



# Bombay Government Gazette.

# ART IV.

A C T S

PASSED BY THE

GOVERNMENT OF INDIA ...

AND BY THE

GOVERNMENT OF BOMBAY.

# 1869 and 1870.

ALSO FOUR ACTS OF THE ENGLISH PARLIAMENT.

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# PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excollency the Governor General on the 31st December 1869, and was promulgated for general information in the Gazette of India on the 1st January 1870 :---

#### Act No. XXVI. of 1869.

An Act to correct a clerical error in Act No. VIII. of 1863.

WHEREAS Act No. VIII. of 1863 (for the preamble amendment of the law Preamble

Preamble of Prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of Prisoners convicted of offences in Native States), section 2 enacts that "Officers in charge of Inils within the British Thereining charge of Jails within the British Territories

in India shall be competent to give effect to any sentence which shall be passed by any Court or Tribunal acting under the authority of Her Ma-jesty, or of the Government of India, or of any Local Government, although such Court be not situate in a place not subject to the general Regulations;"

And whereas it is expedient to correct the clerical error hereinbefore indicated by italics; It is hereby enacted as follows :-

1. Amendment of Act VIII. of 1863, section 2.

The said section shall be read as if, for the phrase "be not situate" the phrase "be situate," were substituted.

### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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# PART IV.

## ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 31st December 1869, and was promulgated for general information in the Gazette of India on the 1st January 1870 :-

### Act No. XXVI. of 1869.

An Act to correct a clerical error in Act No. VIII. of 1863.

WHEREAS Act No. VIII. of 1863 (for the Preamble, amendment of the law

Preamble. of Prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of Prisoners convicted of offences in Native States), section 2 enacts that "Officers in charge of Jails within the British Territories

in India shall be competent to give effect to any sentence which shall be passed by any Count or Tribunal acting under the authority of Her Majesty, or of the Government of India, or of any Local Government, although such Court be not situate in a place not subject to the general Regnlations :"

And whereas it is expedient to correct the clerical error hereinbefore indicated by italics; It is hereby enacted as follows ;-

1. The said section shall be read as if, for the Amendment of Act VIII. of 1863, section 2.

phrase "be not situate" the phrase "be situate," were substituted.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

1v.-64 a

Printed and Published for Government at the BONBAY EDUCATION SOCIETY'S PRESS, Byculla.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 31st December 1869, and was referred to a Select Committee with instructions to make their report theieon in a fortmght:-

### Bill No. 22 of 1869.

A Bill to provide for the appointment of addi-tional Subordinate Judges and Munsifs in the Presidency of Fort William,

WHEREAS, by Act XVI. of 1868 (10 consolidate

and amend the law re-Preamble. lating to Principal Sadr Amins, Sadr Amins and Munsifs in Bengal, and for other purposes), the Local Government is empowered to appoint a person to the office of Subordinate Judge or Munsif only on the occurrence of a vacancy in such office, and it is expedient to provide for the appointment of persons to such offices in addition to the appointments made under that Act; It is hereby enacted as follows;-

Whenever it appears expedient to the said 1. Local Government to appoint

Power to appoint additional Subordinate a person to the office of Subordinate Judge or Munsif Judges and Munsifs. in addition to the Subordi-

nate Judges and Munsifs appointed under the said Act,

in the case of a Subordinate Judge, the Local Government may appoint,

and, in the case of a Munsif, the High Court of Judicature shall nominate, and the Local Government shall appoint,

such person as the Local Government or the High Court (as the case may be) shall think fit;

Provided that no person shall be so nominated to the office of Munsif unless Qualifications of nerhe possesses the qualifications

sons appointed. prescribed by the rules made under section five of the said Act,

2. Every Subordinate Judge and Munsif so appointed, shall be deemed a Subordinate Judge, or Persons appointed to be deemed Subordinate Judges or Munsifs under Act XVI. Munsif, as the case may of 1868,

3.

be, under the said Act. Nothing in this Act shall authorize the Local Government to increase the

Previous sanction of Gonumber of Subordinate vernor General in Council. vernor General in Council. Judgeships and Munsif-ships without the previous sanction of the Governor General of India in Council.

### STATEMENT OF OBJECTS AND REASONS.

By section 5, Act XVI. of 1868, the Local Governments of Bengal and the North-Western Provinces are empowered to appoint a person to the office of Subordinate Judge or Munsif only on the occurrence of a vacancy in any of the offices established by that Act.

Owing to a recent change in the law relating to the adjudication of Suits instituted in the Lower Provinces of Bengal between landloid and tenant, it has become necessary to make some increase to the existing number of Munsifs' Courts within those territories.

The immediate object of the Bill, therefore, is to enable the Lieutenant Governor of Bengal to appoint as many additional Munsifs as may be necesšary,

At the same time it is deemed expedient to take advantage of the present opportunity for removing the restriction of the existing law, and to provide for the appointment of additional Subordinate Judges and Munsifs wherever they may be required.

> F. R. COCKERELL. (Signed)

The 17th December 1869.

WHITLEY STOKES.

Secretary to the Council of the Governor General for making Laws and Regulations.

**v1.**—44 a

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# PART IV.

### ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th January 1870, and was promulgated for general information in the Gazette of India on the 15th January 1870:---

### Act No. I. of 1870.

An Act to provide rules relating to Quarantine. WHEREAS it is expedient to empower expressly

Preamble. Local Governments to make rules relating to quarantine; It is hereby enacted as follows:—

1. It shall be lawful for the Governor General Power to make quarantune rules. of India in Council and (with the previous sanction of the said Governor General in Council) for the Local Governments respectively, from time to time, to make rules for putting any vessel into a state of quarantine;

for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels; and

for regulating the intercourse between ports where an infectious disease prevails, and other ports.

2. All such rules shall be published in the Quarantine rules to be deemed rules under section 271 of Penal Code. deemed to be rules made and promulgated under section 271 of the Indian Penal Code.

### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations. 1V.-65 The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th January 1870, and was promulgated for general information in the *Gazette of India* on the 15th January 1870:---

### Act No. II. cf 1870

An Act to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William.

WHEREAS, by Act XVI. of 1868 (to consolidate Preamble and amend the law relating to Principal Sadr Amins, Sadr Amins and Munsifs in Bengal, and for other purposes), the Local Government is empowered to appoint a person to the office of Subordinate Judge or Munsif only on the occurrence of a vacancy in such office, and it is expedient to provide for the appointment of persons to such offices in addition to the appointments made under that Act: It is hereby enacted as follows:-

1. Whenever it appears expedient to the said Power to appoint additional Subordinate Judges and Munsifs. nate Judges and Munsifs appointed under the said Act,

in the case of a Subordinate Judge, the Local Government may appoint,

and, in the case of a Munsif, the High Court of Judicature shall nominate, and the Local Government shall appoint,

such person as the Local Government or the High Court (as the case may be) shall think fit: 209

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Provided that no person shall be so nominated to the office of Munsif unless he possesses the qualifications Qualifications of per-

sons appointed. prescribed by the rules made under section five of the said Act.

2. Every Subordinate Judge and Munsif so appointed, shall be deemed a

Persons appointed to be deemed Subordinate Judges or Munsus under Act XVI. of 1868;

Subordinate Judge, or Munsif, as the case may be, under the said Act.

3. Nothing in this Act shall authorize the Local Government to increase the

Previous sanction of Gonumber of Subordinate vernor General in Council. vernor General in Council. Judgeships and Munsif-ships without the previous sanction of the Governor General of India in Council.

### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excel-lency the Governor General on the 14th January 1870, and was promulgated for general information in the Gazette of India on the 15th January 1870:---

### Act No. III. of 1870.

An Act to remove the Agror Valley from the Jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.

WHEREAS it is expedient 'to remove the territory known as the Agror Valley Preamble. from the jurisduction of the tribunals established under the general Regulations

and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows:-

This Act may be ł. called "The Agror Valley Short title. Act, 1870.

The Ordinance of the fourth day of October, 2. 1869, "to remove the Agror Repeal of Ordmanee.

Valley from the jurisdiction of the tribunals established under the general Regu-lations and Acts, and for other purposes," is hereby ' repealed.

The said territory shall be deemed to include 3. such portions of the Districts

Extent of Act. of Hazára, Attok, and Ráwal Pindí, as the Lieutenant Governor of the Panjáb has appointed for the purposes of the said Ordinance, or shall from time to time appoint for the purposes of this Act.

4. Save as hereinafter provided, the territory

Agror Valley removed from operation of general Regulations and Acts.

known as the Agror Valley is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the offices of revenue constituted by the Rules, Regulations, and Acts in force in the territories under the control of the said Lieutenant Governor, as well as from the law prescribed for the said Courts and offices by the Rules. Regulations, and Acts aforesaid;

and no Act hereafter passed by the Council of the Governor General for making Laws and Regula-tions shall be deemed to extend to any part of the said territory, unless the same be specially named therein.

The administration of civil and criminal justice within the said territory, and Administration of justhe superintendence of the tice, and settlement and settlement and realization of collection of revenue. the public revenue and of all matters relating to the peace and good government of the same territory, and to rent payable therein, are hereby vested in such officers as the said Lieutenant Governor may, for the purpose of tribunals of first instance, or of reference and appeal, from time to time

appoint. The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant Governor, and be guided by such instructions as he may from time to time issue.

Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea, Place of imprisonment or transportation.

under any order or sentence passed by any officer or court empowered as provided in this Act, may be imprisoned in any civil or criminal jail, or transported to any place which the said Lieutenant Governor may direct.

7. The said Lieutenant Governor may from time

to time, by notification in the official Gazette, extend to Power to extend laws. the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by 'the Council of the Governor General for the purpose of making Laws and Regulations;

and 'may, on, making such extension, direct by whom any powers or duties incident to the provi-'sions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

8. Whenever a question arises whether any place falls within the boundary of Questions of disputed the said territory, such boundary officeras the said Lieutenant Governor shall from time to time appoint may consider and determine on which side of the boundary

such place lies, and the order made thereon by such officer shall be final.

### WHITLEY STOKES,

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# PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th January 1870, and was promulgated for general information in the *Gazette of India* on the 15th January 1870:---

### Act No. I. of 1870.

An Act to provide rules relating to Quarantine.

WHEHEAS it is expedient to empower expressly Preamble. Local Governments to make rules relating to quarantine; It is hereby enacted as follows:--

1. It shall be lawful for the Governor General Power to make quarantime rules. (with the previous sanction of the said Governor General in Council) for the Local Governments respectively, from time to time, to make rules for putting any vessel into a state of quarantine;

for regulating the intercourse of vessels in 'a state of quarantine with the shore or with other vessels; and

for regulating the intercourse between ports where an infectious disease prevails, and other ports.

2. All such rules shall be published in the Quarantume rules to be deemed rules under section 271 of Penal Code. deemed to be rules made and promulgated under section 271 of the Indian Penal Code.

### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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#### Act No. II. of 1870.

An Act to provide for the appointment of addi-tional Subordinate Judges and Munsifs in the Presidency of Fort William.

WHEREAS, by Act XVI. of 1868 (to consolidate and amend the law re-Preamble.

lating to Principal Sadr Amins, Sadr Amins and Munsifs in Bengal, and for other purposes), the Local Government is empowered to appoint a person to the office of Subordi-nate Judge or Munsif only on the occurrence of a vacancy in such office, and it is expedient to provide for the appointment of persons to such offices in addition to the appointments made under that Act: It is hereby enacted as follows :-

Power to appoint additional Subordinate Judges and Munsifs.

1. Whenever it appears expedient to the said Local Government to appoint a person to the office of Subordinate Judge or Munsif in addition to the Subordi-

nate Judges and Munsifs appointed under the said Act,

in the case of a Subordinate Judge, the Local Government may appoint,

and, in the case of a Munsif, the High Court of Judicature shall nominate, and the Local Government shall appoint,

such person as the Local Government or the High Court (as the case may be) shall think fit:

Provided that no person shall be so nominated to the office of Munsif unless Qualifications of persons appointed prescribed by the rules made

under section five of the said Act. 2. Every Subordinate Judge and Munsif so ap-

pointed, shall be deemed a Subordinate Judge, or Persons appointed to be deemed Subordinate Judges or Munufs under Act XVI. Munsif, as the case may of 1868. be, under the said Act.

3. Nothing in this Act shall authorize the Local

Government to increase the Previous sanction of Go-vernor General in Conneil. number of Subordinate Judgeships and Munsifships without the previous sanction of the Governor General of India in Council.

WHITLEY STOKES,

tice

collection of revenue.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th January 1870, and was promulgated for general information in the Gazette of India on the 15th January 1870:-

## Act No. III. of 1870.

An Act to remove the Agror Valley from the Juris-diction of the tribunals established under the general Regulations and Acts, and for other purposes.

WHEREAS it is expedient to remove the territory known as the Agror Valley

Preamble. from the junsdiction of the tribunals established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows :-

I. This Act may be called "The Agror Valley Short title. Act, 1870."

The Ordinance of the fourth day of October, 2. 1869, "to remove the Agror

Repeal of Ordinance. Valley from the jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes," is hereby repealed.

3. The said territory shall be deemed to include such portions of the Districts

Extent of Act. of Hazára, Attok, and Ráwal Pindí, as the Lieutenant Governor of the Panjáb has appointed for the purposes of the said Ordinance, or shall from time to time appoint for the purposes of this Act.

4. Save as hereinafter provided, the territory

known as the Agror Valley Agior Valley removed from operation of general Regulations and Acts.

is hereby removed from the jurisdiction of the Courts of ture, and from the control of the offices of revenue

constituted by the Rules, Regulations, and Acts in force in the territories under the control of the said Lieutenant Governor, as well as from the law piescribed for the said Courts and offices by the Rules, Regulations, and Acts aforesaid;

and no Act hereafter passed by the Council of the Governor General for making Laws and Regulations shall be deemed to extend to any part of the said territory, unless the same be specially named therein.

5. The administration of civil and criminal justice

within the said territory, and Administration of justhe superintendence of the , and settlement and settlement and realization of the public revenue and of all

matters relating to the peace and good government of the same territory, and to rent payable therein, are hereby vested in such officers as the said Lieutenant Governor may, for the purpose of tribunals of first instance, or of reference and appeal, from time to time appoint.

The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant Governor, and be guided by such instructions as he may from time to time issue.

Any person liable to be imprisoned in any Place of imprisonment civil or climinal jail, oi to be transported beyond sea, or transportation. under any order or sentence passed by any officer or court empowered as provided in this Act, may be imprisoned in any civil or criminal jail, or transported to any place which the said Lieutenant Governor may direct.

7. The said Lieutenant Governor may from time to time, by notification in the Power to extend laws. official Gazette, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General for the purpose of making Laws and Regulations;

and may, on making such extension, direct by whom any powers or duties incident to the provisions so estended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

8. Whenever a question arises whether any place falls within the boundary of Questions of disputed the said territory, such boundary officer as the said Lieutenant

Governor shall from time to time appoint may consider and determine on which side of the boundary such place lies, and the order made thereon by such officer shall be final.

#### WHITLEY STOKES,



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THURSDAY, 3RD FEBRUARY 1870.

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# PART IV.

### ACTS PASSED BY THE COVERNMENT OF INDIA.

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#### Act No. I. of 1870.

An Act to provide rules relating to Quarantine.

WHENEAS it is expedient to empower expressly preamble. Local Governments to make rules relating to quarantine; It is hereby enacted as follows:--

1. It shall be lawful for the Governor General Power to make quarantime rules (with the previous sanction of the said Governor General in Council) for the Local Governments respectively, from time to time, to make rules for putting any vessel into a state of quarantine;

for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels; and

for regulating the intercourse between ports where an infectious disease prevails, and other ports.

2. All such rules shall be published in the Quarantine rules to be deemed rules under section 271 of Penal Code. deemed to be rules made and promulgated under section 271 of the Indian Penal Code.

### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

IV.-65 e

Ţ The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th January 1870, and was promulgated for general information in the Gazette of India on the 15th January 1870:---

## Act No. II. cf 1870.

An Act to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort William.

WHEREAS, by Act XVI. of 1868 (to consolidate and amend the law relating to Principal Sadr Preamble Amins, Sadr Amins and Munsifs in Bengal, and for other purposes), the Local Government is empowered to appoint a person to the office of Subordi-nate Judge or Munsif only on the occurrence of a vacancy in such office, and it is expedient to provide for the appointment of persons to such offices in addition to the appointments made under that Act: It is hereby enacted as follows :-

1. Whenever it appears expedient to the said

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Power to appoint additional Subordinate Judges and Munsifs.

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Local Government to appoint person to the office of Subordinate Judge or Munsif in addition to the Subordinate Judges and Munsifs appointed under the said Act,

in the case of a Subordinate Judge, the Local Government may appoint,

and, in the case of a Munsif, the Iligh Court of Judicature shall nominate, and the Local Government shall appoint,

such person as the Local Government or the High Court (as the case may be) shall think fit:

Provided that no person shall be so nominated to the office of Munsif unless Qualifications of perhe possesses the qualifications sons appointed. prescribed by the rules made

under section five of the said Act. 2. Every Subordinate Judge and Munsif so appointed, shall be deemed a Subordinate Judge, or Persons appointed to be deemed Subordinate Judges or Munsifs under Act XVI.

Munsif, as the case may of 1868. be, under the said Act.

3. Nothing in this Act shall authorize the Local Government to increase the

Previous sanction of Gonumber of Subordinate vernor General in Council. Judgeships and Munsifships without the previous sanction of the Governor General of India in Council.

WHITLEY STOKES,

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 14th January 1870, and was promulgated for general information in the Gazette of India on the 15th January 1870:---

### Act No. III. of 1870.

An Act to remove the Agror Valley from the Jurisdiction of the tribunals established under the general Regulations and Acts, and for other purposes.

WHEREAS it is expedient to remove the territory known as the Agror Valley

Preamble. from the jurisdiction of the tubunals established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows :-

1. This Act may be called "The Agror Valley Act, 1870." Short title.

2. The Ordinance of the fourth day of October, 1869, "to remove the Agror

Repeal of Ordinance. Valley from the junisduction of the tribunals established under the general Regulations and Acts, and for other purposes," is hereby repealed.

3. The said territory shall be deemed to include

such portions of the Districts Extent of Act. Extent of Act. of Hazára, Attok, and Ráwal Pindí, as the Lieutenant Governor of the Panjáb has appointed for the purposes of the said Ordinance, or shall from time to time appoint for the purposes of this Act.

4. Save as hereinafter provided, the territory

known as the Agror Valley Agror Valley removed is hereby removed from the from operation of general Regulations and Acts. jurisdiction of the Courts of Civil and Criminal Judica-

ture, and from the control of the offices of revenue constituted by the Rules, Regulations, and Acts in force in the territories under the control of the said Lieutenant Governor, as well as from the law prescribed for the said Courts and offices by the Rules, Regulations, and Acts aforesaid;

and no Act hereafter passed by the Council of the Governor General for making Laws and Regulations shall be deemed to extend to any part of the said territory, unless the same be specially named therein.

The administration of civil and criminal justic 5.

collection of revenue.

within the said territory, an Administration of jus-tice, and settlement and the superintendence of th settlement and realization ( the public revenue and of a

matters relating to the peace and good government a the same territory, and to rent payable therein, as hereby vested in such officers as the said Lieutenar Governor may, for the purpose of tribunals of firinstance, or of reference and appeal, from time to tim appoint.

The officers so appointed shall, in the matter o the administration and superintendence aforesaid, b subject to the duection and control of the said Lieu tenant Governor, and be guided by such instruction as he may from time to time issue.

6. Any person liable to be imprisoned in any civil or criminal jail, or to Place of imprisonment be transported beyond sea or transportation under any order or sen tence passed by any officer or court empowered a

provided in this Act, may be imprisoned in an civil or criminal jail, or transported to any plac. which the said Lieutenant Governor may direct.

The said Lieutenant Governor may from time to time, by notification in the official Gazette, extend to Power to extend laws the said territory any law, or any portion of any law now in force in the other territories subject to higovernment, or which may hereafter be enacted by the Council of the Governor General for the purpose of making Laws and Regulations;

and may, on making such extension, direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed and make any order which he shall deem requisite for carrying such provisions into operation.

Whenever a question arises whether any place falls within the boundary of Questions of disputed the said territory, such boundary officer as the said Lieutenant

Governor shall from time to time appoint may consider and determine on which side of the boundary such place lies, and the order made thereon by such officer shall be final.

#### WHITLEY STOKES,



# Bombay Government Gazette.

### Jublished by Authority.

THURSDAY, 10TH FEBRUARY 1870.

IS Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

## ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th February 1870, and was promulgated for general information in the *Gazette of India* on the 5th February 1870:—

#### Act No. IV. of 1870.

An Act for investing the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain oppellate powers.

WHEREAS it is expedient to invest the Assistant Preamble. Commissioner in charge of

the Kullu Sub-division of the Kángra District with certain appellate powers in civil cases; It is hereby enacted as follows :---

1. Notwithstanding anything contained in Assistant Commissioner of Kullu may hear appeals. *Assistant Commissioner of Kullu may hear appeals. Assistant Commissioner or other officer for the jurisdiction of the Courts of Judicature of the Courts of the Assistant Commissioner or other officer for the time being in harge of the parganas of Kullu, Scotáj, Lahoul,* and Spití, commonly called the Kullu Sub-division of the Kángra District, may hear appeals in civil cases from the decisions and orders of the Tahsildár of  $1y_{*}-66$  Sultánpur, the Tahsíldár of Plach, the Négi of Lahoul, and the Nono of Spiti.

2. An appeal shall lie from the decisions and Appeal from Assistant Commissioner's orders. Commissioner of the Division, in like manner as though such decisions or orders had been given by the Deputy Commissioner of the District, and the provisions of Act No. VII. of 1868 (to amend the law relating to Appeals and Reviews of Judgment in the Panjáb) with reference to the Deputy Commissioner, shall be held to apply to such Assistant Commissioner or other officer as aforesaid.

3. This Act shall come into operation on the Commencement and continuance of Act in regard to all cases pending or hable to appeal in the Courts of the Tahsildár of Sultánpár, the Tahsildár of Plach, the Négi of Lahoul, and the Nono of Spiti on that date, and shall remain in force until the thirtieth day of April 1873, and, in the case of any appeal preferred before the thirtieth day of April 1873, until such appeal has been disposed of.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th February 1870, and was promulgated for general information in the Gazette of India on the 5th February 1870:-

### Act No. V. cf 1870.

An Act to enable the High Courts at the Presidency Towns to deal with costs of petitions for certain monies transferred to Government.

WHEREAS the	High Courts of Judicature at
Preamble.	Fort William, Madras, and Bombay have no power to
	Lounday nave no power to

deal with the costs of petitions under Section 4 of Act No. XXV: of 1866 (to transfer to the Gov vernment of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras, and Bombay, and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal), or under Section 60 of the Administrator General's Act, 1867, for payment of certain securities, monies, or proceeds transferred to Government; and whereas it is expedient to confer such power upon the said High Courts; It is hereby enacted as follows:--

1. Whenever any of the said Courts shall make Power to direct by whom costs are to be paid. an order on any such petition, the Court may direct by whom the whole or any part of the costs of each party are to be paid.

# WHITLEY STOKES, ·



# Bombay Government Gazette.

Jublished by Juthority.

THURSDAY, 17TH FEBRUARY 1870.

IS Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

## ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of H15 Excellency the Governor General on the 4th February 1870, and was promulgated for general information in the *Gazette of India* on the 5th February 1870:--

### Act No. IV. of 1870.

An Act for investing the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers.

WHEREAS it is expedient to invest the Assistant Preamble. Commissioner in charge of

the Kallu Sub-division of the Kángra District with certain appellate powers in civil cases; It is hereby enacted as follows :---

1. Notwithstanding Assistant Commissioner of Kullu may hear appeals. the Panjáb, and its Dependencies) the Assistant Commissioner or other officer for the time being in charge of the pargavas of Kullu, Seoráj, Lahoul, and Spití, commonly called the Kullu Sub-division of the Kángra District, may hear appeals in civil cases from the decisions and orders of the Tahsíldár of IV.-66a Sultanpur, the Tahsildár of Plach, the Négi of Lahoul, and the Nono of Spiti.

2. An appeal shall lie from the decisions and Appeal from Assistant Commissioner's orders. Commissioner of the Division, in like manner as though such decisions or orders had been given by the Deputy Commissioner of the District, and the provisions of Act No. VII. of 1868 (to amend the law relating to Appeals and Reviews of Judgment in the Panjáb) with reference to the Deputy. Commissioner, shall be held to apply to such Assistant Commissioner or other officer as aforesaid.

3. This Act shall come into operation on the Commencement continuance of Act the Courts of the Tahsíldár of Sultánpúr, the Tahsíldár of Plach, the Négí of Lahoul, and the Nono of Spití on that date, and shall remain in force until the thirtieth day of April, 1873, and, in the case of any appeal preferred before the thirtieth day of April 1873, until such appeal has been disposed of.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th February 1870, and was promulgated for general information in the Gazette of India on the 5th February 1870:-

# Act No. V. of 1870.

An Act to enable the High Courts at the Presidency Towns to deal with costs of petitions for certain monies transferred to Government.

WHEREAS the High Courts of Judicature at Fort William, Madras, and Preamble. Rombuy have no power to

Preamble. Bombay have no power to deal with the costs of petitions under Section 4 of Act No. XXV. of 1866 (to transfer to the Government of India certain securities and monies deposited in the High Courts of Judicature at Fort William, Madras, and Bombay, and in the Supreme Court of the Straits' Settlement, and the proceeds of sertain estates in the charge of the Administrator General of Bengal), or under Section 60 of the Administrator Coneral's Act, 1867, for payment of certain securities, mories, or proceeds transferred to Governmentmend wherea, it is expedient to confer such power upon the said High Courts; It is hereby enacted as follows:--

1. Whenever any of the said Courts shall make Power to direct by whom costs are to be paid. Power to fithe costs of each party are to be paid.

### WHITLEY STOKES,

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla. > 1V.-665

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th February 1870, and was promulgated for general information in the Gazette of India on the 5th February 1870:--

### Act No. IV. of 1870.

An Act for investing the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers.

WHEREAS it is expedient to invest the Assistant. Commissioner in charge of Preamble. the Kullu Sub-division of

Preamble. the Kullu Sub-division of the Kángra District with certain appellate powers in eivil cases; It is hereby enacted as follows ;--

1. Notwithstanding anything contained in Assistant Commissioner of Kullu may hear appeals. the Panjáb and its Dependencies) the Assistant Commissioner or other officer for the time being in charge of the parganas of Kullu, Seoráj, Lahoul, and Spitl, commonly called the Kullu Sub-division

of the KángraDistrict, may hear appeals in civil cases from the decisions and orders of the Tahsíldár of Sultánpur, the Tahsildár of Plach, the Négi of Lahoul, and the Nono of Spiti.

