty
under the provisions of this Act, then, upon the
importation of any such article into British India,
whether the same is imported directly from the
country of production or otherwise, and whether it
is imported in the same condition as when exported
from the country of production or has been changed
in condition by manufacture or otherwise, the
Governor General in Council may, by notification in
the Gazette of India, impose an additional duty
equal to the net amount of such bounty or grant,
however the same be paid or bestowed.

Additional
import-duty
on bounty
fed articles.

“(2) The net amount of any such bounty or
grant as aforesaid shall be, from time to time, ascer-
tained

Tariff. [ACT XIV, 1899.]

tained, determined and declared by the Governor General in Council, and the Governor General in Council may, by notification in the Gazette of India, make rules for the identification of such articles and for the assessment and collection of any additional duty imposed upon the importation thereof under sub-section (1)."

Act not to
apply in
certain cases.

3. This Act shall not apply to any imported article the bill of lading for which was signed and given before the commencement of this Act.

ACT NO. XV OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th July, 1899.)

An Act to validate certain marriages solemnized in the Native States of Pudukkottai and Travancore in India.

WHEREAS the Reverend Carl Manthey-Zorn, an ordained Minister of the Leipzig Evangelical Lutheran Mission, was, in or about the month of April, 1872, licensed by the Governor of Fort Saint George in Council, under the provisions of sections 8 and 47 of the Indian Marriage Act, 1865, to solemnize marriages and to grant certificates of marriage between Native Christians within the territories subject to the said Governor in Council, and the said Carl Manthey-Zorn did, in the years 1874 and 1875, solemnize certain marriages and grant certain certificates of marriage between Native Christians in Pudukkottai, which is a Native State beyond the said territories ;

And whereas the late Reverend Ludvig Traugott Paesler, of the Leipzig Evangelical Lutheran Mission, was, in the month of August, 1876, licensed by the said Governor in Council, under the provisions of sections 6 and 9 of the Indian Christian Marriage Act, 1872, to solemnize marriages and to grant certificates of marriage between Native Christians " within the territories subject to the Government of Madras", and the said Ludvig Traugott Paesler did, both before and after he was licensed as aforesaid, solemnize certain marriages and grant certain certificates of marriage between Native Christians in the said Native State of Pudukkottai ;

And

*Validation of Marriages (Pudukkottai [ACT XV
and Travancore).*

And whereas Catechist Visuvasam Solomon, of the London Missionary Society, Nagercoil, Travancore, was in the month of June, 1877, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians "within the territories subject to the Government of Madras", and the said Visuvasam Solomon did, in the years 1877 to 1894, grant certain certificates in respect of marriages between Native Christians in Travancore, which is a Native State beyond the said territories ;

And whereas the Reverend Friedrich Karl Alwin Gehring, of the Leipzig Evangelical Lutheran Mission, Kambakonam, Tanjore District, was, in the month of May, 1879, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians, and the said Friedrich Karl Alwin Gehring did, in the years 1884 and 1885, grant certain certificates in respect of marriages between Native Christians in the said Native State of Pudukkottai ;

And whereas the Reverend Ernst Leberecht Dachselt was, in the month of November, 1886, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians, and the said Ernst Leberecht Dachselt did, both before and after he was licensed as aforesaid, grant certain certificates of marriage between Native Christians in the said Native State of Pudukkottai ;

And whereas the Reverend Karl Traugott Rueger, a Missionary of the Leipzig Evangelical Lutheran Mission, Madras, was, in the month of March, 1888, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians, and the said Karl Traugott Rueger

1899.] *Validation of Marriages (Pudukkottai
and Travancore).*

Rueger did; in the year 1895, grant a certificate in respect of a marriage between Native Christians in the said Native State of Pudukkottai ;

And whereas the Reverend Theodor Meyner, a Missionary of the Leipzig Evangelical Lutheran Mission, Trichinopoly, was, in the month of March, 1888, licensed by the said Governor in Council, under the provisions of section 9 of the Indian Christian Marriage Act, 1872, to grant certificates of marriage between Native Christians, and the said Theodor Meyner did, in the years 1889 to 1891, grant certain certificates in respect of marriages between Native Christians in the said Native State of Pudukkottai ; XV of 1872.

And whereas there is no reason to doubt that the said Carl Manthey-Zorn, Ludvig Traugott Paesler, Visuvasam Solomon, Friedrich Karl Alwin Gehring, Ernst Leberecht Dachselt, Karl Traugott Rueger and Theodor Meyner acted as aforesaid in good faith in the belief that they were authorized to solemnize marriages or to grant certificates of marriage between Native Christians, as the case may be, in the Native State of Pudukkottai or Travancore, as the case may be ;

And whereas there is no reason to doubt that the parties to the said marriages all in good faith believed that their marriages were being duly solemnized or certified, as the case may be, and that their marriages were valid in law ;

And whereas it is doubtful whether the said marriages, or any of them, were duly solemnized or certified, as the case may be, so as to be valid in law, and it is expedient that they should be validated ;

It is hereby enacted as follows :—

Short title,
commence-
ment and
extent.