2. An appeal shall lie from the decisions and Appeal from Assistant Commissioner's orders. Commissioner's orders. Commissioner of the Division, in like manner as though such decisions or orders had been given by the Deputy Commissioner of the District, and the provisions of Act No. VII. of 1868 (to amend the law relating to Appeals and Reviews of Judgment in the Panjáb) with reference to the Deputy Commissioner, shall be held to apply to such Assistant Commissioner or other officer as aforesaid.

3. This Act shall come into operation on the Commencement and continuance of Act. the Courts of the Tahsildár of Sultánpúr, the Tahsíldár of Plach, the Négi of Lahoul, and the Nono of Spití on that date, and shall remain in force until the thirtieth day of April 1873, and, in the case of any appeal preferred before the thirtieth day of April 1873, until such appeal has been disposed of.

WHITLEY STOKES,

£.,

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 4th February 1870, and was promulgated for general informa-tion in the Gazette of India on the 5th February 1870:-

### Act No. V. of 1870.

An Act to enable the High Courts at the Prestdency Towns to deal with costs of petitions for 1. certain monies transferred to Government,

WHEREAS the High Courts of Judicature at Fort William, Madras, and Preamble.

Preamble. Bombay have no power to deal with the costs of petitions under Section 4 of Act No. XXV. of 1866 (to transfer to the Go-vernment of India certain securities and monies

deposited in the High Courts of Judicature at Fort William, Madras, and Bombay, and in the Supreme Court of the Straits' Settlement, and the proceeds of certain estates in the charge of the Administrator General of Bengal), or under Section 60 of the Administrator General's Act, 1867, for payment of certain securities, monies, or proceeds transferred to Government; and whereas it is expedient to confer such power upon the said High Courts; It is hereby enacted as follows -

Whenever any of the said Courts shall make I. Power to direct by whom - an order on any such petition, the Court may direct costs are to be paid. by whom the whole or any

part of the costs of each party are to be paid. 17

### Whitley Stokes,

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla. 1v.--67b



# Bombay Government Gazette.

Published by Juthority.

THURSDAY, 3RD MARCH 1870.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th February 1870, and was promulgated for general information in the *Gazette of India* on the 19th February 1870:---

#### Act No. VI. of 1870,

An Act to enable the Governor General in Council to increase the fee payable under section 31 of the Emigration Act.

WHEREAS, under section nine of Act No. VI. of Preamble. 1869 (to amend the law relating to the Emigration of Native Labourers), the Governor General of Indus in Courthil is opproved to increase any for

India in Countil is empowered to increase any fee payable under sections nineteen, twenty-seven, and thirty-four of Act No. XIII. of 1264 (to consolidate and amend the law relating to the Emigration of Native Labourers); and whereas it is expedient that he should also be empowered to increase the fee payable under section thirty-one of the same Act: It is hereby enacted as follows:---

1. The Governor General of India in Council may, from time to time, by notification in the Gazette payable under Act XIII. of 1864, section 31. thirty-one of the said Act No. XIII. of 1864, and may also in like manner reduce to its present amount any fee so increased: Provided that no fee shall be increased under this section by more than double such amount.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

IV.--67 c

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.

[Published with the Bombay Government Gazette of the 10th March 1870].

# PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th February 1870, and was promulgated for general information in the *Gazette of India* on the 19th February 1870:—

#### Act No. VI of 1870.

An Act to enable the Governor General in Council to increase the fee payable under section 31 of the Emigration Act.

WHEREAS, under section nine of Act No. VI. of Preamble. 1869 (to amend the law relating to the Emigration of Native Labourers), the Governor General of India in Council is empowered to increase any fee payable under sections nineteen, twenty-seven, and thirty-four of Act No. XIII. of 1864 (to consolidate

and amend the law relating to the Emigration of

Native Labourers); and whereas it is expedient that he should also be empowered to increase the fee payable under section thirty-one of the same Act: It is hereby enacted as follows:---

1. The Governor General of India in Council may, from time to time, by notification in the Gazette of 1864, section 31. thirty-one of the said Act No. XIII, of 1864, and may also in like manner reduce to its present amount any fee so increased: Provided that no fee shall be increased under this section by more than double such amount.

WHITLEY STOKES,







# Government Gazette. Bomban

# Published by Authority.

THURSDAY, 31st MARCH 1870.

KSF Scparate paging is given to this Part, in order that it may be filed as a separate compilation.

#### PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th March 1870, and was promulgated for general information in the Gazette of India on the 19th March 1870:----

#### Act No. VIII. of 1870.

An Act for the prevention of the murder of Female Infants.

WHERRAS the murder of female infants is believed

to be commonly com-Preamble. Preamble. mitted m certain parts of British India; and whereas it is necessary to

make better provision for the prevention of the said offence; It is hereby enacted as follows :-

If it shall appear to the Local Government that the said offence is Power to take measures commonly committed in any District, or by any under Act in particular districts.

class, or family, or persons residing therein, the Local Government may, with the previous sanction of the Governor General of Indua in Council, declare, by notification pub-lished in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such District, or in respect of such class, or family, or persons.

The notification shall define the limits of such district, or shall specify the class, or family, or persons to whom such notification is to be deemed to apply -----

When such notification shall have been 2 Power to make rules

published as aforesaid, it shall be lawful for the

Local Government, subject to the provisions of section three, from time to time to make rules consistent with this Act, for all or any of the following purposes :-

- (1.) For making and maintaining registers of births, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notifi-cation has been made applicable; and for making, from time to time, a census of such persons, or of any other persons residing within such district.
- (2.) For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants for the purpose of preventing or detecting the murder of female infants in such district, the or in or among such class, family, or per-sons, or for carrying out any of the provisions of this Act.
- (3.) For prescribing how and by whom information shall be given to the proper officers of all births, marriages, and deaths occurring or about to occur in such district, or in or among such class, family, or persons.
- . (4.) For the regulation and limitation of expenses incurred by any person to whom such notification applies on account of the

celebration of marriage or of any ceremony or custom connected therewith.

- (5.) For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such district, or from the persons to whom such notification is applicable.
- (6) For defining the duties of any officer or servant appointed to carry out any rule made under this section.

3. No rule or alteration made under section two shall take effect until

Confirmation and publication of rules. General of India in Council and published in the Gazette of India and also in the local Gazette.

Copies of every such rule shall be affixed in such places, and shall be distributed in such manner as the Local Government may direct.

4. Whoever disobeys any such rule shall, on Punishment for breach official official

of rules of substantiat for breach officer exercising the powers of a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may

extend to one thousand rupees, or with both.

5. Nothing in this Act, or in any rule made and Saving of prosecutions under other laws. published as aforesaid, shall prevent any person from pairs and provide the person

under other laws. and punished under any other law for any offence punishable under this Act: Provided that no person shall be punished twice for the same offence.

6. If it appears to the Magistrate of the District Power to place neglected children under supervision.

neglects to make proper provision for the mainte-

nance of any female child for whose maintenance he is legally responsible, and that the life or health of such child is thereby endangered, such Magistrate may in his discretion place the child under such supervision as he may think proper, and shall, if necessary, remove the child from the custody of such person.

The Magistrate of the District may order him to make a monthly allowance for the maintenance of the child at such monthly rate not exceeding fifty rupees as to such. Magistrate shall seem reasonable, and if such person wilfully neglects to comply with such order, such Magistrate may, for every breach of the order, by warrant direct the amount due to be levied in manner provided by section sixty-one of the Code of Criminal Procedure.

Nothing in this section shall affect the powers of Magistrates under section three hundred and -sixteen of the same Code.

7. This Act shall, in the first instance, extend Extent of Act. and to Oudh; but the Governor General of India in Council may by order extend it to any part of the territories (other than Oudh) under the immediate administration of the Government of India: and the Governor of Madras in Council, the Governor of Bombay in Council, and the Lieutenant Governor of Bengal, may severally by order extend it to any part of the territories under their respective governments.

Every order under this section made by the Governor General of India in Council shall be published in the *Gazette of India*. Every other order made under this section shall be published in the local official Gazette.

### WHITLEY STOKES,







# Bombay Government Gazette.

## Jublished by Zuthority.

### THURSDAY, 7TH APRIL 1870.

13 Separate paging is given to this Part, in order that it may be filed as a separate computation.

# PART IV.

## ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th March 1870, and was promulgated for general information in the Gazette of India on the 26th March 1870:--

#### Act No. IX. of 1870.

An Act to enable the Elphinstone Land and Press Company, Limited, when in voluntary liquidation, to sell their property to the -Secretary of State for India in Council.

WHEREAS it is desirable that the property of Preamble. the Elphinstone Land and Press Company Limited, should be transferred to the Secretary of State for Indua in Council for public purposes: And whereas negociations for the transfer of the property of the said Company are now pending between the said Secretary of State in Council and the said Company, and it has been águed IV.-76 that, in the event of the said transfer being made, the purchase-money for the said property shall be paid in four per cent. stock of the Government of India, such stock to be issued and calculated at one hundred rupees for each ninety-three rupees of such purchase-money: And whereas the said Company is desirous of being wound up voluntarily under the Indian Companies' Act, 1866: And whereas doubts have arisen whether Voluntary Liquidators, when appointed by the said Company to transfer the said property, can make such transfer in consideration of the stock to be issued as aforesaid; It is hereby enacted as follows :---

1. The Voluntary Liquidators of the said Com-Voluntary Liquidators pany when duly appointempowered to sell for four ed shall have power and per cent. stock. are hereby empowered to transfer the property of the said Company, or any part thereof, to the Secretary of State for India in Council, and to make such transfer in consideration of, and to receive the purchase-money either wholly or in part, in four per cent. stock of the Government of Indis, such stock to be issued and calculated at one hundred rupees for each ninetythree rupees of such purchase-money.

2. A receipt by the Voluntary Liquidators of

Receipt of Liquidators to discharge Secretary of State from liability. the said Company for the amount of the stock issued and delivered to the said Liquidators shall be

deemed a sufficient acknowledgment of the issue and delivery of so much of the said stock as in such receipt shall be expressed to be issued and delivered to the said Company, and the said Secretary of State in Council shall not be concerned to see to the distribution of the said stock amongst the shareholders of the said Company or be responsible for any loss or misapplication or wrongful distribution thereof. 3. Upon the execution by the said Voluntary

Upon the execution of the instruments of transfer the property of the Company to vest in the Secretary of State.

Liquidators of any instrument or instruments purporting to transfer the property or any part thereof of the said Company to the said Secretary of

State in Council, such property or part thereof (as the case may be) shall vest in the said Secretary of State in Council according to the tenor and effect of the said instrument or instruments, but discharged from all claims on the part of the said Company and shareholders thereof for the purchase-money of the said property and the stock to be issued in payment thereof.

The following Act of the Governor General of India in Council received the assent of His Ex-cellency the Governor General on the 18th March 1870, and was promulgated for general information in the Gazette of India on the 19th March 1870:---

### Act No. VIII. of 1870.

An Act for the prevention of the murder of Female Infants.

WHEREAS the murder of female infants is believed to be commonly com-Preamble. mitted in certain parts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows :--

1. If it shall appear to the Local Government

that the said offence is Power to take measures under Act in particular commonly committed in any District, or by any class, or family, or persons districts.

residing therein, the Local Government may, with the previous sanction of the Governor General of India in Council, declare, by notification published in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such District, or in respect of such class, or family, or persons. The notification shall define the limits of such

district, or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

2. When such notification shall have been published as aforesaid, it

Power to make rules.

shall be lawful for the Local Government, sub-

ject to the provisions of section three, from time to time to make rules consistent with this Act, for all or any of the following purposes :-

- (1.) For making and maintaining registers of births, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable; and for making, from time to time, a census of such persons, or of any other persons residing within such district.
- (2.) For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants for the purpose of preventing or detecting the murder of female infants in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act.
- (3.) For prescribing how and by whom information shall be given to the proper officers of all births, marriages, and deaths occurring or about to occur in such district, or in or among such class, family, or persons.
- (4.) For the regulation and lumitation of expenses incurred by any person to whom such notification applies on account of the celebration of marilage or of any ceremony or custom connected therewith.
- (5.) For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all or any of the inhabitants of such ıv.—76 g

district, or from the persons to whom such notification is applicable.

(6.) For defining the duties of any officer or servant appointed to carry out any rule made under this section.

3. No rule or alteration made under section two shall take effect until Confirmation and pubit shall have been conheation of rules. firmed by the Governor General of India in Council and published in the Gazette of India and also in the local Gazette.

Copies of every such rule shall be affixed in such places, and shall be distributed in such manner as the Local Government may direct.

4. Whoever disobeys any such rule shall, on conviction before anv Punishment for breach officer exercising the of rules powers of a Magistrate, be panished with imprisonment for a term which may extend to six months, or with fine which may

extend to one thousand rupees, or with both. 5. Nothing in this Act, or in any rule made and

Saving of prosecutions under other laws

shall be punished twice for the same offence.

published as aforesaid, shall prevent any person fiom being prosecuted and punished under any other law for any offence punishable under this Act: Provided that no person

6. If it appears to the Magistrate of the District

Power to place neglected children under supervision.

that any person to whom the notification mentioned in section one applies,

neglects to make proper provision for the mainte-nance of any female child for whose maintenance he is legally responsible, and that the life or health of such child is thereby endangered, such Magistrate may in his discretion place the child under such supervision as he may think proper, and shall, if necessary, remove the child from the custody of such person.

The Magistrate of the District may order him to make a monthly allowance for the maintenance of the child at such monthly rate not exceeding fifty rupees as to such Magistrate shall seem reasonable, and if such person wilfully neglects to comply with such order, such Magistrate may, for every breach of the order, by warrant direct the amount due to be levied in manner provided by section sixty-one of the Code of Criminal Procedure.

Nothing in this section shall affect the powers of Magistrates under sixteen of the same Code. 7. This Act shall, in the first instance, extend only to the North-Western Decomposed to the Panjáb,

and to Oudh; but the Governor General of India in Council may by order extend it to any part of the territories (other than Oudh) under the immediate administration of the Government of India : and the Governor of Madras in Council, the Governor of Bombay in Council, and the Lientenant Governor of Bengal, may severally by order extend it to any part of the territories under their respective governments.

Every order under this section made by the Governor General of India in Council shall be published in the Gazette of India. Every other order made under this section shall be published in the local official Gazette.

#### WHITLEY STOKES,

sppointed to grant certificates under this Act; or, at any Port or place where there is upsuch other,

So divide Magistrate imposing any fine under this Act may, if he fine Applicative .... thinks fit, direct the whole or any part to sent o be applied in compensating and pe son far any wrong of damage which he may here sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor , General of India in Council received the assent of His Excellency the Governor General on the 1st April 1870, and was promulgated for general information in the Gazette of India of the 2nd April 1870 :---

#### Act No. XIII. of 1870.

An Act to apply the provisions of Act No. XVIII. of 1854 to Ruilways belonging to, or worked by, Government.

Application of Railway Act to Railways belonging to Government but worked by Companies

1. Act No. XVIII. of 1854 (relating to Railways in India) shall apply to all Ruilways now or hereafter belonging to Government, but worked by

a Ruilway Company, in the same manner as if such Rail ways belonged to the Company and had been opened by the Company in manner mentioned in the preamble to the said Act. . Star

Application of Railway Act to Railways worked by Government.

2. Subject to the modifications hereinafter mentioned, the said Act shall apply to all Rail-ways now or hereafter worked by Government

in the same manner as if such Railways had been opened by a Railway Company in manner aforesaid.

Modifications of Act when applied to Railways worked by Government.

3. In applying the said Act to any Railway now or hereafter worked by Government,

the expressions "servant of the Company," "such servant," "such servant of the Company," "servant of the said Company," "Company's servants," "servants of the Company," "their servants" and "any of their servants." shall mean a servant or servants employed on such Railway:

the expressions " officer or servant of such Railway Company," "officer or servant of such Con-pany," "officer or servant of the Company," "-er-vant or officer of the Company," and " such other or servant" shall mean an officer or servant employed on such Railway:

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the expressions," the premises of any such Rail-way Company," "the premises of the Company," "premises belonging to the Company," "lands belonging to such Railway Company," and "lands, stations or other premises belonging to the Com-pany" shall mean the premises, lands or stations (as the case may be) occupied by or for such Railway :

the expression "delivered to such Railway Company" shall mean "delivered to an officer on behalf of Government," and the expression "en-gagements on behalf of the said Railway Com-pany" shall mean engagements on behalf of Government:

sections nine and ten shall be read as if, for the expression "No such Radway Company shall," the expression "The Government shall not" were substituted.

the expressions "any such Railway Company," "such Railway Company," "any such Company," and "the Company" shall mean, in sections three, six, eight, eleven, twelve, filteen, itwenty-two, twenty-seven and thirty, the Government;

but in sections seventeen, nineteen, twenty, twenty-ne, twenty-thee, forty-one and forty-iwo, the expressions "Railway Company," such Rail-way Company," " the Company " and " they" (when releasing to a Company) shall mean the officer for the time being entrusted with the control of such Railwäy :

in section twenty the expression " their railway" shall mean such Railway :

and section twenty-nine shall be read as follows :-

"XXIX. In the construction of this Act, every officer and servant employed on such Railway shalt be deemed to be legally bound to do everything necessary for or conducive to the safety of the public, which he shall be required to do by any regularien made by the officer for the time being entrusted with the control of such Railway and all wed by the Governor General of Iudia in Council, and of which regulation such officer or servant shall have notice ;

and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger and which by any such regulation he shall be prohibited from doing;

and every person employed by or on behalf of the Government to do any act upon the Railway shall be deemed to be a servant employed on such Railway."

#### WHITLEY STOKES,

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the Gazette of India Extraordinary on the 6th April 1870:-

### Act No. XIV. of 1870.

A Bill for repealing certain enactments which have ceased to be in force, or have become unneccessary.

WHEREAS it is expedient that certain enactments (mentioned in the schedule to, this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:--

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of aty past act or thing.

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing use (e, custom, privilege, restriction, exemption, office or appointment, notwiths anding that the same respectively may have been in any manner affrection, recognized, or derived by, in or from, any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or practice not now existing or in force.

Short title. 2. This Act may be called "The Repealing Act, 1870."

### SCHEDULE.

# PART I.-STATUTES.

Year and Chapter.	Title.	Extent of repeal.
13 Geo. III. cap. lxiii.	An Act for establishing certain regulations for the better management of the affairs of the East India Com- pany, as well in India as in Europe.	
21 Geo. III. cap. lxx	An Act to explain and amend so much of an Act, made in the thirtrenth year of the reign of his present Majesty, initialed, An Act for establishing vertain regulations for the better management of the affair- of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons impri- soned at Calcatta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemni- fying the Governor, General and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections nine to sixteen (both inclu- sive), sections nincteen to twenty- six (both inclusive).
33 Geo. JII. cap. lij,	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	thirty-seven from and including the words "nor shall it be lawful for any of His Majesty's subjects" to the end of the section; sections one hundred and fifty-five, and one hundred and fifty-nine.
37 Geo. III. cap. cxlii.	An Act for the better administration of justice at Cal cutta, Madras and Bombay; and for preventin, British subjects from being concerned in loans to the Native Princes in India.	sive), sicilous fificen, seventeen to
39 & 40 Geo. III. cap lxxix.	An Act for establishing further regulations for the government of the Billish territories in India, and the administration of justice within the same.	Sections four, six, eight, ten, eleven, seven, eighteen, nineteen, tr one, twenty-two, twenty- three, twenty-four.

SCHEDULE-continued.

Year and Chapter.	Title.	Extent of repeal.	
53 Geo. III. cap. clv	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges, for establishing further Regulations for the govern-	one hundred and one, one hundred and four, one hundred and eight	
54 Terej cap. ev	ment of the said territories, and the better adminis- tration of justice within the same ; and for regulating the trade to and from the places within the limits of	and thirteen, one hundred and twenty-two.	
54 Gio	the said Company's Charter. An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the several Governments in the East Indies.		
55 Geo. III. cap. lxxxiv.	Ap Act to amend so much of an Act of the thirty-third year of His present Majesty as relates to fixing the limits of the Towns of Calcutta, Madras and Bombay; and also so much of an Act of the thirty-ninth and fortuch year of His present Majesty as relates to granting Letters of Administration to the effects of persons dying intestate within the several Presiden- cies in the East Indies to the Registrar of the Eccle-		
4 Geo. IV. cap. lxxi	stastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in certain cases. An Act for defraying the charge of retiring pay, pen- sions and other expenses of that nature, of His Majesty's Forces serving in Indua; for establishing	Sections eight, nine, ten, and fourteen.	
5 Geo. IV. cap. cviii	the pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations, and for establishing a Court of Judicature at Bombay. An Act for transferring to the East India Company certain		
	possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumatra. An Act for further regulating the payment of the		
	salaries and pensions to the Judges of His Mujesty's Courts in India, and the Bishop of Calcutta; for authorizing the transportation of offenders from the Island of Saint Helena; and for more effectually pro- viding for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.		
7 Geo. IV. cap. xxxvii.	An Act to regulate the appointment of juries in the East Indies.	So much as has not been repealed.	
9 Geo. IV. cap. xxxiii.	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme ( ourts in India, as assets in the hunds of executors and administrators, to the payment of the debts of their deceased owners.	estates of person dying before the first day of January 1866.	
11 Geo. IV. & 1 Wm. IV. cap. lxxv.	An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Judicature at Madias.	The whole.	
5 & 6 Wm. IV. cap. vi.	An Act to indemnify the Governor General and other persons in respect of certain acts done in the adminis- tration of the Government of the British Territories in the East Indies subsequent to the twenty-second day of April One thousand eight hundred and thirty- four, and to make those Acts valid.	British India.	
11 & 12 Vic. cap. xxi.	An Act to consolidate and amend the Laws relating to insolvent debtors in India.	Sections one, sixty-five, sixty-six and sixty-seven.	
17 & 18 Vic , cap. civ.	An Act to amend and consolidate the Acts relating to Merchant Shipping.		

PART	I	Ŧ.	- A (	നി	<b>S</b> .
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Number and year.	Tule.	Extent of repeal.	
X. of 1836	Indigo contracts	Section one.	
XX. of 1836	Revenue sale Law	Sections one and four.	
VI. of 1837	Land Revenue (Cuitack)	Section two.	

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# SCHEDULE-continued.

Number and jear.	Tille	Extent of repeal.
•		the star and the monde and former
XXXVI. of 1837	Madras Criminal Jurisdiction Act	In section one the words and figures "It is hereby enacted that from the 15th day of December and in section two the
XI. of 1838	Amíns, Bengal	"from the said day." Section one and in section the words 'And it is hereby enacted that."
XVI. of 1838	Bombay Judiciary	In Section one, clause one, the words 'It is hereby enacted in modifica- tion of the rules contained in chapter VII., Regulation XVII. of 1827 of the Bombay Code that'
		In section five the words "without further costs of stamps to the parties except on new exhibits if. any such should be allowed to be filed," and from and including the words " but if an appeal" to the end of the section.
XIX. of 1838	Bombay Coasting Vessels	Section one.
XXIX. of 1838)	Salt Department, Beogal	Section one.
XXXII. 01 1838	Tubsildais, Madras	Section one.
XXIV. of 1839	Ganjam and Kizagapatami	Section one.
λVI. of 1840	An Act concerning the management of convicts trans- ported to places within the territories of the East In- dia Company.	Section four.
XI. of 1841	An Act for consolidating and amending the Regulations concerning Multary Courts of Requests for Native Officers and Soldiers in the service of the East India	one, and section eighteen.
XII. of 1841	Company. An Act for amending the Bengal Code in regard to sales of land for arrears of resource.	Section one.
XXIX. of 1841	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	
XVII. of 1842	An Act relative to the number and powers of the Reve- ane Commissioners under the Presidency of Bombay.	
	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section one.
XI. of 1844	In Art for the improvention of the administration of justice and, despace of business: in the Supreme Court of Judicature at Fort, Wilnam in Bengel.	
XVI. of 1844	An Act for increasing the Excise and 'Imput Daties herefolore parable to the Government on salt manu- factured within or imposed hito the territories sub ject to the Government of the Presidency of Bombay	Sections one, three and five.
XVIII. of 1844	In Act for the better control and management of gaol- vinhue the Bengal Presidency.	words 'And it is hereby enacted
	In Act to amend the law relating to advances bond fide made to Agents infinished with goods) by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Sta- inte 5 & 6 Victoria, c 59, as altered by this Act.	that' Section nine.
XV. of 1845 265	WArt for dealaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Pre- solencies in respect of judicial and revenue proceed-	
	ings. An Act for determining the duration of the existing Settlement of the North-Western Provinces.	Hissar, Saharanpore, Moozuffer- nuggar, Meerut, Bulundshuhur, Aliy hur, Bijaore, Budaon, Ba- rediy, Shajehanpore, Furruckabad, Aliah bad, Goruckpore and
I. of 1947	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	Azimguth. In section six the words and figures "nuder Act IV. of 1840."

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# SCHEDULE—continued.

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Number and year.	Title.	Extent of repeal.
IX. of 1847	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction with- in the Provinces of Bengal, Behar and Orissa.	Section eight.
II. of 1847	An Act for the encouragement of learning in the terri- tories subject to the Government of the East India Company, by defining and providing for the enforce- ment of the right called copy-right therein.	
IV. of 1848	An Act for regulating Coroner's Juries	In section two the words and figure "according to the provisions of Act No. 11. of 1839."
XVI. of 1848	An Act to remove certain restrictions on the salt trade.	The whole.
XVIII. of 1848	An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family.	Sections three and four.
I. of 1849	An Act to provide more effectually for the punishment of offences committed in Foreign States.	Section one.
VI. of 1849	For securing Military and Naval pensions and super- annuation allowances.	Sections one and four.
XI. of 1849	For securing the Abkaree revenue of Calcutta	Section one.
IX. of 1850	An Act for the more easy recovery of small debts and demands in Calcutta, Madias, and Bombay.	Section seven. In section seventee the words ' by action of debt or o the case."
XI. of 1850	An Act to amend Act X., 1841	Section one.
X11. of 1850	For avoiding loss by the default of Public Accountants.	Section six.
XIX. of 1850	Concerning the binding of Apprentices	Section six.
XXV. of 1850	An Act for the forfeiture to Government of deposits made on incomplete sales, of land under Regulation VIII., 1819, and Act IV., 1843.	iection one.
XXVI. of 1850	An Act to enable improvements to be made in towns	section one.
XXXIII. of 1850	An Act for amending the forms necessary for the sale of Patnee Tennes in Bengal.	Sections two and three.
XXXVII. of 1850	For regulating inquiries into the behaviour of public servants,	Section one.
XLIV. of 1850	An Act for consolidating the Board of Customs, Salt and Opum, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI. of 1851	Respecting certain land in Bombay called Foras Land.	The whole.
VIII. of 1851	An Act for enabling Government to levy talls on public roads and bridges.	Section one.
V. of 1852	An Act for giving effect to the provisions of an Art of Pauliament, passed in the 15th year of the reign of Her present Majesty, initialed "An Act for Marriages in India."	4
XV. of 1852	In Act to amend the Law of Evidence	Section fourteen.
XVI. of 1852	An Act for further improving the administration of Criminal Justice in Her Migesty's Courts of Justice in the territories of the East India Company.	Sections ten and twenty-seven.
XIX. of 1852 1v	An Act for securing the AbLaree revenue of Madras	Section one.

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# SCHEDULE-continued.

Number and year.		Title.	s a.	Extent of repeal.
- 	the respective Pre mitigate or disch- posed by the Supr	sidencies of Mad arge fines, amer reme Courts, or a	ras and Bombay ciaments, &c., in any other Courts	m- ~ \
XXIX. of 1852	An Act to amend Judicial Commission	the law respec	ting the Circuits	of Section one.
A	An Act to facilitate	e .the removal of V High-water M	Nuisances and e	n-In section seven the words "the ds East India Company as trustees for."
XX. of 1853	Courts of the East	India Company.	to Pleaders in th	eSection one.
V. of 1854	An Act to amend A Bengal Bouded Wa	ct No. V. of 18	38, relating to th	eSection one.
VII. of 1854	An Act for the appr der the Governme persons charged offences beyond the for delivering them the execution of wa tion of the authoriti	ent of the East I with the comm limits of the sa up to justice, a grants in places of	india Company, t ission of heinou id Territories, an and to provide fo out of the jurisdic	f s d
XIII. of 1854	An Act to repeal A provision for defray Pedra Branca, and a Floating Light est to the west of Sing and maintenance of the said Stratts as n	lug the cost of the for maintaining t tablished in the S apore, and for t such further Li	e Light House of the same, and also traits of Malacca Mé e-tablishment ofts in or pear to	
XVI. of 1854				Section one.
XVIII. of 1854 A	n Act relating to Rai	lways in India.	, <b>,,,,,,,,,</b> ,,,,,,,,,,,,,,,,,,,,,,,,,,	Section thirty-nine.
XXIV. of 1854 A	n Act to prohibit th weapons in Malabar	e possession of	certain offensive	In section one from and including the words "and every person" to the end of the section. In section two the words "after such date."
XXVII. of 1854 A	n Act to amend the l gal.	aw relating to th	• Nazim of Ben-	
	n Act to provide fo in the Arracan, Pe Provinces.	er the levy of d gu, Mariaban,	uties of Customs ønd Tenasseria.	Sections one and twelve.
· ·	a Act: to abolish res mon recoveries, and t ing land in cases to cable.			Section one.
L of 1855 Ar	Act for the furthe Evidence.	er improvement	of the Law of s	Section seventeen.
XII. of 1855An	Act for the regulation.	on of Ports and I	Port-dues S	ection one, and in section thirty-five the words "or of the Honourable East India Company," section
XIV. of 1855 An	Act to substitute per of Transportation in r an convicts, and to removal of such convid	Free of Butope	the punishment S an and Ameri- relating to the	ection sixteen.

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Number and year	Tatle	Extent of repeal	
XXVI. of 1855	An Act to facilitate the payment of small deposits in Government Saungs' Banks to the representatives of deceased depositors.		
XXVIII. of 1855	An Act for the repeal of the Usury Laws	Sections one, seven, eight and the schedule.	
XXXII. of 1855	An Act relating to embankments	Section one.	
XXXVII. of 1855	An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.		
VIII. of 1865	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay	Section one.	
XI. of 1856	An Act for the better prevention of desertion by Euro- pean Soldiers from the Land Foices of her Majesty and of the East India Company in India.	In the title and the preamble the words "and of the East India Company."	
XII. of 1856	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section one.	
XIII. of 1856	An Act for regulating the Police of the Towns of Cal- cutta, Madias, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singa- pore and Malacca.	to and including the words "ope-	
XX. of 1856	An Act to make better provision for the apponitment and maintenance of Police Chowkeydais in Cities, Towns, Stations, Subuibs, and Bazaars in the Presi- dency of Fort William in Bengal.	down to and including the words	
XXI. of 1856	An Act to consolidate and amend the law relating to the. Abkaree Revenue in the Presidency of Fort William in Bengal.	Sections one and eighty-nine.	
III. of 1857	An Act relating to trespass by Cattle	Sections one and twenty-two.	
IV. of 1857	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the town of Bombay.	Section one In section five the words and figures "within the meaning of Act XXV. of 1836."	
X. of 1857	An Act to amend Act XXXVII. of 1855	Section one from the beginning down to and including the words "this Act; and"	
<b>XIII. of 1857</b>	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of optium in the Presidency of Fort William in Bengal.	Section one.	
XXIX. of 1857	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section one.	
XXX. of 1857	An Act for the levy of Port-dues and fees in the Fort of Calcutta.	Section seven from the beginning down to and including the words "said date."	
XXXI. of 1857	An Act for the levy of Port-dues and fees in the Poit of Bombay.	Section six from the beginning down to and including the word "said date."	
XXXIV. of 1857	An Act relating to the sale of Ganjah in the Presidency of Born	Section one.	

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	SCHEDULE—continued.	
Number and year.	Title-	Extent of repeal.
XXXV. of 1857	An Act for the levy of Port-dues in the ports of Moul- mein, Rahgoon, Kyouk Phyoo, Akyau and Chuta- gong.	Section five from the beginning down to and including the words "said date."
TT of 1858	An Act for the levy of Port-dues in certain ports in the	
III. of 1858	An Act to amend the law relating to the arrest and de- tention of State Prisoners.	Section one.
VIII. of 1858,	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight from the beginning down to and including the words "said date."
<b>XV.</b> of 1858	An Act for the levy of Port-dues in the Port of Aden	Section six from the beginning down to and including the words "said date."
XXVIII. of 1858	An Act for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV. of 1858	An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL. of 1858	An Act, for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal.	Section one.
I. of 1859	An Act for the amendment of the law relating to Mer- chant Seamen.	Section one.
III. of 1859	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for consti- tuting those Officers Registers of Deeds.	In section eleven the words "or who shall be appointed Register of Deeds," and the words "and Re- gisters of Deeds respectively."
VIII. of 1859	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In section three hundred and eighty- two the words "in any Court of Judicature established by Royal Charter or"
L		Section three hundred and eighty- seven.
X. of 1859	An' Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	Sections one and one hundred and sixty-seven-
XI. of 1859	An Act to improve the law relating to sales of land for arrears of resenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII. of 1859	In Act to make better provision for the trial of Pilor- at the Presidency of Fort William in Bengal for breach of duty.	Section one.
XIV. of 1859	An Act to provide for the limitation of suits	Sections eighteen, twenty-one and twenty-three, and, in section nine- teen, the proviso.
XVII. of 1859	An Act to amend the law for the realization of revenue from Abkaree in the Island of Bombay.	Section one.
	An Act for the suppression of ou'rages in the District of Malabar in the Presidency of Fort Saint George.	1. ,
XXII. of 1859	An Act to amend Act I. of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Romber.)	Section one.

Number and year	Title.	Extent of sepeal
XXIV, of 1859 ., ,.	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St George.	Sections two and three and the sche- dule down to and including the words "said clause."
XXV of 1859	An Act to prevent the overcrowding of Vessels carrying Native passengers in the Bay of Benga	Section mueteen
[I. of 1860	An Act to amend the law relating to the carriage of Passengers by Sea.	In section one the words and figures "under Act XV. of 1842," "under Act XXI. of 1844," "under Act XXXI. of 1855."
VIII. of 1960	An Act for regulating the establishment and manage- ment of Electric Telegraphs in India.	Section one.
XIII. of 1860	An Act to amend Act XXI. of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one, from the beginning down to and including the word 'repealed,' and the schedule
XXV. of 1860	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including the words " Pan' date."
XXVIII. of 1860	An Act for the establishment and maintenance of boun- dary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	-
XXXI. of 1860	An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections one, fifty-two and fifty five
,	The Indian Penal Code	East India Company, or of any Act for the government of the Indian Navy."
KLVI. of 1860	An Act to authorize and regulate the emigration of Native labourers to the French Colonnes.	Section one.
KLVIII. of 1860	An Act to amend Act XIII. of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacea).	to and including the words "re-
2. of 1860	An Act to amend the law relating to vacations in the Civil Courts within the Plesidency of Fort Wilham in Bengal.	Section one,
K, of 1861	An Act to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.
LIV. of 1861	An Act to remove certain tracts of country in the Rohil- cund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	In section four the words "shall not call for the futwah of its law officer and" Section seven.
VI. of 1861	An Act for licensing and regulating stage carriages	Section twenty-two.
LVII. of 1861	An Act to amend Act XIV. of 1843 (for regulating the Customs duties in the North-Western Provinces).	Section three. In the preamble from and including the words "and whereas due notice" down to and including the words "hercinatter provided"
KIX. of 1861	An Act to provide for a Government Paper Currency	In section two the words 'After the passing of this Act,' and the words "except the Banks of Ben- gal, Madras and Bombay, up to the said 1st day of March 1862,
ıv.—83	-	and <sup>22</sup>

# SCHEDULE-continued.

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# SCHEDULE-continued.

Number and year.	Title	Extent of repeal.
XXIII. of 1861	An Act to amend Act VIII. of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections one and forty-three.
XXV. of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five, except so far as it empowers the Governor General in Council to extend the Act.
IV. of 1862	An Act for regulating the Bank of Bengal	Sections one and forty-two, and the second proviso in section eleven.
X111. of 1862	An Act to provide for a new Silver and a new Copper Comage.	Section one.
XX. of 1862	An Act to provide for the levy of Fees and Stamp Du ties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII. of 1859 in the said High Court.	· ·
XXIII. of 1862	An Act to amend Act XI. of 1862 (to amend the duties of Customs on goods imported and exported by sea).	The whole.
L of 1863	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory.	
VI. of 1863	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in Iudia.	Sections two and two hundled and thirty.
V[11 of ]863	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Nauve States.	
VII. of 1863	An Act to bring the Purgunnahs of Mahoba and Jeit- pore, in the District of Humeerpore, under the opera- tion of the General Regulations.	Sections two, three, four, five, six.
XV of 1863	An Act to amend Act I. of 1859 (for the amendment of the law relating to Merchant Seamen).	Section one.
	An Act to consolidate and arrend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal:	Section one, and the first eight words of section two. Section fifty.
XX. of 1863	An Act to enable the Government to divest itself of the management of Religious Eudowments.	Section one.
XXIV. of 1863	An Act to amend Act I. of 1863 (to define the jurisdic- tion and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory)	Sections four and five.
VII. of 1864	An Act for regulating the importation and manufacture of alimentary salt in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
	An Act to give further effect to the provisions of Act IV. of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor, General of India, and His Majesty the King of Burmah).	
XIII. of 1864	An Act to consolidate and amend the laws relating to the	1
XVII. of 1864	An Act to constitute an Office of Official Trustee	Section two.

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# SCHEDULE-continued.

Number and year.	Title.	Extent of repeal.
XXII. of 1864	An Act to make provision for the Administration of Military Cantonments.	Sections two, thirty-seven, and the schedule.
XXIV. of 1864	An Act relating to the Administration of certain Dis- tricts under the Government of the Lacutenant Go- vernor of the North-Western Provinces.	Section fifteen.
XXVIII. of 1864	An Act to provide for the extension of Act XXI. of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal) to the Provinces under the con- trol of the Lieutenant Governor of the Panjáb.	
XI. of 1865	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	to and including the words "Pro-
	An Act to define the jurisdiction of the Courts of Civil	and after the date on which this Act shall come into operation," and in sections twenty-two, twenty- three, twenty-four and forty-four, the words "From and after the commencement of this Act," Sections forty-five and forty-six
XV. of 1863	Judicature in the Central Provinces. An Act to define and amend the law relating to Mar- riage and Divorce among the Parsees.	In section seven the words "who may be the Registrar appointed under Act XVI. of 1864 (to pro- vule for the registration of assur- ances.)" In section fifty-three the words "shall commence and take effect on the first day of September 1865, and "
XIX. of 1865	An Act to define the jurisdiction of the Courts of Judi- cature of the Panjáb and its Dependencies.	Sections twenty-four and twenty-five
XX of 1865	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule
.V. of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjób and its Dependencies.	Sections forty-five, fifty-two and fifty-four
	An Act to provide a summary procedure on Bills of Exchange, and to amend in certain respects the Com- mercial Law of British India.	and after the first day of May 1866."
K. of 1866	l'he Indian Companies' Act	Sections two hundred and nineteen, two hundred and twenty, two hun- dred and twenty-one, and two hun- dred and twenty-two, and the third schedule
CI. of 1866	An Act to repeal Act No. IV. of 1855 (for incorporating) for a further period, and for giving further powers to the Assam Company).	The whole.
1	The Indian Post Office Act, 1866	come into incretion on the fifstday
CX. of 1566	The Indian Registration Act, 1866	And section three. Section three, and section minetv- eight from the beginning down to and including "notwithstand- ing" Section one hundred and two.

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# SCHEDULE-continued.

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Number and year.	Title.	Extent of repeal.
XXII. of 1866	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimulgerry and Aurungabad.	In Section one, the words "From and after the passing of this Act."
XXVI. of 1866	An Act to legalize the rules made by the Chief Com- missioner of Oudh for the better determination of certain claims of subordinate proprietors in that Pro- vince	1
XXVII: of 1866	An Act to consolidate and amend the law relating to the converance and transfer of property in British Indus vested in mortgagees and trustees in cases to which English law is applicable	
XII. of 1867 🤇	An Act to amend the law relating to the custody of pri- soners within the local limits of the original jurisdic- tion of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay.	t -
XVIII. of 1867	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhánsi Division.	Section two.
XXIV. of 1867	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule.
XXV. of 1867	An Act for the regulation of Printing-presses and News- papers, for the preservation of copies of books printed in British Iudia, and for the registration of such books.	
XXXIV. of 1867	An Act to repeal Act No. XIX. of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV. of 1867	An Act to provide temporary assistance to the Financial Commissioner of the Panjáb.	The whole.
11I. of 1868	An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsildár.	
VIII. of 1868	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.
XI. of 1868	An Act to exempt Timber and Woods from Import Duty.	The whole.
XIII. of 1868	An Act to exempt the King of Oudh from the jurisdic- tion of the Civil Courts, and for other purposes.	Section one.
XVI. of 1868	An Act to consolidate and amend the law relating to Principal Sadr Amins, Sadr Amins, and Munsits in Bengal, and for other purposes.	Section one and the schedule.
XVII. of 1868	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole.
XVIII. of 1868	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
XIX. of 1868	An Act to consolidate and amend the law relating to reat in Oudh.	Section two.
	An Act to give validity to the levy of certain dutics in Lucknow.	
XXIII. of 1868	An Act to give validity to certain Abkárí Rules in Bri- tish Burmah.	In the preamble the words " and to indemnify all officers, farmers, and other persons who have acted under them, or under any such rules previously published or en- forced under the same authority." And section two.

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# SCHEDULE—continued.

Number and year.	Title.	Extent of repeal.
XXV. of 1868	An Act to define the jurisdiction of the Courts in Coorg.	Section twenty-four.
XXVIII. of 1868	An Act to define and amend the law relating to the tenaucy of land in the Panjáb.	Section four.
II. of 1869	An Act for the appointment of Justices of the Peace	Section two and the schedule.
III. of 1869	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
V. of 1869	The Indian Articles of War	Part I., clause (c), paragraphs one two, and three.
VI. of 1869	An Act to amend the law relating to the Emigration of Nature labourers.	Sections ten and eleven.
VII. of 1869 ,.	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble the words "and to indemnify the officers and other persons who have acted under them;" Section two.
VIII. of 1869	An Act further to amend the Code of Criminal Proce dure.	Section two, paragraph one.
XI. of 1869	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Pre- sidencies of Fort St. George and Bombay.	
X1V. of 1869	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	
XVIII. of 1869	An Act for imposing Stamp Duties on certain Instruments	Section two and the schedule.
XX. of 1869	An Act to provide for the good order and discipline of Vo lunteer Corps, and to invest them with certain powers	
XXII. of 1869	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regu- lations and Acts, and for other purposes.	
XXIV. of 1869,	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presi dency of Bombay.	Section one.
VII. of 1870	The Court Fees' Act	Section two and the third schedule.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor General of Indua in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the *Gazette of India* Extraordinary on the 6th April 1870.

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#### Act No. XV. of 1870.

An Act for the further amendment of Act No. XIX. of 1861.

For the purpose of further amending Act Preamble. No. XIX. of 1861 (to provide for a Government Paper Currency); It is hereby enacted as follows:- 1. In section four of the said Act the words Amendment of Act No. XIX. of 1861, Section 4. be the Master of the Mint at Madras and the Master of the Mint at Bombay' shall be repealed.

2. Section ten of the said Act shall be read as Amendment of Section 10. If for the words 'four crores' the words 'six crores' were substituted.

#### WHITLEY STORES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the Gazette of India on the 6th April 1870 :---

# Act No. XVI. of 1870.

THE INCOME TAX ACT, 1870.

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An Act for imposing duties on Income and Profits.

For the purpose of imposing duties on income and profits arising from Preamble. sions and trades; it is hereby enacted as follows:

#### PART I.

# PRELIVINARY.

- 1. This Act may be called "The Indian Income Tax Act": Short title.
- It extends to the whole Extent of Act. of British India:

It shall be deemed to have come into operation

- on the first day of April Commencement a
- 1870, and it shall cease to continuance of Act. be in force on the thirty-

first day of March, 1871, except as to taxes and penalties then due and incurred thereunder.

- 2. On and from the the said first day of April 1870, the Acts mentioned in the third schedule here-Repeal of Acts.
  - to shall be deemed to have
- been and shall be repealed to the extent specified therein, except as to taxes due under any of such Acts.
- The references made in the Court Fees Act, Schedule H, to the Indian Income Tax Act shall be deemed to be made to this Act.

3. In this Act-unless Interpretation clause. there be something repugnant in the subject or context-

"Magistrate" means any person exercising the powers of a Magistrate, or " Magistrate." of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace:

"Company"-means an Association carrying on

"Company." business in British India whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not:

" Firm." " Person." " Firm" includes a Hindù undivided family :

"Person" includes a firm:

"Defaulter" includes a firm making default "Defaulter." under this Act:

In the case of any Company or Municipal or other public Body or Association not being a Com-

"Collector." ciation not being a Company, "Collector" means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person chargeable under this Act "Collector" means the Collector of Land Revenue of the place or district at or in which such person resides.

4. Nothing in this Act applies to the pay and allowances of officers, warrant officers, non-commissioned officers and privates of Her Majesty's Forces, or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed five hundred rupees per mensem :

or to any moveable or immoveable property solely employed for or dedicated to religious or chantable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act.

5. The Governor General of India in Council may from time to time, by order wholly exempt from

order, wholly exempt from the operation of this Act

the whole or any part of the income and profits of any tribe or class of persons in British India.

Act.

The Governor General of India in Council may revoke any such order.

All orders and revocations made under this section shall be published in the Gazette of India.

### PART II.

#### DUTIES ON OFFICES.

6. A duty of six pies for every Rupee shall be levied in respect of every

office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, annuity or pension paid in British India by Government or by a Company or by a Municipal or other public Body or Association not being a Company to any person residing in British India or serving on board a Ship trading to and from British Indian ports, whether on account of himself or another person.

7. No income amounting to less than forty-

Exemption of incomes less than Rs. 41-10-8 per mensem. Description of inc 8. In the case of every person holding any Provision as to Government offlicials. ment of India, or under any Local Government, or receiving any annuity or pension from Her Majesty or any such Government.

the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

9. In the case of every person holding a paid Provision as to servants employment under or reof Companies and Municipalities. pension from any Company, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension, at the time of pay ment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as Payment to Government. Vernment of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Government for such payment.

Where the person intere-ted has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him shall not be less than, and may exceed, the amount so tendered.

Every Company, public Body or Association, Idemnity. Treasurer or other officer as aforesaid, is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary, or principal Agent or Manager, of every such Annual return by Trea-Company and public Body surer, &c. or Association shall prepare, and, on or before the thirtieth day of April in this year, deliver to the Collector, in such form as may be prescribed by the Governor General of India in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under or receiving a pension or annuity from the Company or Body or Association whose pay or pension or annuity as such amounts to forty-one rupees, ten annas, eight pie per mensem or upwaids, together with the salaries, annuities or pensions payable by the Company or public Body or Association to all such persons respectively.

10. Whenever the full duty leviable under Difference between duty under this Act for April 1870 and duty under Aet IX of 1869. In that month from the pay, amauity or pension chargeable therewith, the deficiency shall be deducted from such pay, annuity or pension, at some subsequent time of payment.

# PART IIL.

# COMPANIES.

11. The Treasurer, Secretary or principal Agent or Manager in Itolia of every Company shall in

Shipping Companies. the case of a Shipping Company trading between British Indua and any other country, pay to Govern-ment in respect of one molety of the nett profits made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up, the duty of six pies in the rupee,

and in the case of every other Company pay to Government in respect of

Other Companies. the whole of the nett profits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up the duty of six pies in the rupee,

and shall prepare, and, on or before the thirtieth day of April in this year, Statement of result of deliver to the Collector, accounts a statement in writing signed by him showing the result of such accounts (If any).

In the case of any Company where no such Annual return of nett

profits.

accounts as are mentioned in this section have been

ending on the thirty-first day of March 1870, the Treasurer, Secretary or principal Agent or Manager, of such Company shall prepare, and, on or before the thirtieth day of April in this year, deliver to the Collector, a return in writing signed by him and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the said thirty-first day of March.

Every such Tieasurer, Secretary or principal Agent or Manager; 18 hereby indemnified for all

payments made in pursuance of this section.

#### PART IV.

DUTIES ON ALL OTHER INCOME AND PROFITS.

Duty on means not first schedule to this Act charged under Part II. or annexed shall be 1.... annexed shall be levied upon all income and profits accruing and arising in British India and not chargeable under Part II. or Part III. of this Act.

13. The trustee, guardian, curator, or com-Trustees, guardians and mittee of any infant, married woman subject to committees of incapacitated persons to be charged. the law of England, Junatic or idiot, and having the control of the property of such inlant, mairied woman, lunatic, or idiot, whether such infant, married woman, lunatic, or idiot resides in British India or not, shall, if the mfant, mairied woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such manied woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Anys person not resident in British India,

Non-residents charged in names of their agents.

whether a subject of Her Majesty or not, being in receipt, through an agent, of any income or profits chargeable under this Part shall be chargeable in the name of such agent in the like manner and to the like amount as he would be charged if resident in British India and in actual receipt of such income or profits.

14. Every such trustee, guardian, curator. Trustees or agents of committee or agent shall, when required by the persons incapacitated or non-resident to furnish statements of income or Collector, deliver a statement signed by him, of profits with declaration. the amount of the income or profits in respect whereof he is chargeable on account of such infant, married woman, lunatic, idiot or non-resident, together with a declaration of the truth of the statement.

15. Receivers or Managers appointed by any

Receiver or Manager. Courts of Wards and the Administrators General.

Court in India, the Courts of Wards, the Administrators General of Bengal. Madras and Bombay, and

the Official Trustees, shall be chargeable under this Act in respect of all income and profits officially in their possession or under their control.

When any trustee, guardian, curator, or 16. - Trustees, Agents, Re- committee, or agent is as-ceivers, &c., may retain sessed under this Act in duties charged on them. such capacity: sessed under this Act in or when any receiver appointed by any Court, Court of Wards, Administrator General, or Official Trustee is assessed under this Act in respect of the income and profits officially received by him;

every person and Court so assessed, may, from time to time out of the money coming to his or its possession as such trustee, guardian, curator, committee, or agent, or as such receiver, Court of Wards, Administrator General or Official Trustee, retain so much as shall be sufficient to pay the amount of the assessment.

Every such person and Court is hereby indemnified for every retention and payment made in Indemnity. pursuance of this Act.

17. In the case of every person chargeable under this Part whose Notice requiring annual income or profits returns. is or are in the Collector's

opinion two thousand rupees or upwards, the Collector shall,

and in the case of every other person so chargeable,

the Collector may,

serve a notice on him requiring him to fill in a return of his income and profits, or of the income and profits in respect whereof he is chargeable, in the form to be prescribed by the Governor General of India in Council, and specifying the day by which the return is to be made, and the place of the Collector's Office at which the return is to be made.

Every such notice shall be signed by the Collector.

The form of the return shall accompany the notice.

18. Every person on whom such notice is served shall send to or deliver at

Return how made.

the Collector's Office the return duly filled in and signed by him.

A declaration shall be added by such person at the foot of the return, that the profits or income stated therein are truly estimated on all the sources therein mentioned.

Contents of receipt

19. Every person, when required so to do by a Lists of lodgers and menority of the form to be prescribed by the said Go-

employés. vernor General in Council

shall, within the period mentioned in such notice, prepare and deliver to the Collector a list containing, to the best of his belief, the name of every lodger or inmate resident in his dwelling-house. and of any other persons, receiving salary or emoluments amounting to forty-one rupees, ten annas, eight pie per mensem or upwards, employed in his service, whether resident in such dwellinghouse or not, and the place of residence of such of them as are not resident in such dwelling-house, and also of any such lodger or inmate who has any ordinary place of residence élsewhere, at which he is hable, under this Act, to be assessed, and who desires to be so assessed at such place.

Such lists shall be signed by the persons respectively delivering the same, and shall be prepared in the form to be prescribed as aforesaid.

20. The Collector shall from time to time de-

Collector to determine persons chargeable.

termine what persons are chargeable under this Part, and the amount that every

such person shall be assessed in accordance with the said Schedule; and in making such assessment income exempted under section seven shall be treated as chargeable under this Part.

21. In the case of a person for the first time

Computation when as-ssee become chargeable within year.

becoming chargeable under this Part within the year of assessment, the computation shall be made according to an average of his income and profits for such period as the Collector shall, under the circumstances, direct,

22. The Collector shall cause a notice to be

served on every person Notice persons to chargeable under this Part chargeable. stating-

The name and the profession, trade, or (1).other source of the income or profits of such person, or of the income and profits in respect of which he is chargeable:

(2).-The year or portion of the year for which the duty is to be paid.

(3).-The place or places, district or districts where such income or profits accrues or arise :

(4).-The amount to be paid;

and requiring him within fifteen days from the date of the service to pay such amount.

23. Such amount shall be paid to the Collec-

Officer to grant receipts. tor, who shall grant a re-peipt for such payment to the person making the same :

Provided that, if such income or profits accrues or arise at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice re-sides, or (in the case of a firm) at or in which its principal place of business in British India is situate.

Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from tame to tune empower in this behalf, and such signature shall be judicially noticed,

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24. Every such reeeipt shall specify-

(1).-The name and source or sources of the income or profits of the person by or on whose behalf the duty is paid :

(2).-The year or portion of the year for which the duty is paid :

(3).-The amount paid, and the date of payment: and

(4)-The place or places, district or districts where the income or profits accrues or arise; and shall be admissible as prima facie proof of all matters contained therein.

25. Any person objecting to the amount at Petition against as-sessment which he is assessed, or denying his babilities to sessment

Part, may within the period mentioned in the said motice, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such · period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled.