1. (1) This Act may be called the Marriages Validation (Pudukkottai and Travancore) Act, 1899 ; and

(2) It shall come into force at once.

(3) It extends to all persons and places for whom
and

*Validation of Marriages (Pudukkottai [ACT XV, 1899.
and Travancore).*

and for which the Governor General in Council has power to make laws.

2. In this Act all expressions used shall have the same meaning as in the Indian Christian Marriage Act, 1872.

Construction.

XV of 1872.

3. All marriages which have been solemnized, or in respect of which certificates have been granted, in the Native State of Pudukkottai or Travancore, as the case may be, by the said Carl Manthey-Zorn, or the said Ludvig Traugott Paesler, or the said Visuvasam Solomon, or the said Friedrich Karl Alwin Gehring, or the said Ernst Leberecht Dachselt, or the said Karl Traugott Rueger, or the said Theodor Meyner, shall be, and shall be deemed to have been on and with effect from the date of the solemnization of each respectively, or the date of the certificate granted in respect of each respectively, as good and valid in law as if they had been solemnized, or the certificates in respect of them had been granted, by persons duly authorized under section 6 or section 9, as the case may be, of the Indian Christian Marriage Act, 1872, to solemnize marriage or grant certificates of marriage between Native Christians in the Native State of Pudukkottai or Travancore, as the case may be.

Validation of certain irregular marriages.

XV of 1872.

4. Certificates of marriages which are declared by section 3 to be good and valid in law, and register-books and certified copies of true and duly authenticated extracts therefrom deposited in compliance with the provisions of the Indian Christian Marriage Act, 1872, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been duly solemnized under Part I or Part VI, as the case may be, of the said Act.

Validation records of the said irregular marriages.

XV of 1872.

5. Act XVII of 1895 (*an Act to validate certain marriages solemnized in the Civil and Military Station of Bangalore*) may, without prejudice to any other mode of citation, be cited for all purposes as the Marriages' Validation (Bangalore) Act, 1895.

Short title conferred by Act XVII 1895.

ACT NO. XVI OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th July, 1899.)

An Act further to amend the Northern India Canal and Drainage Act, 1873.

III of 1873. **WHEREAS** it is expedient further to amend the Northern India Canal and Drainage Act, 1873; It is hereby enacted as follows:—

1. (1) This Act may be called the Northern India Canal and Drainage (Amendment) Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

III of 1873. 2. To section 36 of the Northern India Canal and Drainage Act, 1873, the following paragraph shall be added, namely:—

Addition to section 36, Act VIII, 1873.

“The rules hereinbefore referred to may prescribe and determine what persons or classes of persons are to be deemed to be occupiers for the purposes of this section, and may also determine the several liabilities, in respect of the payment of the occupier’s rate, of tenants and of persons to whom tenants may have sublet their lands, or of proprietors and of persons to whom proprietors may have let the lands held by them in cultivating occupancy.”

II of 1873. 3. In section 47 of the said Northern India Canal and Drainage Act, 1873, for the words “or tenants” the words “tenants or sub-tenants” shall be substituted.

Amendment of section 47, Act VIII, 1873.

ACT NO. XVII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th July, 1899.)

An Act further to amend the Indian Registration Act, 1877.

III of 1877. WHEREAS it is expedient further to amend the Indian Registration Act, 1877; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Registration (Amendment) Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

III of 1877. 2. Section 22 of the Indian Registration Act, 1877, is hereby repealed, and the following section is substituted therefor, namely:—

Repeal of section 22, Act III, 1877, and substitution of new section.

“ 22. (1) Where it is, in the opinion of the Local Government, practicable to describe houses, not being houses in towns, and lands by reference to a Government map or survey, the Local Government may, by rule, require that such houses and lands as aforesaid shall, for the purposes of section 21, be so described.

Description of houses and land by reference to Government maps or surveys.

“ (2) Save as otherwise provided by any rule made under sub-section (1), failure to comply with the provisions of section 21, clause (b), shall not disentitle a document to be registered if the description of the property, to which it relates, is sufficient to identify that property.”

ACT No. XVIII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL

(Received the assent of the Governor General on the 14th July 1899.)

An Act to amend the Land Improvement : Loans Act, 1883.

IX of 1883. **WHEREAS** it is expedient to amend the Land Improvement Loans Act, 1883; It is hereby enacted as follows:—

1. (1) This Act may be called the Land Improvement Loans (Amendment) Act, 1899; and

Short title
and com-
mencement.

(2) It shall come into force at once.