Provided that no person who shall have been with a notice served Proviso. under section seventeen shall be entitled to apply by petition under this section, unless he shall have made the jeturn required in such notice on or before the day therein mentioned, or unless he shall satisfy the Collector that he had a sufficient excuse for not making such return.

The petition shall be in the form contained in the second schedule to Form and verification this Act annexed, or as of petition. near thereto as circumstances admit, and the statements there in contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

26. The Collector shall fix a day for the hear-ing of the petition, and on the day so fixed, or on Hearing of petition the day (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the fee on the petition.

If the order simply reject the petition or reject the petition and enhance the peutioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be).

27. Any person dissatisfied with any order under section twenty-six Appeal from order on may, within fifteen days from the date thereof, on petition.

payment of the sum in which he was assessed, or to which his assessment was enhanced, present a petition of appeal to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Every petition presented under this section shall

be accompanied by a Documents to accomcopy of the petition to the pany appeal. Collector, a copy of the Collector's order thereon, and all other documents

(if any) connected with the case.

Neither of such copies shall be chargeable under the Court Fees Act.

When the decision on such appeal is in favour of the petitioner, the value

Return of fees and excess. of the fees on his petition to the Collector and on his petition of appeal, together with the excess paid by him, or (when the decision is that the petitioner is not chargeable under this Act), the whole sum so paid shall at once be refunded.

28. The Collector or Commissioner may sum-

mon any person whom he Power to summon thinks able to give evipersons to give necessary dence for the purpose of information. enabling him to determine how the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in, his possession or power relating to the sources of the petitioner's income or profits accruing or arising in British India.

29. Whenever the Collector has reason to be-

Power to issue fresh notice.

lieve that, in assessing any person under this Act, any source of income or

profits not specified in the receipt granted to him under section twenty-three has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person stating the amount to be paid in respect of such source, and the provisions contained in sections twenty-two to twenty-eight (both inclusive) shall apply to such notice and regulate the procedure thereunder.

### PART V.

#### PENALTIES.

30. Every Treasurer, Secretary, or principal Treasurers, &c., failing to make payments or deh-to make any payment or ver returns. to prepare and deliver any return required by section nine,

or failing to make any payment or to prepare and deliver any statement or return required by , section eleven,

and every trustee, guardian, curator, committee, Trustees, &c., failing to or agent failing to deliver any statements or decladeliver statements or declarations. ration required by section fourteen, shall for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

31. If any person served with notice under section twenty-two does Failure to pay amount not within the period of assessment. specified in the said notice

pay the amount required thereby, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such notice : Provided that he has not presented a petition under section twenty-five.

.

Every such receipt shall bear date from the recovery of the fine, and save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

32. Whoever maks a statement in any decla. ration or list, made or False statements.

delivered, under section eighteen or nineteen, which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have committed the offence described in section one hundred and seventy-seven of the Indian Penal Code.

Whoever makes a statement in any petition presented under section twenty-five which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

33. No person shall be proceeded against for any offence under section Prosecution to be at instance of Collector. thirty, section thirty-one, or section thirty-two, ex-

cept at the instance of the Collector.

34. All' fines imposed under this Act may be Mode of recovering fines.

recovered, if for offences committed outside the local limits of the towns of

Calcutta, Madras or Bombay, in the manner pre-scribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm or to all or any of the members thereof.

35. . In sections one hundred and ninety-three Sections 193 and 228 and two hundred and of Penal Code to apply twenty-eight of the Indian to proceedings under this Penal Code, the words twenty-eight of the Indian Penal Code, the words Act. "judicial proceeding" shall be taken to include any proceeding under this Act.

#### PART VI.

#### PAYMENT.

36. All taxes under this Act, except when they are deducted under Tax when payable.

section eight or section nine, shall be payable on the fifth day of April 1870.

#### Instalments.

Provided that the amount so payable may be Payment by instalments, paid in each year by four equal instalments: the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section twenty-two upon the person pay-

ing the same, and the second instalment on the first day of July, the third instalment on the first day of October, and the fourth instalment on the first day of January 1871.

37. When any person pays only such first Death or insolvency of person paying instalment. first, second and third instalments, and in any of the quarters respectively ending on the thirtieth day of June, the thirtieth day of September or the thirty-first day of December, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade (if any) in respect of the profit arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, the amount of the subsequent instalments or instalment shall not be claimable.

When any firm pays only such first instalment,

Firm paying instalment and dissolving partnership or becoming insolvent.

or first and second instalments, or first, second, and, third instalments, and in

spectral ending on the days last aforesaid dissolves pattnership, or takes the benefit of any Act for the relief of insolvent delitors, or conveys the whole of its property in trust for the benefit of creditors, the amount of the subsequent instalments or instalment shall not be claimable.

38. If the Collector has caused a notice to be served on any person<sup>.</sup> Recovery of subsequent liable to pay the said se-

instalment. instalment. cond or any subsequent instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall, on conviction before a Magistrate, be fined twice the amount so mentioned.

#### Recovery under Revenue-law.

39. In any case of default under this Act arising outside the local limits of the towns of Cal-**Optional recovery under** revenue-law.

cutta, Madrasor Bombay, the Collector may, if he thinks fit, and if the notice mentioned in sections twenty-two, twenty-nine, or thirty-eight (as the case may be) has been served on the defaulter, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue,

On the recovery of such amount from the. defaulter the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

#### Payment of Taxes and Fines.

40. All taxes levied and all fines recovered under this Act shall be Payment of taxes levied paid to the credit of the Government of India, or and fines recovered under this Act 7 as such Government shall from time to time direct.

# PART VII.

MISCELLANEOUS. 41. All or any of the powers and duties con-

Powers of Collector and Commissioner under this Act may be exercised by other officers.

ferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such

other officers or persons as the Local Government shall from time to time appoint in this behalf. 42. Service of any notice under this Act shall

Service of notices

be made by delivering or tendering a copy thereof under the signature of the Collector.

Whenever it may be practicable, the service of the notice shall be on the person therein named,

or, in the case of a firm, on some member thereof. When such person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the housein which the person or firm therein named ordinarily dwells or carries on business.

43. When any Company or firm has several places of business in the

Power to declare printerritories subject to difcipal place of business. ferent Local Governments, the Governor General of India in Council shall have power to declate which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any Com-pany has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

When any person has several places of residence in the territories subject Power to declare resito different Local Godence. vernments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor General of India in Council or the Local Government, as the case may he, shall from time to time appoint in this behalf. 44. The Governor General of India in Council

Governar Géneral m Council empowered to prescribe forms

may from time to time prescribe forms for the returns, notices and lists hereinbefore mentioned.

All such forms shall be published in the Gazette, of India.

45. The Governor Genneral of India in Council Governor General in may from time to time Council empowered to make rules consistent with make rules. this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the powers given by this section so far as regards the territories subject to such Government.

# 277

### SCHEDULE I.

Persons whose annual income

or profits shall not less than	be asse	essed at Rs.•	500 ł	out at l	ess tha	n Rs.		all pay Rs.	19	8	0
Ditto	ditto	··· "ŋ,	750	لأو	,,	"	1,000 1,600	11 C	27 39	0	0
Ditto Ditto	ditto ditto	••• >>	1,000 1,500	<b>در</b> در	99 75	· "	2,000	3 <b>3</b> 83 37 83	54	ŏ	ŏ
Ditto	ditto	••• >\$	2,000	•••	•••		•••	six pies in	the r	upe	e,

# SCHEDULE II.

Form of Petition under Section 25.

- Stamp eight annas.

day of

The petition of A. B. of

To THE COLLECTOR OF

The

187

SHEWETH-

1st.—That under the Indian Income Tax Act your petitioner has been assessed in the sum of *twenty-seven* rupees for the year commencing the first day of April 187.

2nd.—That your petitioner's income and profits accruing and arising from [here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise] for year ending the thirty-first day of March last were rupees

income or profits accrues or arise] for year ending the thirty-first day of March last were rupees as will appear from the documents marked presented herewith, and to which your petitioner craves leave to refer.

3rd.—That your petitioner has no other source of income or profits, and has no reason to believe that his income and profits during the year commencing the first day of April 187 will exceed the said sum of rupees;

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the fee on this petition may be refonded [or that he may be declared not to be chargeable under the said Act, and that the value of the fee on this petition may be refunded.]

Form of Verification.

(Signed) A. B.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) A. B.

#### SCHEDULE III.

#### Enactments Repealed.

Namber and Year,	Title of Act.	Extent of Repeal.
Act No. IX. of 1869 Act No. XXIII. of 1869 .	The Indian Income Tax An Act to enhance the duties levi- able under the Indian Income Tax Act.	The whole,
Act No. VII. of 1870		In section thirty-two the words "And the Indian Income Tax Act, section twenty, shall be read as if for the words "the value of the said stamp' the words 'the fee on the petition' were substituted." In the second schedule, No. nine, the words "section twenty-one."

WHITLEY STOKES,

Secy. to the Council of the Governor General. for making Laws and Regalations. The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the Gazette of India Extraordinary of 6th April 1870:-

# Act No. XVII of 1870.

An Act to amend the Law relating to Customs Duties.

WHEREAS it is expedient to amend the Law Preamble. Preamble. Customs on goods import-

ed and exported by sea; It is hereby enacted as follows :---

1. This Act may be called "The Indian Cus-Short title. toms Duties' Act, 1870."

2. Act No. XVII. of 1867 (to amend the Law relating to Customs Duties)

Repeat of Acts. and Act No. X11. of 1869 (to amend the luw relating to Customs Duties) are hereby repealed.

3. There shall be levied and collected, in every port in British India, the duties specified in Scheduties specified in the two

Duties specified in Schedules to be levied.~ Act; and all articles, other than those specified in the said Schedules respectively, shall be dutyfree; Provided that nothing herein contained shall be taken to affect Act No. XX. of 1867 (to authorize the transshipment, without payment of duty, of goods imported into Calcutta, Madras, and Bombay by Steamers), or Act No. II. of 1868 (to alter the rate of duty leviable on pepper exported from Cochin), or to alter the existing duties upon Salt and Opium.

4. Section twenty-seven of the Consolidated Construction of section 27 of Consolidated Customs Act shall be construed as if for the words " for which a specific value has not been of the Governor General of India in Council," the following words were substituted; (that is to aay), " for which a specific value is not fixed by the Indian Customs Duties' Act, 1870;" but, save as aforesaid, nothing, herein, contained shall be construed to affect the provisions of the Consolidated Customs Act.

5. The Governor General of India in Council may from time to time, by Power to fix value of notification in the Gatette dutable goods. poses of this Act the walue of any goods exported or imported by sea on which duties of customs are hereby imposed.

# SCHEDULE A.

No.	Description of Article.	Value on which Duty is Rate of Duty.
1.	APPAREL, INCLUDING, HABBRDASHERY, MILLINERY, &C ARMS, AMMUNITION, AND MILITARY STORES— Gunpowder, common , sporting Fire-Arms and parts of ditto All other sorts, including Military Ac- coutrements, Uniforms, &c. BEADS AND FALSE PEARLS— Beads—China Common , Ruby of all sizes , Seed a Small, Scarlet and Red , Coral (false) Moorzun	Ad valorent. O 5 per fb. 1 0 " Ad valorent. Seven and a half per cent. except as regards Military and other Regulation Uniforms and Accoute- ments when imported for private use by persons in the Public Service, which are free. 30 0 per cwt. 28 0 " 0 12 per lb. 0 10 " 0 8 per corge of
4	All other sorts of false Corals and Beads Pearls, false, Bajeria "Boria Jouria	5: 0 per lakh. 1: 0 per thousand. 8: 0 per lakh. 0: 6 per thousand. 10: 0 per lakh. 10: 0 per lakh.

\* Exceeding this length to be charged in proportion.

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ňo.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A. :	
5	CANDLES, WAX, COMPOSITION, AND OTHER KINDS		• •
	Candles, Wax Paraffine	1 0 per lb.	
	Spermaceti Composition and other sorts	0 8 ,, 0 5 ,, Ad valorem.	
6 7	CLOCKS, WATCHES, AND OTHER TIME- KEEPERS	Ad valorem.	
8	COFFEE- Persian Gulf and Red Sea	30 0 per cwt. 20 0 "	Seven and a-half per cent.
9 0	Corals, REAL Corks	Ad valorem. 1 8 per gross.	
1	Corron- Thread-	0 11 per lb.	
	Sewing Thread, White and Coloured In reels, or on cards of one hundred	1	
	yards (and pro rata above and below)* Goa and Country ••		
	Twist— Mule, under No. 15 Nos. 16 to 24	0 6 per lb. 0 9 l,	h
	25 to 32 33 to 42 43 to 52	0 10 "	
	53 to 60 No. 70	0 14 "	
	80 90 100	1 0 " 1 1 <sup>#</sup> 1 2 <sup>#</sup>	Three and a-half per cent.
	110 120 and one anna additional for every count of		Inree and a-nam per cent.
	ten above No. 120. Water, No. 20 	0 10 ,, 0 11 ,,	
	40	0 13 <sup>3</sup> 0 15 <sup>3</sup> 1 2 <sup>3</sup>	
			Three and a-half per cent. *Duty to be charged on the
	Turkey Red Twist, all kinds*	1 6 per lb.	Grey weight of the Colour- ed Yarn ; when not ascer- tainable, the actual wharf
	Piece Goods-		weight or invoice weight to be taken.
•	Grey	l I per Ib.	
	quarter inch. Other Jaconets Shistings, Mydapollams and Prints	0 13 ,, 0 11 ,,	Five per cent.
	Long Cloths, Jeans, Domestics. Sheetings, Drills and T. Cloth	09,	,
	Other sorts Cotton Rope Cotton Goods-other kinds	Ad valorem. 25 0 per cwt	

<b>28</b>	0
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Na	Description of Article.	Value on which Duty is Assessed.	Rate of Daty.
	/	Rs. A. Standy	
12	DRUGS AND MEDICINES-	1 + 4 1 - 5 - 6 - 6	r -
	Acid, Sulphuric	0 3 per 16.	7
	Alkali, Country (Sajee Khar)	2 0 per cw#	
	, Socotra	·10 ·0 "····	
	Alum	3 8 ,	Ĩ.
	Arsenic	25 0 ,	
	" China Munseel Assafœtida (Hing)	8 0 9 0	ł
	", Coarse (Hingra)	55 0 " 10 0 ·· "	
	Brimstone, Flour	70 "	
	" Roll	60"	
	" Rough Camphor, Bhimsing (Barras)	4 8 j	
	", Refined cake	50 0 per lb 65 0 per cwt.	
	" Crude in powder	50 0 1	2
	Casia Lignea	38 0 "	
	Coova, red Copperas, green	Ad valorem.	1
	Quinine	2 8 per cwt. Ad valorem.	
	Sal Ammoniae	22. 0 per cwt.	ʻ,
	Salep	60 0 "	
	Senna Leaves	60", Ad valorem.	Seven and a half per ce
	· · · · · · · · · · · · · · · · · · ·		
13	DYEING AND COLOURING MATERIALS	1 12 per lb.	
	Gallnuts, Country, Myrabolam	1 12 per 1b. 3 0 per cwt.	
	"Persian	35 0 "	
	Gamboge Wood	20 0 "	
	Madder or Munjeet	10 0 ,, 8 0 ,,	
	Saffron, Europe	8 0 i, 16 0 per lb.	
	" Meadow, Soorunjum	10 Oper cwt.	
1	" Persian	12 0 per 1b.	
	Sapan Wood and Root	50 ". 38 per cwt.	
-	Aniline Dyes		
}	All other sorts	Ad valorem.	
14	FIREWORKS-	, i	
1	China	30 0 per. box of	
	Other sorts	1333 lbs. Ad valorem.	
	· ·		H, j
15	FLAX, MANUFACTURES OF-	4 7	r e
	Piece Goods	Ad valorem. Ad valorem.	5 per cent
	FRUITS AND VEGETABLES-		
	Almonds without shell	25 0 per ewt.	
	, with shell.	10 0 5	
	Cajoo kernels	- 10 - 0 ,	
	, kernel (Copra)	30 0 per thousand 9 8 per cws	
	Currants, Europe	35,0 "	Seven and a half per ce
	"Persian	12 0 1	ſ
1	Dates, dry, in bags	40 ·" `	
	,, wet, in bags	30 " 60 "'	1
	Figs, Europe	420 n ···	1
	" Persian, dried	60,	
	Garlic	34 10	
1	Pistachio Nuts Prunes, Bussorah		1

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ĩo.	, Description of Article.	Value on which Duty is assessed.	, Rate of Duty.
	FRUITS AND VEGETABLES-(continued.)	, <sub>2]</sub> Rs.: A.	
	Raisins, Black, Persian Gulf, Red Sea,		
	and Khismis Monocka, Persian Gulf and Red	12 0 "	
	Sea	7 0 ,	
	, Malaga and Bloom	0 10 per 1b,	
	, Other sorts	Ad valarem.	
	Mangoes, dried	Ad valorem	-
	Prunes, Europe Other sorts, expect Bidmiskh, and Bu-	Ad valorem	ł
	zarbuttoo Nuts, which are free	Ad valgrem.	
17		N	
	GLASS AND GLASS-WARE-	10 0 per 100 pairs.	
	$,,$ not Gilt $\ldots$ $(+,+)$	,50	
	Glass-Broken	5', 0, per cwt. 32, 0, per 1334 lbs.	ľ l
	", Crown, coloured	32 0 per 100 supl,	
	, of sizes	feet.	
		5 0 per 100 supl. feet.	
	Glass and Glass-ware of all other sorts, ex-		li
	cept Bottles, which are free	Ad valorem.	
	Gums-		
	Gum, Ammoniac	10 0 per cwt. 16 0	
	"Bdellium, common Gum	16 0 m 5 0 m	
1	"Benjamin "Busabole gonnio Maurili	33 0 "	
	" Bysabole, coarse Myrrh		]}
	"Frankincensel or Olebanum	9 9 .0	
	" Gambier (or Kino)	8 0	( G
	" Persian (false)	30 "	Seven and a half per cen
	" Rosin All other sorts.	12 0 " Ad valorem."	
9		11.	
1		Ad palorem.	
20	HIDES AND SKINS-	, , , , <u>,</u>	11
	Border Hides, prepared Buffalo Hides, Country, Tanned	80 0 000	
	Nall Okills		
	Chamois Skins Cow Hides, Country, Tanned	60 "	
	Rumoceros Leather	60 0 per score. 40 0 per cwt.	
21	Other sorts INSTRUMENTS, Musical		
		α, α' οφινη em.	<u>}</u> }
فيكر ه	Ivory and Ivory-warg Elephants' Grinders	16 0	
	LUSKS ADOVE 20 105.	16 0 per cwt. 300 0	
	Tusks 10 lbs. and not exceeding 20 lbs.	225 0	
	I were on wrove leeth. 3 the and	· · · · ·	
	bpwards	225 0	
	Sea Cow or Moye, Teeth, under 3 lbs Ivory, Manufactures of	75 0 it	
23		AND DULEVI, CIME	
-	JEWELLERY, INCLUDING PLATE-Silver-ware, plain	1 6 min 4 1 1	
	» embossed		
	excepting Precious Stopen and Brand		
	which are free	Ad valorem.	

No.	Description of Article,	Value on which Duty is Assessed.	'Rate of duty.			
		Rs. A.				
24	LEATHER AND MANUFACTURES OF-	1 1				
	Leather Boots and Shoes	Ad valorem.	Seven and a half per cent.			
25	LIQUOR-		E a			
	Ale, Beer and Porter	<b>A 9 69</b>	One anna per Imperial Gallon. Three Rupees the Imperial Gallon and the duty to be rateably increas- ed as the strongth exceeds London Proof.			
	Wines	5 <b>.</b>	Provided that ten per cent. ad valo- rem shall be charged on all spirits used exclusively in Aits and Manu- factures, or in Chemistry, subject to such fluies as the Local Govern- ments shall from time to time pre- scube, for ascertaining that such spirits are unfit for use as a beve- rage and incapable of being con- verted to that purpose. And the officer in charge, of the Custom House, subject to the general in- structions of the Local Govern- ment, shall decide what spirits fall within the proviso; and his decision thereon shall be final in law.			
-	Champagnes, Sparkling Wines and Li- queurs		1-8 per Impl. Gal. or 6 Qt. Bottles. 1-0 per ditto.			
26	MATCHES-					
	Lucifer and all other sorts	Ad palarem.	n			
27	MATS, FLOOR MATTING, CHINA, OF ALL BORTS					
28	Metals, Unwrought, Wrought, and Manufactures of					
	Brass Beads, Googree, China "Old "Sheets, rolls, very thin Copper, Australian Cake "Bolt "Brazier's "China Cash "Japan "Nails and Composition Nails "Old "Pigs and Slabs, foreign "Pigs and Slabs, foreign "Sheet, Sheathing and Plate "Tiles, Ingots, Cakes and Bricks. "China, White Copper-ware "Foil Dauk-pana, China "China, White Copper-ware "Europe "All other kinds "Beams, Pillars, Girders and Bridge- work "Flat, Square and Bolt, including	41 0 ;; 43 0 ;; 43 0 ;; 28 0 ;; 41 0 ;; 43 0 ;; 43 0 ;; 40 0 ;; 43 0 ;; 40	Seven and a half per cent.			
]	Scotch		ν			

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1	Description of Article.	- Value on which Duty is . assessed.	Externation State of Duty.
		Rs. A.	
	METALS, &c.,—continued.		
	Iron Hoop, Plate and Sheet	100 0 ger ton.	
·	Nail, Rod	10 0 per cwt. 90 0 per ton.	
		2 8 per cut.	
ł	" Pig " Rod, round, British, under half inch	40 0 per ton.	
	Rod Round British. exceeding half		>Ope per cent.
ł	inch diameter		· · -
ł	Swedish, flat and square	3 0 per set of 10.	
	Galvanised	1 8 per set of 6. Ad valorem.	
	Other sorts, except Anchors, Cables		٦́
1	and Kentledge, which are free.	Ad valorem. 4 8 per score.	
Į	" Single "	24 "	
1	Lead, Pig.	10 0 per cwt. 13 8 37	
]	,	160 "	
ľ	Tea Canisters, which are free)	12 0 "	
	Ore Galena	13 0 " 4 0 per 100 leaves.	
ł	Mock Gold Leaf	5 0 per 20 books.	
1	Orsidue or Brass Leaves, foreign Europe	1 4 per lb.	
ł	Patent or Yellow Metals, Sheathing and	10 12 ,,	
	Sheets and Bolts,	35 0 per cwt.	
	" ditto old Quicksilver	30 0 " 1 0 per 1b.	
ł	Shot, Bird	15 . O. per. cwt.	
ł	Spelter Nails		Seven and a half per cent.
	" Sheet or Zinc Sheathing	15 Q "	
	Steel, blistered Steel, British	90,, 9,0,	
	,, Cast,	25 0 "	
ł	"Swedish	10 0 "	
	Tin Block Plates	45 0 12 8	
	Wire, Brass		•
Ĵ	Common Iron, Nos. 1 to 40		
	Other sorts, including Hardware, Iron- mongery, and Cutlery, but excluding		
ļ	Machinery, the component parts there-		· ·
	of, and Agricultural Implements, which are free	Ad valorem.	
	NAVAL STORES-		
	Cables, coir, tarred	10 0 per cwt.	)
	Canvas, Country, Cotton "Europe Sail, not exceeding forty	500 "	
	vards	15 Oper bolt.	Five per cent.
	Coir Rope, Maldive and Laccadive,, " Yarn of all kinds	10 0 per cwt.	
	Cordage, Hemp, Europe		Seven and a half per cent
ł	Dammer »	20.0	

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	<i>i</i>	284	, ,
No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	NAVAL STORES—continued.	Rs. A.	
	Pitch, American and Europe	13 0) ing 3 cwt. 4 8) and pro'rata above and below.	
	Tar, American , Coal , Swedish and Archangel Twine, Europe, Sail All other sorts, except Oakum which is free		
30	Oıls-	·	
	Cardamom Cassia Cinnamon, Ceylon Cocoanut Earth Grass Jingelee or Teel Kerosine, Paraffine, Petroleum, Rock	10 0 per lb. 4 0 , 10 0 , 20 0 per cwt. 10 0 , 2 0 per lb. 20 0 per cwt.	Seven and a balf per cent.
	and Shale Oils of all descriptions Linseed, Country "Europe Naphtha Otto, of sorts Sandalwood Sorrel Turpentine Whale and Fish Wood	1       12 per Impl. gal.         18       0 per cwt.         2       4 per Impl. gal.         30       0 per cwt.         20       0 per ounce.         8       0 per lb.         20       0 per cwt.         20       0 per cwt.         20       0 per cwt.         30       0 per cwt.         15       0 per cwt.         15       0 yer cwt.	
	All other sorts, except Cocum and Slush Fat, which are free		
31	OIL AND FLOOR CLOTH	Ad valorem.	Five per cent.
82	PAINTS, COLOURS, AND PAINTERS' MATE- RIALS	3 0 per cwt. 12 0 " 30 0 " 0 8 per lb. 1 8 " 14 0 per cwt. 2 0 per Impl. gal. 75 0 per cwt. 80 0 } per box of 30 0 ∫ 90 bundles. 12 0 per cwt.	Seven and a half per cent,
33	PERFUMERY	10 0 1 12 per Impl. gal.	
34	All other sorts Photographic Apparatus and Mate-		
35 36	RIALS PIECE GOODS, NOT OTHERWISE DESCRIBED PORCELAIN AND EARTHEN-WARE	Ad valorem.	Five per cent.
37	PROVISIONS AND OILMAN'S STORES- Bacon in Canisters, Jowls and Cheeks.		

9	R.	5
~	9	÷ .

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ło.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
	Cheese Fish Maws	3 cwt. and 34. 0 per barrel of 2 cwt. 20 0 per cwt. 10 0 per keg of six. 1 8 per Impl. gal. 0 12	Seven and a half per cent.
3	Vinegar in wood, Country All other sorts, except Biche de mer Butter and salted Fish which are free RAILWAY MATERIALS	Ad valorem.	
	Of Iron	Ad valorem. Ad valorem. Ad valorem.	One per cent. One per cent. Seven and a half per cent.
•	RATTANS AND CANES Canes, Malacca Rattans All other sorts	1 0 per dozen. 7 0 per cwt. Ad valorem.	
<b>.</b>	SEEDS- Anchuchuck Anise, Europe Assalıa. Cajoo Castor Cummin "Black Esubgool Linseed Methee Mustard Quince Seed or Badana Rape or Sursee Sawjeerah Tookmeria All other sorts, excepting Seeds imported by any Public Society for gratuiton distribution which are free	5 0 w 5 0 w 5 0 w 5 0 w 4 8 w 25 0 w 5 0 w	Seven and a half per cent.
41	SHELLS- Chanks, "large shells," for Cameo "White, live. "dead Cowdas, Mozambique and Zanziba "from other places Cowries- Bazar, common Maldive Sunkley Yellow, superior quality Mother o'Pearl Tortoise Shell. "Nucking and other sort	$ \begin{array}{c} 6 & 0 & \\ 3 & 0 & \\ 3 & 0 & \\ 0 & 8 & \\ 0 & 8 & \\ 4 & 0 \text{ per } \text{cwt.} \\ 16 & 0 & \\ 40 & 0 & \\ 8 & 0 & \\ \end{array} $	

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No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
•		Rs. A.	•
42	Silk-		
	Floss Raw, Charon and Cochin-China "Mathow "other kinds of China	4 0 <i>"</i> 1 12 <i>"</i>	
	"Persian	5 0 " 1 12 " 4 0 "	Seven and a half per cen
	Sewing Thread, China	.80 " Ad talorem. Ad valorem.	Five per cent.
43	SOAP	Ad valorem.	
44	SPICES- Aloe Wood Aniseed Star Betelnut, White, Sheverdhun	3 0 per lb. 40 0 per cwt. 18 0	
	" all other kinds " in husk Cassia Buds, Nagkessur, China Chilhes, dried	7 0 per cwt. 2 0 per thousand. 0 8 per lb. 8 0 per cwt.	
	Cloves		
	" false Nutmegs " in shell " wild	0 10 per lb. 0 6 "	
	Pepper, Black and long White	14 0 "	Seven and a half per cent
45	STATIONERY OTHER THAN PAPER	Ad valorem.	
46	SUGAR AND SUGAR-CANDY		
47	Теа	1 0 per lb.	
48	TIMBER AND WOODS Manufactures of, including also Pipes, Stave and Casks	Ad valorem.	
49	Товассо— Manufactured Unmanufactured Articles such as pipes, &c., used in con- sumption of	Ad valorem. Ad valorem. Ad valorem.	}Ten per cent-
50	Toys and Requisites for all Games	Ad valorem.	7
51	UMBRELLAS	*	
	Cotton, Steel Ribs Cane Ribs Cane Ribs China Paper Kettisals All other sorts	0 11 " 45 0 per box of 110	Seven and a half per cen
52		4 J	Elus non son A
	Piece Goods Binid Other sorts	Ad valorem.	Five per cent. Seven and a half per cen

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# SCHEDULE B.

# EXPORT TARIFF.

	Assessed.	· ·	
	Rs. A.		
Indigo	3 •••••	Three Rupees per maund	
GRAIN OF ALL SORTS	· · · · · ·	Three Annas per maund	
Lac Button Dye Seed Shell Stick Other sorts	28 0 per cwt. 45 0 ,, 20 0 ,, 28 0 ,, 16 0 ,, Ad valorem.	Four per cent.	
Ons- Castor Cocoanut Fish Grass Jingeely or Teel Linseed Mhowa Mustard Poppy Rape or Sursee Sandalwood Other sorts	16       0 per cwt.         20       0         15       0         2       0 per lb.         20       0 per cwt.         18       0         12       0         16       0         20       0         16       0         9       0         16       0         8       0 per lb.         Ad valorem.		
SEEDS- Castor Seed (Erundee) Coriander Seed Cummin Seed , Black (Caleejeera) Ground Nuts, with shell , , without shell Jingeely or Teel Seed Linseed Methee Seed Mustard Seed Poppy Seed Rape or Sursee Seed	4 8 per cwt. 4 0 " 12 0 " 5 0 " 5 0 " 6 0 " 5 0 " 5 0 " 5 0 " 5 0 " 4 8 " 5 8 " 4 8 " Ad valorem:	Three per cent.	
Hides and Skins, Tanned-	30, 0.per score. 20 0 " 25 0 " 32 0 " 32 0 " 30 0 " 30 0 " 40 0 " 26 0 " Ad valorem. 0 7 per lb. 0 9 " 0 10 " 40 0 " 30 0 " 40 0" 40 0"		
	Lac Button Dye Seed Shell Other sorts Other sorts Cocoanut Fish Grass Jingeely or Teel Linseed Mhowa Mape or Sursee Sandalwood Other sorts Cother sorts SEEDS Castor Seed (Erundee) Coriander Seed Coriander Seed Cummin Seed Signed Nuts, with shell "," without shell Jingeely or Teel Seed Linseed Methee Seed Mustard Seed Nape or Sursee Seed Corton Goods Piece Goods Baftals Gurrah Kharwah Shans Tunjceb, Oudh Nape Or Surse Seed Mitaspore Chintz Patina Shans Tunjceb, Oudh Nape O "," No. 20 "," No. 30  Hinde Spun All other kinds of Cotton Goods Hindes San Stans	Lac       28 0 per cwt.         Button       20 0         Seed       20 0         Shell       28 0         Other sorts       20 0         Other sorts       20 0         Castor       20 0         Castor       20 0         Castor       20 0         Grass       20 0         Fish       15 0         Jingeely or Teel       20 0         Linseed       18 0         Mhowa       12 0         Mustard       16 0         Poppy       20 0         Rape or Sursee       16 0         Other sorts       20 0         Castor Seed (Erundee)       4 8 per cwt.         Cummn Seed       12 0         "       Back (Caleejeera)         6 0       6 0         jingeely or Teel Seed       6 0         Secours       6 0         Jingeely or Teel Seed       6 0         Mustard Seed       5 0         Mustard Seed       4 8         Poppy Seed       5 0         Mamoodie       30 0, per score.         Gurah       20 0         Mamoodie       32 0         Mamo	

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# EXPORT TARIFF-continued.

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty
	HIDES AND SKINS, TANNED-continued	Rs. A.	
8	Skins- Goat and sheep Lamb Any other sorts of Hides and Skins Spices- Aloe Wood Betelnut, in husk Caidamons ilarge bastard Ginger, dry (rough) Malabar ", ", "Bengal"	5 0 ,, Ad valorem. 3 0 per lb. 2 0 per 1,000. 200 0 per cwt. 40 0 ,, 8 0 ,, 10 0 ,,	>Three per cent.
	Pepper Turmeric All other sorts	15 0 " 5 0 "	

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations. 288 a

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th March 1870, and was promulgated for general information in the Gazette of India on the 19th March 1870:-

#### Act No. VIII. of 1870.

An Act for the prevention of the murder of Female Infants.

WHEREAS the murder of female infants is believed to be commonly com-Preamble.

mitted in certain pasts of British India; and whereas it is necessary to make better provision for the prevention of the said offence; It is hereby enacted as follows :-

1. If it shall appear to the Local Government that the said offence is

Power to take measures under Act in particular districts.

commonly committed in any District, or by any class, or family, or persons

residing therein, the Local Government may, with the previous sanction of the Governor General of India in Council, declare, by notification pub-lished in the official Gazette, and in such other manner as the Local Government shall direct, that measures for the prevention of such offence shall be taken under this Act, in such District, or in respect of such class, or family, or persons. The notification shall define the limits of such

district, or shall specify the class, or family, or persons to whom such notification is to be deemed to apply.

2. When such notification shall have been published as aforesaid, it Power to make rules

shall be lawful for the

Local Government, subject to the provisions of section three, from time to time to make rules consistent with this Act, for all or any of the following purposes :-

- (1.) For making and maintaining registers of biths, marriages, and deaths occurring in such district, or in or among the class, family, or persons to whom such notification has been made applicable; and for making, from time to time, a census of such persons, or of any other persons residing within such district.
- (2.) For the entertainment of any police force in excess of the ordinary fixed establishment of police, or for the entertainment of any officers or servants for the purpose of preventing or detecting the murder of female infants in such district, or in or among such class, family, or persons, or for carrying out any of the provisions of this Act.
- (3.) For prescribing how and by whom information shall be given to the proper officers of all births, marriages, and deaths occurring or about to occur in such district, or
- in or among such class, family, or persons. (4.) For the regulation and limitation of expenses incurred by any person to whom such notification applies on account of the celebration of marriage or of any ceremony or custom connected therewith.
- (5.) For regulating the manner in which all or any of the expenses incurred in carrying into effect rules made under this section shall be recovered from all of the inhabitants of such or any 1v.--88 a

district, or from the persons to whom such notification is applicable.

(6.) For defining the duties of any officer or servant appointed to carry out any rule made under this section.

3. No rule or alteration made under section two shall take effect until Confirmation and pubit shall have been conheation of rules. firmed by the Governor General of India in Council and published in the Gazette of India, and also in the local Gazette.

Copies of every such rule shall be affixed in such places, and shall be distributed in such manner as

the Local Government may direct. 4. Whoever disobeys any such rule shall, on

Punishment for breach conviction before any officer exercising the powers of a Magistrate, be of rules. punished with imprisonment for a term which may extend to six months, or with fine which may

extend to one thousand rupees, or with both. 5. Nothing in this Act, or in any rule made and Saving of prosecutions under other laws.

fiom being prosecuted and punished under any other law for any offence punish-able under this Act: Provided that no person

shall be punished twice for the same offence

Power to place neglected children under supervision.

6. If it appears to the Magistiate of the District that any person to whom the notification mention-

ed in section one applies, neglects to make proper provision for the mainte-nance of any female child for whose maintenance he is legally responsible, and that the life or health of such child is thereby endangered, such Magistrate may in his discretion place the child under such supervision as he may think proper, and shall, if necessary, remove the child from the custody of such person.

The Magistrate of the District may order him to make a monthly allowance for the maintenance of the child at such monthly rate not exceeding fifty rupees as to such Magistrate shall seen reasonable, and if such person wilfully neglects to comply with such order, such Magistrate may, for every breach of the order, by warrant direct the amount due to be levied in manner provided by section sixty-one of the Code of Criminal Procedure.

Nothing in this section shall affect the powers of Magistrates under section three hundled and sixteen of the same Code.

7. This Act shall, in the first instance, extend only to the North-Western Extent of Act. and to Oudh; but the Governor General of India in Council may by order extend it to any pait of the territories (other than Oudh) under the im-mediate administration of the Government of India: and the Governor of Madras in Council, the Governor of Bombay in Council, and the Lieutenant Governor of Bengal, may severally by order extend it to any part of the territories under their respective governments.

Every order under this section made by the Governor General of India in Council shall be published in the *Gazette of India*. Every other order made under this section shall be published in the local official Gazette.

# WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th March 1870, and was promulgated for general information in the Gazette of India on the 26th March 1870 :----

# Act No. IX. of 1870.

An Act to enable the Elphinstone Land and Press Company, Limited, when in voluntary liquidation, to sell their property to the Secretary of State for India in Council.

WHEREAS it is desirable that the property of Elphinstone Land the Preamble.

and Press Company, Limited, should be transferred to the Secretary of State for India in Council for public purposes: And whereas negociations for the transfer of the property of the said Company are now pending between the said Secretary of State in Council and the said Company, and it has been agreed that, in the event of the said transfer being made, the purchase-money for the said property shall be paid in four per cent. stock of the Government of India, such stock to be issued and calculated at. one hundred rupees for each ninety-three rupees of such purchase-money: And whereas the said Company is desirous of being wound up voluntarily under the Indian Companies' Act, 1866: And whereas doubts have arisen whether Voluntary Liquidators, when appointed by the said Company to transfer the said property, can make such transfer in consideration of the stock to be issued as aforesaid; It is hereby enacted as follows :-

1. The Voluntary Liquidators of the said Com-Voluntary Liquidators empowered to sell for four pany when duly appointed shall have power and per cent. stock. are hereby empowered to

transfer the property of the said Company, or any part thereof, to the Secretary of State for India in Council, and to make such transfer in consideration of, and to receive the purchase-money either wholly or in part, in four per cent. stock of the Government of India, such stock to be issued and calculated at one hundred rupees for each ninetythree rupees of such purchase-money.

Receipt of Liquidators to discharge Secretary of State from hability.

2. A receipt by the Voluntary Liquidators of the said Company for the amount of the stock issued and delivered to the said Liquidators shall be

deemed a sufficient acknowledgment of the issue and delivery of so much of the said stock as in such receipt shall be expressed to be issued and delivered to the said Company, and the said Se-cretary of State in Council shall not be concerned to see to the distribution of the said stock amongst the shareholders of the said Company, or be responsible for any loss or misapplication or wrongful distribution thereof.

Upon the execution of

the instruments of transfer the property of the Com-pany to vest in the Secre-tary of State.

3. Upon the execution by the said Voluntary Liquidators of any instrument or instruments pur-porting to transfer the property or any part there-of of the said Company to the said Secretary of

State in Council, such property or part thereof (as the case may be) shall vest in the said Secrer tary of State in Council according to the teno, and effect of the said instrument or instrumentsbut discharged from all claims on the part of the said Company and shareholders thereof for the purchase-money of the said property and the stock to be issued in payment thereof.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations. 288 c

[Published with the Bombay Government Gazette of the 21st April 1870.]

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th March 1370, and was promulgated for general information in the Gazette of India on the 26th March 1870 .---

#### Act No. IX. of 1870.

An Act to enable the Elphinstone Land and Press Company, Limited, when in voluntary liquidation, to sell their property to the Secretary of State for India in Council.

WHEREAS It is desuable that the property of the Elphinstone Land and Press Company, Li-Preamble.

mited, should be transferred to the Secretary of State for India in Council for public purposes: And whereas negociations for the transfer of the property of the said Company are now pending between the said Secretary of State in Council and the said Company, and it has been agreed that, in the event of the said transfer being made, the purchase-money for the said property shall be paid in four per cent. stock of the Government of India, such stock to be issued and calculated at one hundred supers for each ninety-three rupers of such purchase-money: And whereas the said Company is desirous of being wound up voluntarily under the Indian Companies' Act, 1866: 'And whereas doubts have arisen whether Voluntary Liquidators, when appointed by the said Company to transfer the said property, can make such transfer in consideration of the stock to be issued as aforesaid; It is hereby enacted as follows :-

1. The Voluntary Liquidators of the said Com-Voluntary Liquidators pany when duly appoint-empowered to sell for four ed shall have power and are hereby empowered to per cent. stock.

transfer the property of the said Company, or any part thereof, to the Secretary of State for India in Council, and to make such transfer in consideration of, and to receive the purchase-money either wholly or in part, in four per cent. stock of the Government of India, such stock to be issued and calculated at one hundred rupees for each ninetythree rupees of such purchase-money.

Receipt of Liquidators to discharge Secretary of State from hability.

2. A receipt by the Voluntary Liquidators of the said Company for the amount of the stock issued and delivered to the said Liquidators shall be

deemed a sufficient acknowledgment of the issue and delivery of so much of the said stock as in such receipt shall be expressed to be issued and delivered to the said Company, and the said Se-cretary of State in Council shall not be concerned to see to the distribution of the said stock amongst the shareholders of the said Company, or be responsible for any loss or misapplication or wrongful distribution thereof.

Upon the execution by the said Voluntary 3.

Upon the execution of the instruments of transfer the property of the Com-pany to vest in the Secre-tary of State.

Liquidators of any instrument or instruments purporting to transfer the property or any part there-of of the said Company to the said Secretary of

State in Council, such property or part thereof (as the case may be) shall vest in the said Secietary of State in Council according to the tenor and effect of the said instrument or instruments, but discharged from all claims on the part of the said Company and shareholders thereof for the purchase-money of the said property and the stock to be issued in payment thereof.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st April 1870, and was promulgated for general information in the Gazette of India on the 2nd April 1870:---

### Act No. X. of 1870.

THE LAND-ACQUISITION ACT, 1870.

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- 4. Power to enter and survey.
- Power to mark out line.
   Power to clear land.
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- 5. Payment for damage.

#### Declaration of intended acquisition.

- 6. Declaration that land is required for a public purpose.
  - Contents of declaration.
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- 7. After declaration, Collector to take order for acquisition.
- 8. Land to be marked out and measured. Plan,
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11. Enquiry into value and amount of compensation.

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- 12. Postponement of enquiry.
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#### Award by Collector.

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- 16. Power to take possession.
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- Consent of Local Government to acquisition. Execution of agreement.
- 18. Previous enquiry
- 49. Agreement with Secretary of State in Council.
- 50. Publication of agreement.

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- 51. Service of notices.
- 52. Obstruction to survey, &c Filling trenches. Destroying land-marks.
- 53. Magistrate to enforce surrender.
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Compensation when acquisition is not completed.

- 55. Past of house or building not to be taken.
- 56. Payment of Collector's charges by Municipal Body or Company.
- 57. Exemption from stamp-duty and fees.
- 58 Bar of suits to set aside awards under Act. Limitation of suits for anything done in pursuance of Act.
- 59. Power to make rules. Publication of rules.

# An Act for the acquisition of Land for public purposes and for Companies.

Whereas it is expedient to consolidate and amend the law for the acpreamble.

for public purposes and for Companies, and for determining the amount of compensation to be made on account of such acquisition; It is hereby enacted as follows:--

#### PART L

#### PRELIMINARY.

	I. This Act may be
short title.	called "The Land Acqui-
	sition Act. 1870 :"

Local extent. It extends to the whole of British India;

Commencement.

S

And it shall come into force on the first day of June 1870.

2. On and from such day Act No. VI. of 1857 Repeal of Acts. (for the acquisition of land

Repeal of Acts. for public purposes), Act No. 11. of 1861 (10 amend Act No. VI. of 1857), and Act No. XXII. of 1863 (10 provide for taking land for works of public utility to be constructed by private persons or companies. and for regulating the construction and use of works on land so taken) shall be repealed.

All references made to any of the said Acts in subsequent Acts, orders, or contracts shall be read as if made to this Act.

Interpretation-clause. 3. In this Act-

The expression "land" includes benefits to "Land." arise out of land and things attached to the earth, or permanently fastened to anything attached to the earth.

The expression "person interested" includes all "Person interested." persons claiming an interest in compensation to be made on account of the acquisition of land under this Act:

The expression "Collector" means the Collector of a District, and includes a Deputy Commissioner and any officer specially appointed by the Local Government to perform the functions of a Collector under this Act:

"Court." Court." means in the Regulation Provinces, British Burmah and Sind, a prin-

cipal Civil Court of original jurisdiction,

and in the Non-regulation Provinces other than British Burmah and Sind, the Court of a Commissioner of a Division,

unless when the Local Government has appointed (as it is hereby empowered to do), either # specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a Judge under this Act, and then the expression "Court" means the Court of such officer: ' The expression " Company" means a Company registered under the In-" Company,"

dian Companies' Act. 1866. or formed in pursuance of an Act of Parliament, or by Royal Charter or Letters Patent;

And the following persons shall be deemed per-sons "entitled to act" as "Entitled to act."

and to the extent hereinafter provided, (that is to say)-

trustees for other persons beneficially interested shall be deemed the persons entitled to act with reference to any such case, and that to the same extent as the persons beneficially interested could have acted if free from disability :

a married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmairied and of full age; and

the guardians of minors and the committees of lunatics or idiots shall be deemed respectively the persons so entitled to act, to the same extent as the minors, lunatics, or idiots themselves, if free from disability, could have acted.

#### PART II.

#### ACQUISITION.

# Preliminary Investigation.

4. Whenever it appears to the Local Government that land in any Power to enter and surlocality is likely to be needed for any public vey.

vey. needed for any public purpose, a notification to that effect shall be pub-lished in the local Gazette, and the Collector shall cause public notice of the substance of such notification to be given at convenient places in the said locality.

Thereupon it shall be lawful for any officer either generally or specially authorized by such Government in this behalf, and for his servants and workmen,

to enter upon and survey and take levels of any land in such locality:

to dig or bore into the sub-soil:

to do all other acts necessary to ascertain whether the land is adapted for such purpose :

to set out the boundaries of the land proposed to be taken and the in-tended line of the work, Power to mark out hns. (if any) proposed to be made thereon :

to mark such levels, boundaries and line by placing marks and cutting trenches;

and where otherwise the survey cannot be completed and the levels Power to clear land. taken, and the boundaries and line marked, to cut down and clear away any

part of any standing crop, fence or jungle. Provided that no person shall enter into any

building or upon any en-Previous notice of entry. closed court or garden atached to a dwelling-house (unless with the con-

sent of the occupier thereof) without previously riving such occupier at least seven days' notice in writing of his intention to do so.

5. The officer so authorized shall at the time

of such entry pay or ten-der payment for all Payment for damage. der payment necessary damage to be done as aforesaid, and in

case of dispute as to the sufficiency of the amount. so paid or tendered, he shall at once refer the dispute to the decision of the Collector, and such decision shall be final.

# Declaration of intended acquisition.

6. Subject to the provisions of Part VII. of

this Act, whenever it ap-Declaration that land is pears to the Local Go. required for a public purvernment that any partipose. cular land is needed for a

public purpose, or for a Company, a declaration shall be made to that effect under the signature of a Secretary to such Government or of some officer duly authorized to certify its orders :

Provided that no such declaration shall be made unless the compensation to be awarded for such property is to be paid out of public revenues, or out of some Municipal Fund, or by a Company.

The declaration shall be published in the local

official Gazette and shall Contents of declaration. state the District or other territorial division in which the land is situate, the purpose for which it is needed, its approximate area, and, where a plan shall have been made of the land, the place where such plan may be inspected.

The said declaration shall be conclusive evidence that the land is Declaration to be evineeded for a public purdence. pose or for a Company,

as the case may be; and after making such declaration, the Local Government may acquire the land in manner hereinafter appearing.

7. Whenever any land shall have been so

After declaration, Col-tector to take order for acquisition.

declared to be needed for a public purpose, or for a Company, the Local Government, or some officer

authorized by the Local Government in this behalf. shall direct the Collector to take order for the acquisition of the land.

8. The Collector shall thereupon cause the

Land to the marked out and measured.

already marked out under . section four) to be mark-

Plan.

ested.

and (if no plan has been made thereof) a plan to be made of the same.

9. The Collector shall then cause public notice :

to be given at convenient Notice to persons interplaces on or near the land to be taken, stating that

the Government intends to take possession of the land, and that claims to compensation for all interests in such land may be made to him.

Such notice shall state the particulars of the land so needed and shall,

Contents of notice. require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests.

The Collector shall also serve notice to the same effect on the occupier (if Notice to occupiers. any) of such land and on

all such persons known or believed to be inter-

land (unless it has been ed out. He shall also cause it to be measured, ested therein, or to be entitled to act for persons so interested, as reside, or have agents antho-rized to receive service on their behalf, within the Revenue District in which the land is situate.

In case any person so interested resides elsewhere, and has no such agent, the notice shall be sent to him by post-

10. The Collector may also sequire any such

Power to require statemeuts as to names and interests.

r person to deliver to him a statement containing, so far as may be practicable, the name of every other

person possessing any interest in the land or any pait thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement,

Every person required to make or deliver a Persons required to make statements to be deemed legally bound to do so.

statement under this section or section nine, shall be deemed to be legally bound to do so within the meaning of sections one hundred and seventy-five

and one hundred and seventy-six of the Indian Penal Code.

Enquiry into value and claims.

Enquiry into value and amount of compensation.

Deases.

ed.

11. On the day so fixed, the Collector shall proceed to enquire summarily into the value of the land and to determine the amount of compensation which in his opinion should be allowed there-

Tender. amount to the persons interested who have attended in pursuance of the notice.

For the purpose of such enquiry, the Collector Power to summon wit-sees. shall have power to sum-mon and enforce the

attendance of witnesses

and to compel the production of documents by the same means and (as, far as may be) in the same manner as is provided in the case of the Civil Court under the Codé of Civil Procedure.

12. The Collector may, if ho claimant attends

Postponemeat of enquiry. If for any other cause he thinks fit, from time to time postpone the enquiry to a day to be fixed by him.

13. In determining flie amount of compensa-

Matters to be rousidered and matters to be neglect.

tion the Collector shall take into consideration the matters mentioned in section twenty-four and

shall not take into consideration any of the matters mentioned in section twenty-five.

# Award by Collector.

14. If the Collector and the persons interested agree as to the amount of Award in case of agreement as to compensation. compensation to be allowed, the Collector shall

make an award under his hand for the same. Such award shall be filed in the Collector's office

and shall be conclusive Award to be filed and to be evidence evidence, as between the Collector and the persons interested, of the value of the land and the amount of compensation allowed for the same.

When the Collector proceeds to make the 15. enquiry as aforesaid, whe-Reference where no ther on the day originally claumant attends, or if Colfixed for the enquiry or lector and persons intereston the day to which it ed cannot agree. may have been postponed.

' if no claimant attends, - A E

or if the Collector considers that further enquiry as to the nature of the claim ought to be made by the Court,

or if any person whom the Collector has reason to think interested does not attend,

or if-the Collector is unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed,

or if upon the said enquiry any question respect. ing the title to the land or any rights thereto or interests therein arise between or among two or more persons making conflicting claims in respect thereof,

the Collector shall refer the matter to the determination of the Court in manner hereinafter appearing.

# Taking Possession.

16. When the Collector has made an award under section fourteen or Power to take possesa reference to the Courtsion. under section fifteen, he may take possession of the land, which shall thereupon vest absolutely in the Government free from

all encumbrances. 17. In cases of urgency, whenever the Local Government so directs. Power to take possession the Collector (though no in cases of urgency.

such reference has been directed or award made) may, on the expiration of fifteen days from the publication of the notice mentioned in the first paragraph of section nine, take possession of any waste or arable land needed for public purposes or for a Company.

Such land shall thereupon vest absolutely in the Government free from all encumbrances.

The Collector shall offer to the persons interested compensation for the standing crops and trees (if any) on such land; and in case such offer is not accepted, the value of such crops and trees shall be 'allowed for in awarding compensation for the land under the provisions herein contained.

#### PART IIL 🗇

#### REFERENCE TO COURT AND PROCEDURE THEREON.

18. In making a reference under section fifteen, the Collector shall state Collector's statement on for the information of the reference to Court.'

Court, in writing ander . his hand,

(a) the situation and extent of the land needed, (b) the names of the persons whom he has reason

to think interested in such land,

(c) the amount awarded for damages and paid or tendered under sections five and seventeen, or either of them, the amount of compensation tendered for the land under section eleven, or, if no claimant has attended pursuant to the notice mentioned in section nine, the amount of compensation which the Collector is willing to give to the persons. interested, and

(d) the grounds on which the amount of compensation was determined.

19. The Court small thereupon cause to be served on each of the Service of notice.

persons so named a notice requiring him (if he has not made a claim under section nine) to state to the Court, on or before a day to be therein mentioned, the sum which he claims as compensation for his interest in the land so needed.

The Court shall also cause a notice to be served on the Collector and each of such persons requiring them to appoint on or before a day to be therein mentioned, two qualified assessors (one to be nomi-nated by the Collector and the other by the persons interested) for the purpose of aiding the Judge in determining the amount of the compensation.

If no claimant has attended pursuant to the notice mentioned in section nine, the Court shall cause to be affixed on some conspicuous place on or near the land needed a notice to the effect that, if the persons interested in such land do not, on or before a day to be therein mentioned, appear in Court and state the nature of their respective interests in the land and the amount and particulars of their claims to compensation, and nominate a qualified assessor, the Court will proceed to determine such amount.

420. In case of failure to nominate either of such assessors within the time

•		woocoons within mic mic
ower to appoint assessor.	an	so specified, the Judge shall himself appoint an assessor in his stead.