IX of 1883. 2. In section 6, sub-section (1), of the Land Improvement Loans Act, 1883, for the words "from the date of the actual advance of the last instalment", the words "from the date of the advance of the last instalment actually paid" shall be substituted and shall be deemed to have been substituted with effect from the commencement of the said Act.

Amendment,
with retro-
spective
effect, of
section 6,
Act XIX,
1883.

ACT NO. XIX OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd
July, 1899.)

An Act to provide for the conversion into British Indian currency of sums expressed in British currency in the Army Act.

44 & 45 Vict.,
c. 58.

WHEREAS it is provided by section 169 of the Army Act that the Governor General in Council may declare the amount of the local currency which is to be deemed, for the purposes of the said Act, to be equivalent to any sum of British currency mentioned therein ;

And whereas it is expedient, in exercise of the power so conferred, to provide for the conversion into British Indian currency of sums expressed in British currency in the said Act ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Currency Conversion (Army Annual) Act, 1899.

Short title, extent and commencement.

(2) It extends to the whole of British India ; and

(3) It shall come into force at once.

44 & 45 Vict.,
c. 58.

2. For the purposes of the Army Act, fifteen rupees of British Indian currency shall be deemed to be the equivalent of one pound of British currency and any sum of British currency mentioned in the said Act shall be deemed to be the equivalent of a sum of British Indian currency calculated at that rate of exchange.

Rate of exchange fixed for calculating the equivalent in British Indian currency of sums of British currency mentioned in the Army Act.
Duration of Act.

3. This Act shall continue in force until the thirty-first day of March, 1900.

[*Price one anna.*]

ACT No. XX OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st
September, 1899.)

An Act further to amend the Presidency Banks Act, 1876.

XI of 1876. **WHEREAS** it is expedient further to amend the
Presidency Banks Act, 1876; It is hereby enacted
as follows:—

1. (1) This Act may be called the Presidency
Banks Act, 1899; and

Short title
and com-
mencement.

(2) It shall come into force at once.

XI of 1876. 2. To section 36, clause (a), sub-clause (4), of the
v of 1879. Presidency Banks Act, 1876, as amended by section 4
of the Presidency Banks Act, 1879, the following
shall be added, namely:—

Further
amendment
of section 36,
Act XI, 1876.

Bom. Act IV
of 1898. “or the Trustees for the Improvement of the
City of Bombay under the authority of the City of
Bombay Improvement Act, 1898.”

[Price one anna.]

ACT NO. XXI OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 6th September, 1899.)

An Act to amend the Central Provinces Tenancy Act, 1898.

I of 1898. WHEREAS it is expedient to amend the Central Provinces Tenancy Act, 1898; It is hereby enacted as follows:

1. (1) This Act may be called the Central Provinces Tenancy (Amendment) Act, 1899; and

Short title and commencement.

(2) It shall come into force at once.

I of 1898. 2. In section 45 of the Central Provinces Tenancy Act, 1898, for sub-section (6) the following sub-section shall be substituted and shall be deemed to have been substituted on and with effect from the commencement of the said Act, namely:—

Substitution of new sub-section for sub-section (6), section 45, Act XI, 1898.

“(6) Nothing in this section shall affect a document duly registered before the commencement of this Act; and, on any surrender or transfer such as is described in sub-section (1) being made, decreed or ordered in pursuance of such a document, the rights of the parties to occupy the sir-land shall accrue as if this Act had not been passed.”

[Price one anna.]

Government of India Central Printing Office No. 43 L. D.,—23-8-99,—7,000,—S. J. D'S.

ACT No. XXII OF 1899.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th September, 1899.)

An Act further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882.

WHEREAS it is expedient further to amend the Indian Coinage Act, 1870, and the Indian Paper Currency Act, 1882; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Coinage and Paper Currency Act, 1899; and

Short title and commencement.

(2) It shall come into force at once;

2. For section 12 of the Indian Coinage Act, 1870, the following section shall be substituted, namely:—

Substitution of new section for section 12, Act XXIII, 1870.

“12. Gold coins, whether coined at Her Majesty’s Royal Mint in England, or at any Mint established in pursuance of a Proclamation of Her Majesty as a branch of Her Majesty’s Royal Mint, shall be a legal tender in payment or on account at the rate of fifteen rupees for one sovereign:

Gold coins a legal tender.

“Provided that such coins have not been called in by any Proclamation made in pursuance of the Coinage Act, 1870, or have not lost weight so as to be of less weight than that for the time being prescribed for like coins by or under the said Statute as the least current weight.”

3. To section 11, clause (a), of the Indian Paper Currency Act, 1882, the following words and figures shall be added, namely:—

Addition to section 11, clause (a), Act XX, 1882.

“or in gold coin which is legal tender under the Indian Coinage Act, 1870.”

[Price one anna.]

XXIII of 1870.
XX of 1882.

XXIII of 1870.

33 & 34^r
Vict., c. 10.

XX of 1882.

XXIII of 1870.