21. Determination of

amount.

assessor.

Po

As soon as the assessors have been appointed, the Judge and the. assessors shall proceed to determine the amount of the compensation.

22. If before such amount is determined, any of the assessors dies or Appointment of new

desires to be discharged,

becomes incapable to act, the party by whom he was appointed may appoint some other qualified person to act in his place,

If the assessor so dying, or desiring to be discharged, or refusing, or neglecting, or becoming incapable, were appointed by the Judge,

or, in the case of an assessor appointed by either party, if for the space of seven days after notice from the Court for that purpose the party who appointed such assessor fails to appoint another,

the Judge shall appoint some other qualified person in his stead.

Every-assessor so substituted shall have the same powers as were vested in the former Powers of new assessor. in the former assessor at the time of his so dying or desiring to be discharged, or refusing, or neglecting, or becoming incapable.

23. Every proceeding under section twenty-one shall take place in open

Proceedings to be in open Court. Court, and all persons entitled to practise 'in any Civil Court shall be entitled to appear, plead and act, or to appear and act (as the case may be), in such proceeding.

24. In determining the amount of compensa-Matters to be consi-tion to be awarded for ered in determining land acquired under this đered compensation. Act, the Judge and assessors shall take into consideration-.

First, the market-value, at the time of awarding compensation, of such land :

Secondly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of severing such land from-his other land :

Thirdly, the damage (if any) sustained by the person interested, at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings; and

Fourthly, if, in consequence of the acquisition, he is compelled to change his residence, the rea-sonable expenses (if any) incidental to such change.

25. But the Judge or Matters to be neglected assessors shall not take in determining compensation. into consideration-

First, the degree of urgency which has led to the acquisition :

Secondly, any disinclination of the person interested to part with the land acquired :

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit:

Fourthly, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put:

Fifthly, any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired :

Sixthly, any increase to the value of the other land of the person interested likely to accrue from, the use to which the land acquired will be put; or

Seventhly, any outlay or improvements on such land. made, commenced, or effected with the intention of enhancing the compensation to be. awarded therfor under this Act:

26. Where the person interested has made a claim to compensation, pursuant to any notice mentioned in section nine Rules as for amount of

compensation. or in section nineteen, the amount awarded to him shall not exceed the amount so claimed, or be less than the amount tendered by the Collector under section eleven.

Where the person interested has refused to make such claim, or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded may be less than, and shall in no case exceed, the amount so tendered.

Where the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him shall not be less than, and may exceed, the amount so tendered.

The provisions of this and the two preceding sections shall be read to every assessor, in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded under this Act.

27. The opinion of each assessor shall be given orally, and shall be re-corded in writing by the Record of assessors" opinions. Judge.

28. In case of a difference of opinion between the Judge and the assessors or any of them upon Difference on questions

a question of law or pracof law. ice or usage having the force of law, the opinion of the Judge shall prevail, and there shall be no

ppeal thereform.

29. In case the Judge and one or both of the assessors agree as to the

Agreement as to amount of compensation.

amount of compensation, decision ' thereon their shall be final.

30. In case of difference of opinion between

the Judge and both of the Difference as to the amount of compensation assessors as to the amount of compensation, the de-

cision of the Judge shall prevail, subject to the appeal allowed under section thirty-five.

31. Every assessor appointed under this Act,

not being an officer of, Assessors' fees. Government, shall receive such fee for his services as the Judge shall direct, provided that such fee shall not exceed five hundied rupees.

Such fee shall be deemed to be costs in the proceeding.

32. The costs of all proceedings taken under Costs of proceedings

taken by order of Court.

this Part by order of the Court shall, in the first instance, be paid by the Collector.

33. Where the amount awarded does not

exceed the sum tendered Party to pay costs. by the Collector, the costs of all proceedings under this Part shall be paid by the person interested.

Where the amount awarded exceeds the sum so tendered, such costs shall be paid by the Collector,

34. Every award made under this Part shall be in writing signed by Awards to be in writing. the Judge and the asses-

sors or assessor concurring therein, and shall specify the amount awarded under the first clause ofsection twenty-four, and also the amounts (if any) respectively awarded under the second, third and fourth clauses of the same section, together with the grounds of awarding each of the said amounts.

It shall also state the amount of costs incurred

in the proceedings under Award to state amount this Part and by what of costs. persons and in what proportions they are to be paid.

The costs (if any) payable by the person inter-

ested and not deducted Recovery of costs. under section forty-two may be recovered as if they were costs incurred in a suit, and as if the award were the decree therein.

If the Judge differs from both the asses-35. sors as to the amount of Appeal from Judge's decision as to compensation. compensation, he shall pronounce his decision,

and the Collector or the person interested (as the case may be) may appeal therefrom to the Court of the District Judge, unless the Judge whose decision is appealed from is the District Judge, or unless the amount which the Judge proposes to award exceeds five thousand rupees, in either of which cases the appeal shall lie to the High Court.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

36. The following pro-visions of the Code of Provisions of Code of Civil Procedure made ap-Civil Procedure ;plicable.

(a) as to adding parties,

(b) as to adjournment, (c) as to death, marriage, and bankruptcy or insolvency of parties,

(d) as to summoning witnesses and their attendance,

as to examination of parties and witnesses, (e)

(f) as to production of documents, and

(g) as to commissions to examine absent witnesses and to make local enquiries,

shall apply, so far as may be, to proceedings before the Court.

### PART IV.

#### Apportionment of Compensation.

37. Where there are several persons interested, if such persons agree in Particulars of apportionthe apportionment of the

ment to be specified. culars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

38. When the amount of compensation has Dispute as to apportion. heen settled under section fourteen, if any dispute ment. arises as to the apportionment of the same or any part thereof, the Collector shall refer such dispute to the decision of the Court.

39. When the amount of compensation has been settled by the Court, Determination of proand there is any dispute portions. as to the apportionment thereof, or when a reference to the Court has been made under section thirty-eight, the Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount.

An appeal shall lie from such decision to the High Court, unless the Judge whose decision is appealed from is not the District Judge, in which case the appeal shall he in the first instance to the District Judge.

Every appeal under this section shall be presented within the time and in manner provided by the Code of Civil Procedure for regular appeals in suits.

# \_\_\_\_\_ PART V.

#### PAYMENT. ..

40. Payment of the compensation shall be made by the Collector according to the award to Payment of compensation to whom made. the persons named therein, or, in the case of an appeal under section

thirty-nine, according to the decision on such appeal: Provided that nothing herein contained shall affect the liability of any Proviso.

person who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

41. When the amount of the compensation has been settled under section

Payment on making award by Collector. the Collector shall on the making of the said award pay the amount of such compensation and take possession of the land:

Provided that, in any case where immediate possession is not required, he may allow the occupants (if any) of the land to remain in occupation of the same, upon such terms as he and they may agree on, until possession of the land is required.

42. In addition to the amount of any compensation awarded under Part

Percentage on marketlue. II. or Part III. of this Act, the Collector shall, in con-

value. the Collector shall, in consideration of the compulsory nature of the acquisition, pay fifteen per centum on the market-value mentioned in section twenty-four.

When the amount of such compensation is not paid on taking possession,

Payment with interest. the Collector shall pay the amount awarded and the said percentage with interest on such amount and percentage at the rate of six per centum per annum from the time of

so taking possession: Provided that the costs, if any, payable to the Collector by the person interested shall be deducted from such amount and percentage.

Provided that, in 'cases where the decision of

Time of payment in appealable cases. liable to appeal, the Collector shall not pay the amount of compensation or the percentage, or any part thereof, until the time for appealing against such decision has expired, and no appeal shall have been presented against such decision, or until any such appeal shall have been disposed of.

# PART VI.

#### TEMPORARY OCCUPATION OF LAND.

43. Subject to the provisions of Part VII. of this Act, whenever it ap-

Temporary occupation of waste or arable land. ary occupation and use of any waste or arable land are needed for any public purpose, or for a Company, the Local Government may direct the Collector to procure the occupation and use of the same for such term as it shall think fit, not exceeding three years from the commencement of such occupation.

The Collector shall thereupon give notice in writing to the persons interested in such land of the purpose for which the same is needed, and shall, for the occupation and use thereof for such term as aforesaid, and for the materials (if any) to be taken therefrom, pay to them such compensation, either in a gross sum of money or by monthly or other periodical payments, as shall be agreed upon in writing between him and such persons respectively.

In case the Collector and the persons interested

Difference as to compensation. differ as to the sufficiency of the compensation, the Collector shall refer such

difference for the final order of the Court.

Power to enter and take 44. On payment of possession. such compensation, or on executing such agreement, or on making a reference under section forty-three,

the Collector may enter upon and take possession of the land, and use or permit the use thereof in accordance with the terms of the said notice.

And on the expiration of the term, the Collector 'Restoration' of land taken. mage (if any) dore to the land and not provided for by the agreement, and shall restore the land to the persons interested therein;

Provided that, if the land has become permanently unfit to be used for the purpose for which it was used immediately before the commencement of such term; and if the persons interested shall so require, the Local Government shall proceed under this Act to acquire the land as if it was needed permanently for a public purpose or for a Company.

45. In case the Collector and persons interest ed differ as to the condition of the land at the

of land. expiration of the term, or as to any matter connected with the said, agreement, the Collector shall refer such difference for the final order of the Court, and on such reference, or on a reference under section forty-three, the Judge sitting alone shall decide the difference referred.

# PART VII.

# Acquisition of Land for Companies.

46. Subject to such rules as the Governor

Company may be authorized to enter and survey. the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers confeired by section four.

In every such case section four shall be construed as if, for the words "for such purpose," the words " for the purposes of the Company" were substituted, and section five shall be construed as if, after the words " the officer," the words " of the Company" were inserted.

47. The provisions of section six to section Consent of Local Government to acquisition. for any Company, unless with the previous consent of the Local Government, and unless the Execution of agreement. Execution of agreement.

48. Such consent shall not be given unless the Previous enquiry. Local Government be satisfied by an enquiry held as hereinafter provided—

(1). That such acquisition is needed for the construction of some work, and

(2). That such work is likely to prove useful to the public.

Such enquiry shall be held by such officer and at such time and place as the Local Government shall appoint.

Such officer may summon and enforce the attendance of witnesses, and compel the production of documents by the same means and, as far as possible, in the same manner as is provided by the Code of Civil Procedure in the case of a Civil

Court. 49. Such officer shall report to the Local Government the result of Agreement with Secre-

the enquiry, and if the tary of State in Council. Local Government is satisfied that the proposed acquisition is needed

for the construction of a work, and that such work is likely to prove useful to the public, it shall, subject to such rules as the Governor General of India in Council may from time to time prescribe in this behalf, require the Company to enter into, au agreement with the Secretary of State for. India in Council providing to the satisfaction of. the Local Government for the folloving matters, namely :-

(1). The payment to Government of the cost of the acquisition :

(2). The transfer, on such payment, of the land to the Company:
(3). The terms on which the land shall be held.

by the Company : (4). The time within which, and the conditions on which, the work shall be executed and maintuined; and

(5). The terms on which the public shall be entitled to use the work.

50. Every such agreement shall, as soon as may be after its execu-

Publication of agreetion, be published in the ment. Gazette of India, and also in the local official Gazette, and shall thereupon (so far as regards the terms on which the public shall be entitled to use the work) have the same effect as if it had formed part of this Act.

### PART VIII.

# MISCELLANEOUS.

51. Service of any notice under this Act shall be made by delivering or

Service of notice. tendering a copy thereof signed, in the case of a notice under section four, by the officer therein mentioned, and, in the case of any other notice, by or by order of the Collector or the Judge.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house on which the person therein named ordinarily dwells of carries on business,

52. Whoever wilfully obstructs any person in doing any of the acts au-

Obstruction to survey, åc. Filling trenches

Destroying land-marks.

thorized by section four, or section eight, or wilfully fills up, destroys, damages, or displaces any

trench or mark made under section four shall, on conviction before a Magistrate, be liable to imprisomment for any term not exceeding one month, or to fine not exceeding fifty rupees, or to both.

53. If the Collector is opposed or impeded in

Magistrate to enforce surender.

taking possession under this Act of any land, he shall, if a Magistrate,

enforce the surrender of the land to himself, and if not a Magistrate, he shall apply to a Magistrate or (within the towns of Calcutta, Madras and and Bombay) to the Commissioner of Police, and such Magistrate or Commissioner (as the case may be) shall enforce the surrender of the land to the Collector.

54. Except in the case provided for in section forty-four, nothing in this Act shall be taken to Government not bound to complete acquisition. compel the Government to complete the acquisition of any land unless an award shall have been made or a reference directed under the provisions hereinbefore contained.

But whenever the

when .Compensation acquisition is not completed.

Government declines to complete any such acquisition, the Collector shall determine the amount of compensation due for the

damage (if any) done to such land under section four or section eight, and not already paid for under section five, and shall pay such amount to the person injured.

Part of house or hudd-

55. The provisions of this Act shall not be put in force for the put, pose of acquiring a part only of any house, manu-

ing not to be taken. factory or other building, if the owner desire that the whole of such house, manufactory or building, shall be so acquired.

Where the provisions of this Act are put 56.

Payment of Collector's charges by Municipal Body

in force for the purpose of acquiring land at the cost of any Municipal Fund,

or Company. or of any Company, the charges incurred by the Collector in such acquisition shall be defrayed from or by such Fund or Company.

57. No award or agreement made under this Exemption from stampwith stamp-duty, and no duty and fees. any such award or agreement shall be liable to

pay any fee for a copy of the same,

Bar of suits to set aside awards under Act.

And no suit or other

Limitation of suits for anything done in pursuance of Act.

58. No suit shall be brought to set aside an award under this Act. proceeding shall be comprosecuted menced or

against any person for anything done in pur-suance of this Act with-

out giving to such person a month's pervious notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of suit or other proceeding.

59. The Local Government shall have power

to make rules consistent Power to make rules. with this Act for the guidance of officers in all matters connected with its enforcement, and may from time to time alter and add to the rules so made.

All such rules, alterations and additions, shall, when sanctioned by the Publication of rules. Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

WHITLEY STOKES.

Secretary to the Council of the Governor General for making Laws and Regulations.

Act shall be chargeable

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the first day. of April 1870, and was promulgated for general information in the Gazette of India on the 2nd, April 1870 :---

Act No. XI. of 1870.

THE INDIAN WEIGHTS AND MEASURES ACT, 1870.

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An Act to regulate the Weights and Measures of British India.

WHEREAS it is expedient to provide for the Presmitia ultimate adoption of an Preamble. uniform system of Weights and Measures throughout British India; It is hereby enacted as follows :--

#### I.- Preliminary.

I. This Act may be called "The Indian Weights and Measures Act, 1870," and extends to the whole of British "Short title. Local extent. India,

#### II.-Standards.

2. The primary standard of Weight shall be called a Ser, and shall be a Weight of metal in the Standard of Weight.

possession of the Government of India, which weight, when weighed in a vacuum is equal to the Weight known in France as the Kilogramme des-Archives.

3. The primary standard of length shall be called a Metre and shall Standard of Length. be the distance between the marks at the ends of a rod of metal in the possession of the Government of India, which distance, when measured at the temperature of melting ice, is equal to the Measure of Length known in France as the Mètre des Archives.

4. The Units of Weight and Measurement shall Units of Weight and Measurement. be---

for Weights, the said Ser:

for Measures of Capacity, a measure containing one such Ser of water at its maximum density, weighed in a vacuum;

for Measures of Length, the said Metre,

for Measures of Area, the square Metre,

for Measures of Solidity, the cubic Metre.

5. The Governor General in Council may, from time to time, by Special Weights and notification in the Gazetie Measures to be authorized. of India, declare the magnitude and denominations of the Weights and Measures, other than the said units, to be authorized under this Act:

Provided that every such Weight or Measure shall be an integral multiple or integral sub-multiple of one of the units aforesaid.

The Governor General in Council may, in like manner, revoke such notification.

Unless it be otherwise ordered in any such notification, the sub-divisions of all such Weights and Measures shall be expressed in decimal parts.

6. The Governor General in Council may, from time to time, by no-

tification in the Gazette of India, define the limits of districts for the purposes of this Act.

The Local Government may, from time to time, by notification in the offi-Sub-districts how de-

fined.

cial Gazette, define the limits of sub-districts for the purposes of this Act.

Districts how defined.

7. The Governor General in Council shall provide, in such manner and Primery standards to be for such districts as the provided.

said Governor General in Council shall direct, proper primary standards and

sets of the said authorized Weights and Measures. Such standards shall, for the purposes of this Act, be deemed the standards for such districts.

8. The Local Government shall provide, in such

manner and for such Local standards to be sub-districts as the Local provided. Government shall direct.

copies of such of the said authorized Weights and Measures as shall be necessary to serve as local standards in such sub-districts.

Such local standards shall be deemed correct until they are proved to be otherwise.

III .- Use of new Weights and Measures.

9. Whenever the Governor General in Council

pioper considers that Use of new Weights Weights and standard and Measures in Govern-Measures have been made ment Offices, &c available for the verifica-

tion of the Weights and Measures to be used by any Government Office or Municipal Body or Railway Company, the Governor General in Council may, by notification in the Gazette of India, direct that, after a date to be fixed thetein, all or any of the Weights and Measures authorized as, aforesaid shall be used in the dealings and contracts by such Office, Body, or Company.

10. The Governor General in Council, or the

Local Government with General use of new Weights and Measures of the previous assent of the Governor General in

Capacity: Council, may, by notifi-cation in the official Gazette, direct that, after a date to be fixed therein, all or any of the Weights and Measures of Capacity authorized as aforesaid shall in every district or sub-district therein mentioned, be used in the dealings and contracts of all persons engaged in business or trade, or of the persons engaged in any specified business or trade:

Capacitys

And may in like manner, from time to time, alter or revoke such direction;

Provided that no such notification shall issue, until proper standard Weights and Measures have been provided for such district or sub-district.

11. After the date fixed in any Notification Contracts by Weight er under section nine or sec-ensure Measure,

contracts had and made by the Officers, Bodies, Companies, or persons mentioned or referred to in such Notification, for any work to be done or goods to be sold or delivered by Weight or Measure of capacity, length, area, or solidity shall, in the absence of a special agreement to the contrary, be deemed to be had and made according to the Weights and the Measures of capacity, length, area, or solidity, as the case may be, directed in such Notification to be used by such Officers, Bodies, Companies, or persone.

#### IV .- Wardens,

12. The Governor General in Council (as regaids the said primary standards and sets of Appointment of Wardens. authorized Weights and -

Measures) and the Local Government (as regards the said local standards) shall appoint Wardens for the custody of the said standards and sets of authorized Weights and Measures.

The Governor General in Council, or the Local Government, as the case may be, may, at any time, suspend or remove any such Warden, and appoint another person in his stead.

13. All officers of Government, municipal officers, officers and ser-Periodical verification of vants of Railway Com-Weights, Measures, . and panies and persons en-Balances. trades, shall, so far as they are required by the rules made under section twenty-seven, submit to a Warden for verification the Weights, Weighing Machines, and Measures used by them under the provisions of section nine or section ten, and the Balances used by them in their dealings, at such times not oftener than once in two years, and pay for such verification such fee as the said rules shall prescribe.

14. Every such Warden (so far as he is required by the rules made un-Warden to verify and Warden to verify and the shall verify, and shall, if and Balances. shall verify, and shall, if requested so to do, corder section twenty-seven) rect all Weights, Weighing Machines, and Mea-sures purporting to indicate Weights or Measures authorized under this Act, and all Balances, which are brought to him to be verified or corrected, and which appear to him fit for verification or correction.

When such Weights, Machines, Measures, or Balances are found or made correct and in conformity with the requirements of this Act, he shall certify such correctness and conformity by stamping, engraving, or branding them with the proper mark.

15. The Warden may deface or render incapable of use, or refuse to May refuse to verify or verify, correct, or mark anything so brought, correct things unfit. which appears to him unfit for verification or correction.

16. All prosecutions under this Act shall be instituted and conducted To institute and conduct by a Warden, or by such prosecutions. person as in each case the

Warden may appoint in this behalf.

Search for Weights, Measures, and Balances pot verified or not correct.

17. On the application of a Warden, any officer in charge of a police station and, in a Presidency town, any inspector or superior officer of police

may enter any premises or shop within the limits of such station or town for the purposes of in-specting or searching for Weights, Weighing Muchines, and Measures kept for use under the provisions of section nine or ten, and for the purpose of inspecting or searching for the Balances kept for use in the dealings of the person occupying such premises or shop.

If such officer find in such premises or shop any such Weight, Machine, Measure or Bulance, which shall not be verified under the provisions herein contained, or in conformity with the requirements of this Act, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction.

18. Any of the powers and duties conferred and imposed by this Act on a Warden may be Exercise of any of Warden a powers. exercised and performed by any other officer whom the Local Government may, from time to time, appoint.

#### V .- Penallies.

19. The Governor General in Council, or the Local Government with

the previous assent of the Commencement of penal General in Governor sections. Council, may, by notification in the official Gazette fix the date from which all or any of the provisions of sections twenty, twenty-one, twenty-two and twenty-four shall come into force in respect to any district or sub-district; and the said sections shall be of no effect in such district or sub-district ex-

cept in so far as they shall have so come into force. 20. Whoever sells any Weight, Weighing Ma-chine or Measure, pur-

Sale of Weights, Measures and Balances not werified.

porting to indicate any Weight or Measure authouzed under this Act

and directed to be used under section nine or ten, or any Balance, which Weight, Machine, Measure or Balance shall not have been verified under the provisions herein contained, shall, for every such sale, be liable to a fine not exceeding five rupees,

and in default of payment thereof, to imprisonment for a term not exceeding a week.

21. Whoever uses or has in his possession for purposes of business or Use of Weights, Mea-irade any Weight, Weigh-

Use of Weights, Mea-sures and Balances not verified, but correct.

ing Machine or Measure purporting to indicate any

Weight or Measure authorized under this Act, and directed to be used by him under section nine or ten, or any Balance, which Weight, Machine, Measure or Balance being correct and in conforinity with the requirements of this Act, shall not have been verified under the provisions herein contained, shall, for every such thing so used or had in possession, be liable to a fine not exceeding five rupees,

and in default of payment thereof to imprisonment for a term not exceeding a week. 22. Whoever uses or

Use of Weights, Meahas in his possession, for sures and Balances not verified and not correct. purposes of business or tiade,

any Weight or Measure oth er than a Weight or Measure directed to be used by him under section nine or ten, or any Machine for the purpose of indicating any Weight other than a Weight so directed to be used,

or any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized under this Act, and directed to be used by him under section nine or ten, or any Balance, which Weight, Measure, Machine or Balance has not been verified under this Act and is not correct, or is not in conformity with the requirements of this Act.

shall, for every such offence, be liable to a fine not exceeding ten rupees,

and in default of payment thereof to imprisonment for a term not exceeding a fortnight:

Provided that nothing herein contained shall render it penal to use or

Provise as to Weights and Measures of the Unito have in possession for purposes of business or ted Kingdom. Weight or trade any

Measure in accordance with the standards of Weights and Measures established throughout the United Kingdom of Great British and Ireland.

23. No person shall be convicted under section section twenty-one or unless the

Convictions under sec-tions 21 and 22 how hmitwenty-two ted.

24.

Warden shall have proved . that Weights or Measures

verified under this Act, and suitable for the pur-poses of the business or trade of such person, were publicly offered for sale and procurable at a reasonable price in the district or sub-district, in which the offence was committed, and at or immediately before the time when the offence was committed.

Whoever fails to submit for verification under section thirleen any

Failure to submit for Weight, Weighing .Ma-chine or Measure used by verification. him under the provisions of section nine or section ten, or any Balance used by him in his dealings, shall be hable to a fine not exceeding fifty rupees,

and in default of payment thereof to imprisonment for a term not exceeding one month.

25. A Magistrate convicting any person under section twenty, twenty-Disposal of things in respect to which convic-tions take place. one, twenty-two or twenty-four of this Act, or

tions take place. the Indian Penal Code (Of offences relating to weighing and measuring), may order the thing in respect to which the conviction took place to be brought before a Warden, to be dealt with under the provisions of sections fourteen and fifteen

Provided that, if the Magistrate consider such thing unfit for verification or correction, he may, instead of ordering it to be brought before a Warden, cause it to be defaced or rendered incap- . able of use.

26.Whoever knowingly counterfeits any mark used by a Waiden under Counterfeiting Warden's section fourteen, shall be punished with imprisonmarks. ment for a term which may extend to three years, and shall also be liable to fine.

#### V.-Miscellaneous.

27. The Governor General in Council may, from time to time, make Power to make rules.

rules consistent with this

Act for regulating the following matters :-

(a)

The appointment of Wardens; The guidance of Wardens in all matters (6) connected with the performance of their duties ;-

(ç) The provision, replacement, custody and use of the standards;

The method of verifying Local Standards, (d) and Weights, Weighing Machines, and Measures authorized under this Act, and Balances, and of

(e) The errors which may be tolerated in Weights, Weighing Machines, and Measures authorized under this Act and in Balances;

(f) The shapes, proportions, and dimensions to be given to Weights, Weighing Machines, and Measures authorized under this Act, and to Balances,

and the materials of which they may be made; (g) The marking on Weights and Measures authorized under this Act, of their several denomi-

nations; (4) The conditions under which Government Offices, Municipal Bodies, Railway/Companies, and persons engaged in businesses or trades, shall

shall

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be subject to inspection and verification of the Weights, Weighing Machines, and Measures authorized under this Act, and of the Balances used or sold by them;

(i) The fees to be paid for verifying, correcting, and certifying the verification of Weights, Weighing Machines, and Measures authorized under this Act, and of Balances.

1. 1.1	28. Such rules
Publication of rules.	be published in the
	selte of India:

And the Governor General in Council, or the Commencement of rules Local Government with the previous essent of

commencement of rules the previous assent (of the Governor General in Council, may, by notification in the official Gazette, declare that, from and after a day to be named therein, all or any of the said rules shall come into force in respect of any Government Office, Municipal Body, or Railway Company, or of the persons engaged in any specified business or trade, in any district of subdistrict, and thereupon to the extent specified in such notification, such rules or rule shall have the force of law. 29. All fines imposed under this Act may be Recovery of fines and recovered, if for offences fees. committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time, being.

All fees payable under this Act shall be recoverable as though they were fines.

30. The Local Government may, from time to Tables of equivalents, and Méasures other than those authorized 'under this Act in terms of the Weights and Measures so authorized, and the equivalents so stated, after notification in the local official Gazette, shall be deemed the true equivalents.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations,

The following Act of the Governor General of India in Council received the assent of His Excel-Jency the Governor General on the 1st April 1870, and was promulgated for general information in the Gazette of India of 2nd April 1870 :--

Act No. XII. of 1870. THE NATIVE PASSENGER SHIPS ACT, 1870.

#### ARRANGEMENT OF SECTIONS.

Preamble.

CHAPTER I .- Preliminary.

#### SECTION.

- Short title. I.
- Extent of Act. 2. Act not to apply to Ships-of-War, &c., Or to sea-going Steam Vessels conveying public mails.
- Repeal of Act. 3.
- 4. Interpretation-clause.

CHAPTER II.-Rules as to Native Passenger Ships. SECTION

- 5. Native Passenger Ship to sail only from Ports appointed by Government.
- Not to sail without obtaining a certificate. 6.
- Penalty. 7.
- Appointment of officers. 8.
- Master to give notice of day of sailing, &c. 9.
- 10. Power to enter and inspect ship.
- 11.
- Ship may be surveyed. Officer to be satisfied before giving certificate-12.
  - That the ship is sea-worthy. (2). That the space between decks for
  - passengers is sufficient. That the space on the upper deck is (3),
  - sufficient. (1). That there is a due supply of provi-
  - sions.
- Number of passengers. 13.
- List of passengers. 14.
- Ship taking additional passengers and touching 15. at intermediate Port. 16.
- Penalty for fraudulent alteration in ship after certificate obtained.
- Information to be transmitted to Ports of 17. embarkation.
- Report of Consul, &c., to be admissible in 18. evidence. 19.
- Depositions to be received in evidence when witnesses cannot be produced. 20.
- 21.
- Length of voyage to be fixed by proclamation. Quantity of provisions and water to be shipped. Contract by passengers for supply of their own provisions. 22.
- Penalty on ships bringing excessive number of passengers from certain Foreign Ports to Indian Ports. 23.
- 24. Bond when ship clears for a Port in Red Sea.
- 25. Ships sailling to or from a port in Red Sea to touch at Aden.
- 26. Bill of health.

#### CHAPTER III.—Coasting Steamers.

- Certificates to be furnished to Coasting Steam 27.
- Vessels intended to carry passengers. Certificates to Coasting Steam Vessels how to 28. be granted, &c.
- Copy of certificate to be placed in conspicuous 29. part of ship.

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- 30. Penalty for excess of number specified in certificate.
- 31.
- Penalty for proceeding without certificate. Grant or revocation of certificate to be subject 32. to control of Government.

CHAPTER IV. - Miscellaneous.

- Penalty on landing passenger at a place other than that at which he has contracted to 33. land.
- Passenger's right of action preserved. Adjudication of offences. 34.
- , 35, Fines leviable by distress on ship.
- 36.
- Jurisdiction, By whom proceedings for penalties to be 37. instituted.
- 38. Application of fines.

An Act for the the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages:

WHEREAS abuses have occurred in the overcrowding of Ships convey-Preamble. ing Native Passengers between Ports and places in India, and Ports and Preamble. Native Passengers places in the Red Sea or Persian Gulf; and whereas similar abuses have also occurred in the case of Ships commanded or owned by subjects of Her Majesty and conveying Native Passengers between other Posts and places situate east of the Cape of Good Hope, and Posts and places in the Red Sea or Persian Gulf; and whereas it is expedient to prevent such abuses, and to provide for the regula-tion of all such Ships as aforesaid which shall depart from or arrive at any of the said Ports or places in Indua, and also for the legulation of Steam Vessels intended to carry passengers on coasting voyages ; It is hereby enacted as follows :-

#### CHAPTER I.-Preliminary.

Short title.

1. This Act may be

2. This Act extends to all subjects of Her Majesty whether within British India or within Extent of Act

the dominions of Princes and States in India in alliance with Her Majesty, and to all persons being Native Indian subjects of Her Majesty without and beyond British India.

Nothing in this Act applies to any Ship-of-War or Transport belonging to Act not to apply Ships-of-War, &c. to or in the service of Her Majesty or to any Ship-of War belonging to any Foreign Prince or State, or to any Ship under con-Or to sea-going Steam Vessels conveying public tract with the Government of any European State, or mails. to any sea-going Steam Vessel employed in the conveyance of the public mails under a contract.

Act No. XXI. of 1858 (for the regulation of 3. Native Passenger Ships, and of Steam Vessels in-Repeal of Act.

tended to convey Passengers on coasting royages) is hereby repealed; and section one of Act No. II. of 1860 (to amend the law relating to the carriage of Passengers by sea) shall be read as if, for the words and figures "Act XXI. of 1855," the words and figures "The Native Passenger Ships Act, 1870," were substituted.

- called "The Native Pas-senger Ships Act, 1870."

4. In this Act-

The word "Magistrate" means a person exer-Interpretation-clause. ciging powers not inferior Interpretation-clause. "Magistrate" class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Interpretation-clause.

Assistants:

The words "Local Government" mean the. person or persons for the " "Local Government." time being immediately administering the Executive Government of the territories where the Port or place in question is signate:

The word " Master" includes every person having command or charge of a " Master." Vessel :

The words "Native Passenger Ship" mean a vessel carrying more than "Native Passenger Ship " "Native Passenger Ship" thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a Port or place in British India prin the said dominions to any Port or place in the Red Sea or Persian Gulf, or which may arrive at any Port or place within British India or the said dominions from any Port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers.

CHAPTER II.-Rules as to Native Passenger Ships:

No Native Passenger, Ship. shall depart or 5. proceed upon any voyage Native Passenger Ship to sail only from Ports ap-pointed by Government. to which this Act extends

from any Port or place within British India or

the said dominions other than such Ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a Port or place so to be appointed, no person shall be received on board as a passenger, except at some other duly appointed Port or place.

6. No Native Passenger Ship shall depart or proceed upon any such voyage from any Port of Not to sail without obtaming a certificate. place appointed under this Act, until the Master shall have obtained a certificate from an officer authorized to grant the same.

7. If any Native Passenger Ship departs or proceeds upon a voyage Penalty from any Port or place within British India or the said dominious,

Or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of section five or section six,

The Owner or Master shall, for every passenger conveyed on a Ship unlawfully departing or proceeding on such voyage, or for every passenger unlawfully received on board, be liable to a penalty not exceeding one hundred rupees, or to imprisonment not exceeding one month, of to both ;

and the Ship, if found within two years in any pluce within British India, may be seized and

detained by any Chief Officer of Customs until the penalties incurred under this Act have been adjudicated, and the payment of the fines imposed under this Act, with all costs, has been enforced under the provisions of section thirty-five.

8. Within British India, the Local Government Appointment of officers shall appoint such persons as it may deem propert as it may deem proper to exercise, or perform the powers and duties conferred and imposed by this Act.

9. The Master of any Native Passenger Ship sailing from any Port or Master to give notice of day of sailing, &c. place appointed under this Act shall give notice to the proper officer that the Ship is to carry Native Passengers, and of her destination, and of the proposed day of sailing;

such notice shall be given not less than three days before the proposed day of sailing.

10. After receiving such notice, the officer aforesaid, or any person authorized by him, shall Power to enter and inspect Ship. be at liberty at all times to enter and inspect the Ship and the fittings, provisions, and stores therein;

and any person impeding or refusing to allow such inspection shall be liable, on conviction, to a fine not exceeding five hundred supees for each offence, or to imprisonment for a term not exceeding three months, or to both.

11. The officer aforesaid may, if he think fit, Shin may be improved cause the Ship to be sur-Ship may be surveyed. veyed at the expense of the Master by a competent surveyor, who shall report whether the Ship is, in his opinion, sea-worthy and fit for her intended voyage.

12. The officer afore-Officer to be satisfied said shall not give his before giving certificate. certificate, unless he shall be satisfied-

(1). That the Ship is sea-worthy and properly manned, equipped, fitted, That the Ship is scaand ventilated; and has worthy. not on board any cargo likely, from its quality, quantity, or mode of stow-age, to prejudice the health or safety of the passengers.

(2). That the space appropriated to the passengers in the between-decks That the space between · contains at the least twelve decks for passengers is sufficient. superficial and seventytwo cubical feet of space

for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years.

That the space on the upper deck is sufficient..

supply of provisions.

(3). That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers.

(4). That provisions, fuel and water, have been placed on board, of good That there is a due quality, properly packed, and sufficient to supply

the passengers on board during the declared duration of the intended voyage, according to the scalebereinaster contained.

13. No such Ship shall carry any greater number of passengers than, Number of passengers. together with the Master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the Ship.

14. The Master of any such Ship, before de-parting or proceeding on List of passengers

any such voyage from any Port or place in British India, shall sign two lists, specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the Master one of such lists.

The Master shall note in writing on such lastmentioned list, and on any additional list to be made under this Act, the date and supposed cause of death of any passenger who may die on the voyage, and shall forthwith, on the arrival of the Ship at her destination or at any Port at which it may be intended to land passengers, and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the Port of arrival if it be a Foreign Port, or to the Chief Officer of Customs, or the officer (if any) appointed under this Act, at any Port or place at which it shall be intended to land the passengers or any of them.

In case of non-compliance with any of the requirements of this section on the part of the Master, or if any false entry be wilfully made by him in any such list, the Master shall be hable to a fine not exceeding five hundred rupees for each offence, or to imprisonment for a term not exceeding three months, or to both.

15. If, after the Ship shall have departed or proceeded on any such Ship taking additional passengers and touching at intermediate Port. voyage, any additional passengers are taken on within British India or the said dominions, appointed under this Act for the embarkation of , passengers,

or if such Ship shall, upon her voyage, touch or arrive at any such Port, having previously received on board additional passengers at any place beyond British India or the said dominions the Master shall obtain a fresh certificate from the officer at such Port, and shall make lists of all such additional passengers; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate granted or list made under this section.

In case the Master fail to obtain any such fresh certificate, or to make any such list of additional passengers, he shall be liable to a fine not exceeding five hundred rupees, or to imprisonment for a term not exceeding three months, or to both.

Penalty for fraudulent certificate obtained.

16. If any Master of a ship, after having obtained a certificate under section six or section fif teen of this Act, shal fraudulently do or suffer

to be done any, act or thing whereby such certificate shall become inapplicable to the altered state of the Ship, its passengers, or other matters to which such certificate relates, he shall be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

17. The Chief Officer of Customs, or the officer

Information to be transmitted to Ports of embarkation.

(if any) appointed under this Act, at any Port of place within British India at which the Ship shall

touch or arrive, shall, with advertunce to the requirements of this Act, transmit any particulars which he may deem important respecting the Ship and the passengers conveyed therein, to the officer at the Port from which the Ship commenced her voyage, and also to the officer at any other Port within British India or the said dominions where the passengers or any of them embarked.

18. In any proceeding for the adjudication of any penalty incuired under Report of Consul, &c, this Act, any document to be admissible in evipurporting to be a report. dence. of such particulars as are referred to in the last preceding section, or a copy of the proceedings of any Court of Justice duly

authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any Foreign Port, shall be re-ceived in evidence, if the same appears to have been officially transmitted to any officer at or near the when when the mained in any officer at or near the place where the proceeding under this Act is had.

19. Whenever, in the course of any legal pro-

Depositions to be recoved in evidence when witnesses cannot be produced.

ceeding instituted under this Act at any Port or place in British India, the testimony of any witness is required in relation to

the subject-matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the Port or place where such proceedings are instituted) or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted :

Provided that, if the proceeding is criminal, such deposition shall not be admissible unless it was made in the presence of the person accused, and the fact that it was so made is certified by the Justice, Magistrate, or Consular-Officer.

It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved,

be sufficient evidence of the accused having been present in manner thereby certified.

20. Within British India the Local Govern-Length of voyage to be fixed by proclamation,

pose and published in the Government Gazerte (if

any), or in one of the public newspapers, declare what shall be deemed, for the purposes of this Act, the duration of the voyage of any Native Passenger Ship from any Port or place in British India or the said dominions to any, other Port or place.

21. Every Native Passenger Ship, at the time of departure from the Quantity of provisions and water to be shipped. Port or place at which passengers shall be em-

backed under this Act, shall have on board good and wholesome provisions for the use and consumption of the pa-senters, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply of water to the amount of five gallons to every week of the declared duration of the vovage for every passenger on board, such water being carried in tanks or sweet cusks, and a supply of ince, flour, oatmeal, or bread stuffs to the amount of seven pounds weight to every week of such duration voyage for every such passenger;

Provided that, when any such Ship shall be destined to call at a Port or place in the course of her voyage for the purpose of filing up her watercasks, a supply of water at the rate before mentioned for every week of an average voyage to such Port or place of calling, shall be deemed to be a compliance with this Act.

The provision of this section regarding food shall be deenied to have been complied with in any case where it shall appear that, by the special authority of the Local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

22. The requirements of this Act respecting the supply of provisions

Contract by passengers for supply of their own DIOVISIONS

for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish

his own provisions.

Penalty on Ships bringing excessive number of pussengers from certain Foreign Ports to Indian Ports

23. If any Ship, bringing passengers from any Port or place east of the Cape of Good Hope and not within British India or the said dominions to any Port or place within British India or

the said dominions, shall have on board a greater number of passengers or persons than in the pro-portion prescribed by this Act, the Master of such Ship shall, in addition to any other penalty which he may have incurred under the provisions of this Act, he liable, on conviction, for each person in excess of such proportion to a fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

24. In the case of every Native Passenger Ship sailing from any Port within British India Bond when Ship clears for a port in Red Sea. to any Port in the Red

Sea, the officer whose duty it is to grant a port-clearance for any such Ship shall not grant such clearance unless and until the Owner, Agent or Master of such Ship and two sureties resident in Briush India shall, by a joint and several bond, have become bound unto the Secretary of State for India in Council in the penul sum of rupees five thousand, conditioned to be void if the said Ship touches at Aden on her butward and also on her homeward voyage, and does not leave that Port without having obtained from the proper authority a clean bill of health.

25. Every Ship carrying more than thirty passengers being Natives Ships sailing to or from a port in Red Sea to touch of Asia or Africa, and sailing from any port east ut Aden. of the Cape of Good Hope to any Post in the Red Sea,

or sailing from any Port in the Red Sea to any Port east of the Cape of Good Hope,

shall touch at Aden, and shall not leave that Port without having obtained from the proper authority a clean bill of health.

Every Master of a Ship offending under this section shall, for every such offence, be liable to a fine not exceeding two thousand rupees, or to imprisonment not exceeding six months, or to both.

26. No bill of health shall be granted under section twenty-four or Bill of health. section twenty-five in case ' the Ship has on board a greater number of passengers or persons than in the proportion prescribed by this Act.

CHAPTER III.—Coasting Steamers.

27. Steam Vessels intended to carry passengers

Certificates to be fur-nished to coasting Steam Vessels intended to carry passengers. with certificates granted in manner hereinaster

on coasting voyages from or to any Port or place within British India shall, before proceeding on such voyages, be furnished

provided,

28. Every such certificate shall be granted at Certificates to coasting Steam Vessels how to be granted, &c.

the discretion of an officer authorized by the Local Government to grant the same, and shall remain in

force for the period therein specified, unless sooner revoked.

The officer so authorized shall not grant such certificate, or suffer the same to remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the Master or Owner, and upon payment of a fee not exceeding twenty rupees), that such Steam Vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage.

The certificate shall state the limits (if any) within which the Vessel is to ply, and the number of Native Passengers which the Vessel is permitted to carry : such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

29. The Owner or Master of any such Steam

Copy of certificate to be placed in conspicuous part of Ship,

Versel shall put up in a conspicuous part of the Ship, so as to be visible to persons on board the same,

a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such Ownei or Master shall, for each offence, be liable to a fine not exceeding two hundred rupees, or to imprisonment for any term not exceeding a month, or to both.

If such Steam Vessel has on board thereof 30.

ticate.

Penalty for excess of number specified in certiany number of passengers other circumstances, is

greater than the number allowed by the certificate, the Owner or Master shall, for every passenger over and above the number allowed by the certificate, be liable to a fine not exceeding twenty rupees, or to imprisonment not exceeding one week, or to both.

31. If any such Steam Vessel shall proceed on Penalty for proceeding thout ertificate as aforewithout certificate.

said, the Owner or Master

shall be liable to a fine not exceeding five hundred supees, or to imprisonment for any term' not exceeding three months, or to both.

32. In the grant or revocation of any certificate under this Act, the officer

Grant or revocation of certificate to be subject to control of Government.

granting or revoking the same shall be subject to the control of the Local

Government or of any intermediate authority which that Government may appoint.

#### CHAPTER IV .- Miscellaneous.

33. If any Native passenger in any Ship shall

Penalty on landing pas-senger at a place other than that at which he has con-tracted to land place other than the Port unless with his previous

consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for each offence, be liable to a penalty not exceeding two hundred rupees, or to

imprisonment for any term not exceeding a month, or to both.

34. Nothing in this Act contained shall take Kassenger's right of away or abridge any right action pieserved. or to any other person, in respect of the breach or non-performance of any contract, made with the Master or Owner of the Ship or his Agent.

35. All offences against this Act shall be punish-Adjudication of offences. able in a summary manner by a Magistrate.

If the person on whom any fine is imposed Enclosuship distance under this Act is the Fine leviable by distress Master or Owner of a Ship, on Ship. and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said Ship, her tackle, furniture, and appare

36. For the purpose of the adjudication of penalties under this Act. every offence hereunder Jurisdiction, shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

37. The penalties to which Masters and Owners

By whom proceedings for penalties to be instituted.

of Ships are liable by this Act shall be enforced only by information laid at the

instance of the officers appointed to grant certificates under this Act; or, at any Port or place where there is no such officer, by the Chief Officer of Customs.

imposing Magistrate 38. Any any fine under this Act may, if he thinks fit, direct the whole Application of Fines. or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such fine is imposed, or in or towards payment of the expenses of the proceedings.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st April 1870, and was promulgated for general informationin the Gazette of India of the 2nd April 1870 :---

#### Act No. XIII. of 1870.

An Act to apply the provisions of Act. No. XVIII. of 1854 to Railways belonging to, or worked by, Government.

1. Act No. XVIII. of 1854 (relating to Rail-

Application of Railway Act to Railways belonging to Government but worked by Companies

ways in India) shall apply to all Railways now or hereafter belonging to Government, but worked by

a Railway Company, in the same manner as if such Railways belonged to the Company and had been opened by the Company in manner mentioned in the preamble to the said Act.

2. Subject to the modifications hereinafter Application of Railway Act to Railways worked

by Government.

mentioned, the said Act shall apply to all Rail-ways now or hereafter worked by Government

in the same manner as if such Railways had been opened by a Railway Company in manner aforesaid.

3. In applying the said Act to any Railway Modifications of Act when applied to Railways now or hereafter worked worked by Government. by Government,

the expressions "servant of the Company," "servant of the said Company," "servant of the Company," "servant of the said Company," "Company's servants," "servants of the Company," "their servants" and "any of their servants" shall mean a servant or servants employed on such Railway.

the expressions "officer or servant of such Rail-way Company," "officer or servant of such Com-pany," "officer or servant of the Company," "ser-vant or officer of the Company," and "such officer or servant" shall mean an officer or servant employed on such Railway:

the expressions "the premises of any such Rail-. way Company," "the premises of the Company," 'premises belonging to the Company," "lands belonging to such Railway Company," and "lands, stations or other premises belonging to the Company" shall mean the premises, lands or stations (as the case may be) occupied by or for such Railway :

the expression "delivered to such Railway Company" shall mean "delivered to an officer on behalf of Government," and the expression "engagements on behalf of the said Railway Company" shall mean engagements on behalf of Government :

sections nine and ten shall be read as if, for the expression "No such Railway Company shall," the expression "The Government shall not" we weie substituted.

the expressions "any such Railway Company," "such Railway Company," "any such Company," and "the Company" shall mean, in sections three, six, eight; eleven, twelve, fifteen, twenty-two, twenty-seven and thirty, the Government,

but in sections seventeen, nineteen, twenty, twenty-one, twenty-three, forty-one and forty-two, the expressions "Railway Company," such Rail-way Company," "the Company " and " they" (when referring to a Company) shall mean the officer for the time being entrusted with the contiol of such Railway :

in section twenty the expression " their railway" shall mean such Railway:

and section twenty-nine shall be read as follows :---

"XXIX. In the construction of this Act, every officer and servant employed on such Railway shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public, which he shall be required to do by any regulation made by the officer for the time being entiusted with the control of such Railway and allowed by the Governor General of India in Council, and of which regulation such officer or servant shall have notice ;

and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger and which by any such regulation he shall be prohibited from doing;

and every person employed by or on behalf of the Government to do any act upon the Railway shall be deemed to be a servant employed on such Railway.'

#### WHITLEY STOKES,

Secy. to the Council of the Governor General for making Laws and Regulations. The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the Gazette of India Extraordinary on the 6th April 1870:-

#### Act No. XIV: of 1870.

An Act for repealing certain enactments which have ceased to be in force, or have become unnecessary.

WHEREAS it is expedient that certain enactments (mentioned in the Preamble. schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:--

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed :

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or plactice not now existing or in force.

Short title.

2. This Act may be called "The Repealing Act, 1870."

### SCHEDULE.

#### PART I.-STATUTES.

13 Geo. III. cnp. luiii.	An Act for establishing certain regulations for the better	
	management of the affairs of the East India Com pany, as well in India as in Europe.	Sections sixteen, nineteen, twenty, twenty-seven, twenty-eight, twenty- ning, thirty-one, thirty-three, thirty-six, and thirty-eight, from and including the words " and for that purpose" to the end of the section.
21 Geo. III. cap. lxx	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of his present Majesty, initialed, An Act for establishing certain regulations for the better management of the affairs of the East Indue Company, as well in India as in Europe; as selates to the administration of justice in Bengal; and for the relief of certain persons impri- soned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemni- fying the Governor General and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections nine to sixteen (both inclu- sive), sections nineteen to twenty- six (both inclusive).
33 Geo. 111. cap. lii	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same; for appropriating to certain uses the revenues and profits of the said Company; and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	thirty-seven from and including the words "nor shall it be lawful for any of His Majesty's subjects" to the end of the section; sections one bundred and fifty-five, and one
37 Geo. III. cap. cxhi.	Au Act for the better administration of justice at Cal- cutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	sive), sections fifteen, seventeen to
39 & 40 Geo. III. cap. lxxix. IV88 j	An Act for establishing further regulations for the government of the British territories in India, and the administration of justice within the same.	Sections four, six, eight, ten, eleven, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty- three, twenty-four.

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SCHEDULE—continued.

Year and Chapter.	Title.	Extent of repeal.
		Cuting since since the
m TTT and altr	An Act for continuing in the East India Company, for a further term, the possession of the British territories	one hundred and one, one hundred
Geo. III. cap. civ	An Act for continuing in the British territories further term, the possession of the British territories	and four, one-hundred and eight
•	. Talia tagether with certain exclusive privinges i	inter a serie and a serie and a series of the series of th
	Compared bliching further Regulations for the government	dire station on another and the station
	and of the said ferritories. Bud the venter automas	
	tustion of justice within the same ; and for regulating	
	the trade to and from the places within the minus of	-
	t film a station of the state	1
Gen III. cap. CV	L A data seman doubt as to the Duties and Lars	The WHOIC.
titor in other		
•	the several Governments in the East Indies.	The whole Act except section one
Geo. HI. can. IXXXIV.	A - A At to smend so much of an Act of the thirty-third	The whole Act, except second die.
1		
	i i with of the Towns of Usicilla, Mauras and Domony	
	and also so much of an Act of the inity-milli shu	
	fortieth year of His present Majesty as relaces to	4
	areating Letters of Administration to the energy of	
	persons dving intestate within the several Freshuen-	
	cies in the East Indies to the Registrar of the Lecte-	1
	sinstical Courts; and to enable the Governor in	
	Conneil of the said Presidencies to remove persons	3
	not being British subjects ; and to make provision for	•
	the Indres in the East Indies in certain cases.	
Loo IV oon Istin	An Act for defraying the charge of retiring pay, pen-	Sections eight, nine, ten, a
deo. It. cap. Issue	sions and other expenses. of that nature, of His	fourteen.
	Majesty's Forces serving in India; for establishing	
	the pensions of the Bishop, Archdeacons and Judges	
	for regulating Ordinations; and for establishing a	
	Court of Judicature at Bombay.	
Gao IV can evili.	An Act for transferring to the East India Company certain	Section two.
Geo. Iv. cap. com.	possessions newly acquired in the East Indies, and for	r)
	authorizing the removal of convicts from Sumatra.	-
Gan IV on Irver	An Act for further regulating the payment of the	Section six.
deo, to cap ix txt.	salaries and pensions to the Judges of His Majesty's	
	Courts in India, and the Bishop of Calcutta; for	
	authorizing the transportation of offenders from the	e)
	Island of Saint Helena; and for more effectually pro	
-	viding for the administration of Justice in Singapor	
	and Malacca, and certain Colonics on the Coast o	é
•		
Cas IV and present	An Act to regulate the appointment of juries in the	So much as has not been repealed
Geo. Iva cap. XXXVII		too much as has not been repeated
	East Indies.	The whole Act except as to t
oco, 1 v. cap. xxxiii.	An Act to declare and settle the law respecting the	estates of persons dying before t
	liability of the real estates of British subjects and	
	others, situate within the jurisdiction of His Majesty'	
	Supreme Courts in India, as assets in the hands of	
	executors and administrators, to the payment of the	
C TTY 0 + 317.	debts of their deceased owners.	am 1 1
Geo. IV. & I Wm	An Act for the relief of the sufferers by the insolvency o	
IV. cap. lxxv.	Gilbert Ricketts, Esquire, formerly Registrar of the	e
	Supreme Court of Judicature at Madras.	
& b wm. Lv. cap. vi	An Act to indemnify the Governor General and othe	
	persons in respect of certain acts done in the adminis	- British India.
`	tration of the Government of the British Territorie	s
	in the East Indies subsequent to the twenty-second	i -
	day of April One thousand eight hundred and thirty	-
	four, and to make those Acts valid.	
1 & 12 Vic. cap. xxi.	An Act to consolidate and amend the Laws relating t	o Sections one, sixty-five, sixty-six a
-	iusolvent debtors in India.	sixty-seven.
7 & 18 Vic., cap. eiv.	An Act to amend and consolidate the Acts relating t	
-	Merchant Shipping.	British India.

•	PART IIACTS.	· ·
Number and year.	Tule.	Extent of repeal.
X of 1836 XX of 1836 V1. of 1837	Indigo contracts Revenue Sale Law Land Revenue (Cuttack)	Section one. Sections one and four. Section two,

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SCHEDULE-continued.

Number and year.	- Tille.	Extent of repeal.
XXXVI. of 1837	Madras Criminal Jurisdiction Act	the 15th day of December 1657
	Amíns, Bengal	and in section two the wor "from the said day" Section one and in section two t
		that."
XVI. of 1838	Bombay Judiciary	tion of the rules contained chapter VII., Regulation XVII. 1827 of the Bombay Code that' In section five the words "witho further costs of stamps to t parties except on new exhibits any such should be allowed to
		filed," and from and including t words " but if an appeal" to t end of the section.
XIX. of 1838	Bombay Coasting Vessels	Section one.
XXIX. of 1838	Salt Department, Bengal	Section one.
V11. of 1839	Tahsildárs, Madras	Section one.
XXIV. of 1839 XVI. of 1840	Ganjam and Vizagapatam	Section four.
	ported to places within the territories of the East In- dia Company.	
XI. of 1841	An Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company.	one, and section eighteen.
	An 'Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	
XXIX. of 1841	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and	Section three down to and include the words 'are repealed, and'
XVII. of 1842	appeals for neglecting to proceed in the same. An Act relative to the number and powers of the Reve- nue Commissioners under the Presidency of Bombay.	Section one, and in sections two a three the words 'and it is here enacted that'
XI. of 1843	An Act for regulating the service of hereditary officers	
XI. of 1844	under the Presidency of Bombay. An Act for the improvement of the administration of justice and despatch of business in the Supreme	The whole.
	Court of Judicature at Fort Wilham in Bengal. An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manu- factured within or imported into the territories sub-	-
XVIII. of 1844	ject to the Government of the Presidency of Bombay An Act for the better control and management of gaols within the Bengal Presidency.	words 'And it is hereby enact
	An Act to amend the law relating to advances boná fide made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Sta- tute & S. Vietnas, a 20, as altered by this data	
	tute 5 & 6 Victoria, c. 39, as altered by this Act. An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Pre- sidencies ia respect of judicial and revenue proceed- ings.	Section six.
VIII. of 1846	An Act for determining the duration of the existing Settlement of the North-Western Provinces.	Section one so far as it relates Hissar, Saharanpoie, Moozuffe nuggur, Meerut, Bulundshuhu Allyghur, Bijnore, Budaon, B reilly,Shajehanpore, Furruckaba Allahabad, Goruckpore an Azimgurh.
I. of 1847	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of	In section six the words and figur

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### SCHEDULE-continued.

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Number and year.	Title.	Extent of repeal.
IX. of 1847	An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction with in the Provinces of Bengal, Behar and Orissa.	Section eight.
XX. of 1847	An Act for the encouragement of learning in the terri- tories subject to the Government of the East India Company, by defining and providing for the enforce ment of the right called copy-right therein.	ł) ,
IV. of 1848	An Act for regulating Coroner's Juries.	In section two the words and figure "according to the provisions of Act No. 11. of 1839."
XVI. of 1848	An Act to remove certain restrictions on the salt trade.	The whole.
XVIII. of 1848	An Act for the administration of the estate of the late Nawab of Surat, and to continue privileges to his family.	Sections three and four.
l <sub>.</sub> of 1849	An Act to provide more effectually for the punishmen of offences committed in Foreign States.	Section one,
VI. of 1849	For securing Military and Naval pensions and super annuation allowances.	Sections one and four.
KI. of 1849	For securing the Abkaree revenue of Calcutta,	Section one.
X. of 1850	An Act for the more easy recovery of small debts and demands in Caloutta, Madras, and Bombay.	Section seven. In section seventeen the words by action of debt or se the case.
(1. of 1850	An Aot to amend Act X., 1841	Section one.
KII. of 1850	For avoiding loss by the default of Public Accountants.	Section six.
KIX. of 1850	Concerning the binding of Apprentices	Section six.
XV. of 1850	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII., 1819, and Act IV., 1846.	Section one.
XVI. of 1850	An Act to enable improvements to be made in towns	Section one.
XXXIII. of 1850	An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.	Sections two and three.
XXXVII. of 1850	For regulating inquiries into the behaviour of public servants.	Section one.
CLIV. of 1850	An Act for consolidating the Board of Customs, Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI. of 1851	Respecting certain land in Bombay called Foras Land	The whole.
5	An Act for enabling Government to levy tolls on public roads and bridges.	•
V. of 1852	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, intituled "An Act for Marriages in India."	Section twenty-six.
	An Act to amend the Law of Evidence	
XVI. of 1852	An Act for further improving the administration of Criminal Justice in Her Majesty's Courts of Justice in the territories of the East India Company.	Sections ton and to out a
XIX of 1852	An Act for securing the Abkaree revenue of Madrás	•

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### SCHEDULE\_Continued.

Number and year.	Title.	Ext	ent of repeal.
XXIII. of 1852	. To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay t mitigate or discharge fines, amerciaments, &c., in posed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	.o '	and section one.
XXIX. of 1852	. An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay	f Section one.	
XI. of 1853	An Act to facilitate the removal of Nuisances and en croachments below High-water Mark in the Island of Bombay and Colaba.	In section s s East India for."	even the words "th Company as trustee
<b>XX.</b> of 1853	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	eSection one.	
V. of 1854	An Act to amend Act No. V. of 1838, relating to the Bengal Bouded Warehouse Association.	Section one.	
VII. of 1854	An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of heiaou offences beyond the limits of the said Territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them.		-four.
XIII. of 1854	An Act to repeal Act No. VI. of 1852, and to make provision for defraying the cost of the Light House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.	JEELEETH	
XVI. of 1854	An Act to amend Regulation XI. of 1831 of the Bengal Code.	Section one.	
XVIII. of 1854	An Act relating to Railways in India	Section thirty-	ine
XXIV. of 1854	An Act to prohibit the possession of certain offensive weapons in Malabar.	In section one the words "a the end of th	from and including
XXVII. of 1854	An Act to amend the law relating to the Nazim of Ben-	Section one.	
XXX. of 1854	An Act to provide for the levy of duties of Customs in the Atracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and	l twelve.
XXXI. of 1854	An Act to abolish real actions and also fines and com- mon recoveries, and to simplify the modes of convey- ing land in cases to which the English Law is appli- cable.	Section one.	
I. of 1855	An Act for the further improvement of the Law of S Evidence.	lection seventee	n.
	An Act for the regulation of Ports and Port-duesS	East India ( forty-three.	of the Honourshie
XIV. of 1855	An Act to substitute penal servitude for the punishmentS of Transportation in respect of European and Ameri- can convicts, and to smend, the law relating to the removal of such convicts.	ection sixteen.	
IV88 k			

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### SCHEDULE .... continued.

Number and year.	Title.	Extent of repeal.
XXVI. of 1855 ,	An Act to facilitate the payment, of small deposits in Government Savings' Banks to the representatives o deceased depositors.	So much of section five as relates to persons dying in the service or in the marine service of the East India Company.
XXVIII. of 1855	An Act for the repeal of the Usury Laws	Sections one, seven, eight and the schedule.
XXXII. of 1855	An Act relating to embankments	Section one.
XXXVIIof 1855	An Act to remove from the operation of the genera Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	2
VIII. of 1856	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay.	eSection one.
KI. of 1856	An Act for the better prevention of desertion by Euro pean Soldiers from the Land Forces of Her Majesty and of the East India Company in India.	In the title and the preamble the words "and of the East India Company."
XII. of 1856	An Act to ame is the law respecting the employment of Ameens by the Civil Courts in the Presidency of For William.	Section one.
KIII. of 1956	An Act, for regulating the Police of the Towns of Cal cuita, Madras, and Bombay, and the several station of the Settlement of Prince of Wales' Island, Singa pore and Malacca.	to and including the words "ope-
<b>KX</b> . of 1856	An Act to make better provision for the appointmen and maintenance of Police Chowkeydars in Cities Towns, Stations, Suburbs, and Bazaars in the Presi dency of Fort William in Bengal.	down to and including the words
<b>XXI.</b> of 1856	An Act to consolidate and amend the law relating to the Abharee, Revenues in the Presidency of Fort William in Bengal.	
IL. of 1857	An Act relating to tresposs by Cattle	Sections one and twenty-two.
<b>V</b> , of 1857	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the town of Bombay.	
K. of 1857	An Act to amend Act XXXVII. of 1855	Section one from the beginning down to and including the words "this Act; and"
XIII. of 1857	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture o opium in the Presidency of Fort William in Bengal.	Section one.
	An Act to make better provision for the collection o Land Customs on certain foreign frontiers of the Presidency of Bombay.	
XXX. of 1857	An Act for the levy of Port-dues and fees in the Fort o Calcutta.	Section seven from the beginning down to and including the words "said date."
XXXI. of 1857	An Act for the levy of Port-dues and fees in the Port o Bombay.	f Section six from the beginning down to and including the words "said date."
XXXIV. of 1857	An Act relating to the sale of Ganjah in the Presidency of Bombay.	Section one.

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#### SCHEDULE—continued.

Number and years	Tyle.	Extent of repeal.
XXXV. of 1857	An Act for the levy of Port-dues in the ports of Moul- mein, Rangoon, Kyouk Phyoo, Akyab and Chitta- goug.	Section five from the beginning down to and including the words "said date."
1I. of 1858 ,	An Act for the levy of Port-dues in certain ports in the Province of Cuttack.	Section five. Section six from the beginning down to and including the words "said date."
III, of 1858	An Act to amend the law relating to the arrest and de- tention of State Prisoners.	Section one.
VIII. of 1858	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight from the beginning down to and including the words "said date."
<b>XV.</b> of 1858 4	An Act for the levy of Port-dues in the Port of Aden	Section six from the beginning down to and including the words "said date."
XXVIJI. of 1858	An Act. for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV. of 1858	An Act to make better provision for the care of the setates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL. of 1858 2	An Act for making better provision for the care of the s persons and property of Minors in the Presidency of Fort William in Bengal.	Section one.
[, of 1859	In Act for the amendment of the law relating to Mer-S chant Seamen.	lection one.
	in Act for conferring Civil Jurisdiction in certain cases In upon Cantonment Joint Magistrates, and for consti- tuting those Officers Registers of Deeds.	shall be appointed Register of Deeds," and the words " and Re- gisters of 'Deeds respectively "
/III. of 1859A	n Act for simplifying the procedure of the Courts of In Civil Judicature not established by Royal Charter.	n section three hundred and eighty- two the words "in any Court of Judicature established by Royal Charter or" ection three hundred and eighty- seven.
. of 1859 A1	a Act to amend the law relating to the recovery of Se rent in the Presidency of Fort William in Bengal.	ections one and one hundred and sixty-seven.
I. of 1859Ar	Act to improve the law relating to sales of land for Se arrears of revenue in the Lower Provinces under the Bengal Presidency.	ection one:
	Act to make better provision for the trial of Pilots Se at the Presidency of Fort William in Bengal for breach of duty.	ction one.
1		the section nine-
	Act to amend the law for the realization of revenue Sec from Abkaree in the Island of Bombay.	tion one.
K. of 1859 An	Act for the suppression of outrages in the District of Sec Malabar in the Presidency of Fort Saint George.	
An	Act to amend Act I. of 1852 (for the consolidation Sec and amendment of the Laws relating to the Customs under the Presidency of Bombay).	tion one.

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### SCHEDÜLE-continued.

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	Title.	Extent of repeal.
Number and year.		{ 
XXIV. of 1859	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	Sections two and three and the sche dule down to and including the words " said clause."
XXV. of 1859	An Act to prevent the overcrowding of Vessels carrying Native passengers in the Bay of Bengal.	Section nineteen
И. эб 1860	An Act to amend the law relating to the carriage of Passengers by Sea.	In section one the words and figures "under Act XV. of 1842," "under Act XXI. of 1844," "under Act XXXI. of 1855."
VIII. of 1860	An Act for regulating the establishment and manage- ment of Electric Telegraphs in India.	Section one.
XXIII. of 1860	An Act to amend Act XXI. of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one, from the beginning down to and including the word 'repealed,' and the schedule.
XXV of 1860	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including the words " said date."
XXVIII. of 1860	An Act for the establishment and maintenance of boun- dary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	
XXXI. of 1860	An Act relating to the manufacture, importation and sale of arms and ammunition, and for segulating the right to keep and use the same, and to give power of disarming in certain cases.	
XLV. of 1860	The Indian Penal Code	In section five the words "or of the East India Company, or of any Act for the government of the Indian Navy."
XLVI. of 1860	An Act to authorize and regulate the emigration of Native labourers to the French Colonies.	
XLVIII. of 1869	An Act to amend Act XIII. of 1856 (for regulating the Police of the towns of Calcutta, Madias and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).	to and including the words "re-
L. of 1860	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	
X. of 1861	An Act to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole.
XIV. of 1861	An Act to remove certain tracts of country in the Rohil- cund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	In section four the words "shall not call for the futwah of its law officer and" Section seven.
XVI. of 1861	An Act for licensing and regulating stage carriages	Section twenty-two.
	An Act to amend Act XIV. of 1843 (for regulating the	•
XIX. of 1861	An Act to provide for a Government Paper Currency	Section one. In section two the words 'After the passing of this Act,' and the words "except the Banks of Ben- gal, Madras and Bombay, up to the said Ist day of March 1862, and"

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## SCHEDULE + continued.

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Number and year.	Title	Extent of repeat.
XXIII. of 1861	An Act to amend Act VIII. of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections one and forty-three.
XXV. of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five except so, far as it empowers the Governor General in Connect to extend the Act.
IV, of 1862	An Act for regulating the Bank of Bengal	Sections one and forty-two, and the second proviso in section eleven.
XIII. of 1862	An Act to provide for a new Silver and a new Copper Comage.	Section one
	An Act to provide for the levy of Fees and Stamp Du- ties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII. of 1859 in the said High Court.	
XXIII. of 1862	An Act to amend Act XI, of 1862 (to amend the duties of Customs on goods imported and exported by sea).	The whole.
l. of 1863	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory.	
VI. of 1863	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.	Sections two and two hundred and thirty.
VIII. of 1863	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts working under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	
XII. of 1863	An Act to bring the Pergunnahs of Mahoba and Jeit- pore, in the District of Humeerpore, under the opera- tion of the General Regulations.	Sections two <sub>s</sub> three, four, five, six.
XV. of 1863	An Act to amend Act I. of 1859 (for the amendment of the law relating to Merchant Seamen).	Section one.
XIX. of 1863	An Act to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	of section two.
XX. of 1863	Au Act to enable the Government to divest itself of the management of Religious Endowments.	Section one.
XXIV. of 1863	As Act to smend Act I, of 1863 (to define the jurisdic- tion and to regulate the procedure of the Courts of Cavil Judicature in British Burmah, and to provide for the extension of certain Acts to the said territory).	
	An Act for regulating the importation and manufacture of alimentary salt in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
XII. of 1864	An Act to give further effect to the provisions of Act IV. of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardune, Viceroy and Governor General of India, and His Majesty the King of Burmah).	
XIII. of 1864	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and

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### SCHEDULE—continued.

Number and 1 ear.	Title.	Extent of repeal.
	An Act to make provision for the Administration of Military Cantonments.	Sections two, thirty-seven, and the schedule.
XXIV. of 1864	An Act relating to the Administration of certain Dis- tricts under the Government of the Lieutenant Go- vernor of the North-Western Provinces.	Section fifteen.
XXVIII of 1864	An Act to provide for the extension of Act XXI. of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal) to the Provinces under the con- trol of the Lieutenant Governor of the Panjáb.	
X1. of 1865	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature. *	
	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presi- dency Towns	Act shall come into operation," and in sections twenty-two, twenty- three, twenty-four and forty-four, the words "From and after the commencement of this Act," Sections forty-five and forty-six.
XIV of 1865	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section twenty-four.
XV. of 1865	An Act to define and amend the law relating to Mar- riage and Divorce among the Parsees.	In section seven the words "who may be the Registrar appointed under Act XVI. of 1864 (to pro- vide for the registration of assur- ances.)" In section fifty-three the words "shall commence and take effect on the first day of September 1865, and "
XIX. of 1865	An Act to define the jurisdiction of the Courts of Judi cature of the Panjáb and its Dependencies.	-Sections twenty-four and twenty-five.
XX. of 1865	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule.
IV of 1866	An Act to amend the constitution of the Chief Court o Judicature in the Panjéb and its Dependencies.	Sections forty-five, fifty-two and fifty-four.
V- of 1866	An Act to provide a summary procedure on Bills of Exchange, and to amend in certain respects the Com- mercial Law of British India.	FIn section two, the words "From and after the first day of May 1866."
X. of 1866	The Indian Companies' Act	Sections two hundred and nineteen, two hundred and twenty, two hun- dred and twenty-one, and two hun- dred and twenty-two, and the third schedule-
	An Act to repeal Act No. IV. of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	D
•	The Indian Post Office Act, 1866	come into operation on the first day of May 1866,"

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#### SCHEDULE—continued.

Number and year.	Title.	Extent of repeal.
XXII. of 1866	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimulgerry and Aurungabad.	In Section one, the words "From and after the passing of this Act."
XXVI. of 1866	An Act to legalize the rules made by the Chief Com- missioner of Oudh for the better determination of certain claims of subordinate proprietors in that Pro- vince.	+
XXVII. of 1866	An Act to consolidate and amend the law relating to the conveyance and transfer of property in British India vested in mortgagees and trustees in cases to which English law is applicable.	
XII. of 1867	An Act to amend the law relating to the custody of pri- soners within the local limits of the original jurisdic- tion of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay.	
XVIII. of 1867	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhánsi Division.	Section two.
XXIV. of 1867	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule
XXV. of 1867	An Act for the regulation of Printing-presses and News- papers, for the preservation of copies of books printed in British India, and for the registration of such books.	
XXXIV. of 1867	An Act to repeal Act No. XIX. of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV. of 1867	An Act to provide temporary assistance to the Financial Commissioner of the Panjáb.	The whole.
III of 1868	An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsildár.	Section three.
VIII. of 1868	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.
KI. of 1868	An Act to exempt Timber and Woods from Import Duty.	The whole.
KIII. of 1868	An Act to exempt the King of Oudh from the jurisdic- tion of the Civil Courts, and for other purposes.	Section one.
(VI. of 1868	An Act to consolidate and amend the law relating to Principal Sadr Amins, Sadr Amins, and Munsifs in Bengal, and for other purposes.	Section one and the schedule.
(VII. of 1868	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole
KVIII. of 1868	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
.IX. of 1868	An Act to consolidate and amend the law relating to S rent in Oudh.	ection two.
X. of 1868	An Act to give validity to the levy of certain duties in T Lucknow.	he whole.
XIII of 1868	An Act to give validity to certain Abkárí Rules in Bri-L tish Burmah.	n the preamble the words "and to indemnify all officers, farmers, and other persons who have acted under them, or under any such rules previously published or en- forced under the same authority." nd section two,

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### SCHEDULE-Icontinued.

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Number and year.	Title.	- · Extent of repeal,
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XV. of 1868	An Act to define the jurisdiction of the Coarts in Coorg.	Section twenty-four.
XVIII. of 1868	An Act to define and amend the law relating to the tenancy of land in the Panjab.	Section four.
I. of 1809	An Act for the appointment of Justices of the Peace	Section two and the schedule.
II. of 1869	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
· of 1869	The Indian Articles of War	Part I., clause (c), paragraphs on two, and three.
Lof 1869	An Act to amend the law relating to the Emigration of Native labourers.	Sections ten and eleven.
II. of 1969	Au Act to give validity to certain Rules relating to Forests in British Burmah.	If the preamble the words "and indemnify the officers and oth persons who have acted und them;" Section two.
III. of 1869	An Act further to amend the Code of Criminal Proce- dure.	Section two, paragraph one.
1 of 1869	An Act to make better provision for the collection of Land Customs on certain foreign frontlers of the Pre- sidencies of Fort St. George and Bombay.	Section two.
1V. of 1869	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay,	Section two and the schedule.
VIII. of 1869	An Act for imposing Stamp Duties on certain Instruments	Section two and the third schedule
X. of 1869	An Act to provide for the good order and discipline of Vo- lunteer Corps, and to invest them with certain powers.	Section three.
XII of 1869	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regu- lations and Acts, and for other purposes.	Sections two and three.
XIV. of 1869	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presi- dency of Bombay.	Section one.
'II. of 1870	The Court Fees' Act	Section two and the third schedule
	Salah Lu, Lu, Lu, Anggalan mahaya nagarga hua na salaman Salah Lu,	T STOKES,

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Secretary to the Council of the Governor General for making Laws and Regulations.

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The following Act of the Governor General of India in Council received the assent of His Ex-cellency the Governor General on the 5th April 1870, and was promulgated for general infor-mation in the *Gazette of India* Extraordinary on the 6th April 1870.

#### Act No. XV. of 1870.

"-An Act for the further amendment of Act No. XIX. of 1861.

For the purpose of further amending Act No. XIX. of 1861 (to provide for a Government Paper Currency); It is hereby enacted as fol-

lows :---

1. In section four of the said Act the words Amendment of Act No. XIX. of 1861, Section 4. Amendment of Act No. XIX. of 1861, Section 4. be the Master of the Mint at Madras and the Master of the Mint at Bombay' shall be repealed.

2. Section ten of the said Act shall be read as Amendment of Section 10. Amendment of Section 10. if for the words 'four crores' the words 'six crores' were substituted.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Luws and Regulations. The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the Gazette of India on the 6th April 1870 :--

#### Act No. XVI. of 1870.

THE INCOME TAX ACT, 1870.

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45. Governor General in Council empowered to make rules.
\*SCHEDULE T. Duties.
SCHEDULE II. Form of petition under section 25.
SCHEDULE III. Repealed enactments. An Act for imposing duties on Income and Profits. For the purpose of imposing duties on income and profits arising from Preamble. sions and trades; it is hereby enacted as follows: PART I. PRELIMINARE. 1. This Act may be called "The Indian Income Tax Act": ,Short title, 11 2 It extends to the whole \$ 1 1 Extent of Act. of British India: It shall be deemed to have come into operation on the first day of April Commencement continuence of Act., first day of March, 1871, except as to taxes and penalties then due and incurred thereunder. 2. On and from the said first day of April 1870, the Acts mentioned in the third schedule here-Repeal of Acts. to shall be deemed to have been and shall be repeated to the extent specified therein, except as to taxes due under any of such Acts. The references, made, in the Court Fees Act, Schedule II, to the Indian Income Tax Act shall be deemed to be made to this Act. 3. In this Act-unlest there be something repug-Interpretation clause, / nant in the subject or context-"Magistrate" means any person 'exercising the

"Msgistrate." powers of a Magistrate, or of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace:

"Company" means an Association carrying on business in British India whose stock or funds is or " Company."

are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not :

"Firm" includes a Hindù "Finm" includes undivided family : . "Firm." . ..

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"" Person." " Person" includes a firm :

"Defaulter" includes a firm making default "Defaulter." t under this Act:

In the case of any Company or Municipal or other public Body or Asso-"Collector.", ciation not being a Com-pany, "Collector" means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person charge-able under this Act "Collector" means the Collector of Land Revenue of the place or district at or in which such person resides.

4. Nothing in this Act applies to the pay and Exemptions from Act. allowances of officers, war-Exemptions from Act. rant officers, non-commissianed officers and privates of Her Majesty's Forces, or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed five hundred rupees per . . 5 mo start + mensem; 15

or to any" moveable of immoveable property solely employed for or dedicated to religious or charitable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act .

5. The Governor General of India in Council Power to exempt from may from time to time, by order, wholly exempt from an Act, Ca.

the operation of this Act the whole or any part of the income and profits of any tribe or class of persons in British India.

The Governor General of India in Council may revoke any such order.

All orders and revocations made under this section shall be published in the Gazette of India.

#### PART II.

#### DUTIES ON OFFICES.

6. A duty of six pies for every Rupee shall be

levied in respect of every Duties on offices. profit in British India under Oovernment or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, anualty or pension paid in British India by Government or by a Company or by a Municipal or other public. Body or Association not being a Company to any person residing in British India or serving on board a ship trading to and from British Indian ports. whether on account of himself or another person.

7; No income amounting to less than forty-Exemption of incomes less than Rs. 41-10-8 per be chargeable under this mensem. . \* Part. з.

8. In the case of every person holding any Provision as to Govern-commission under Her Mament officials. ment of India, or under any local Government, or receiving any annuity or pension from Her Majesty or any such Government,

the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension. at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

9. In the case of every person holding a paid Provision as to servapts employment under or re-of Companies and Muni- ceiving any annuity or cipalities. pany, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity of pension, at the time of pay-ment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as Payment to Govern-ment. Vernment of India, or as such Government shall to the credit of the Go-vernment of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Govern-

ment for such payment.

Every Company, public Body or Association, Identity Treasurer or other officer Idemnity. as aforesaid, is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary, or principal Agent or Manager, of every such Company and public Body Annual return by Treasuret, &c. or Association shall prepare, and, on or before the thirtieth day of April in this year, deliver to the Collector, in such form as may be prescribed by the Governor General of India in Council, a return in writing showing the names of every person holding at the date, of the said return a paid employment under or receiving a pension or annuity from the Company or Body or Association whose pay or pension or annuity as such amounts to forty-one rapers, ten annas, eight pie per mensem or upwards, together with the salaries, annuities or pensions payable by the Company or public Body or Association to all such persons respectively.

10. Whenever the full duty leviable under Difference between duty under this Act for April not deducted at the time of 1870 and duty under Act, payment in that month IX. of 1869. From the pay, annuity or pension chargeable therewith, the deficiency shall be deducted from such pay, annuity or pension, at some subsequent time of payment.

#### PART IIL

### COMPANIES.

.11. The Treasurer, Secretary or principal Agent or Manager in India of every Company shall in Shipping Companies.

the case of a Shipping Company trading between British India and any other country, pay to Goven-ment in respect of one moiety of the nett profits ment in respect of one molecy of the next profiles made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up, the 'duty of six pies m the rupee,

and in the case of every other Company pay to Government in respect of

the whole of the nett pro-Other Companies. fits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up the duty of six pies in the supee,

and shall prepare, and, on or before the thirtieth day of April in this year,

Statement of result of deliver to the Collector a statement in writing accounts. signed by him showing the result of such accounts

(if any). In the case of any Company where no such

Annual return of nett in this section have been

profits. made up within, the year ending on the thirty-first day of March 1870, the

Treasurer, Secretary or principal Agent or Manager, of such Company shall prepare, and, on or before the thirtieth day of April in this year, deliver to the Collector a return in writing signed by him, and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the said thirty-first day of March.

Every such Treasurer, Secretary or principal Agent or Manager, is Indemnity. hereby indemnified for all

payments made in pursuance of this section. . . .

#### PART IV.

#### DOTIES ON ALL OTHER INCOME AND PROFITS.

12. A yearly duty in accordance with the Duty on income not charged under Part II. or Part III. fits accruing and alising in British India and not chargeable under Part II. or Part III. of this Act.

13. The trustee, guaidian, curator, or com-Trustees, guardians and mittee of any infant, married woman subject to committees of incapacita-ted persons to be charged. the law of England, lunatic or idior, and having the control of the property of such infant, married woman; lunatic, or idiot, whether such infant, married woman, lunatic, or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such maried woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Any person not resident in British India,

Non-readents charged. Maj-sty or not, being in in names of their agents. receipt, through an agent, of any income or profits chargeable under this Part shall be chargeable in the name of such agent in the like manner and to the like amount as he would be charged if resident in British India and in actual receipt of such income or profits."

14. Every such trustee, guardian; curator, Trustees or agents of committee or agent shall,

Trustees or agents of persons incapacitated or non-resident to furmsh statements of income or when required by the Collector, deliver a statement signed by him of the amount of the income profits with declaration. or profits in respect whereof he is chargeable on account of such infant, mairied woman, lunatic, idiot or non-resident, together with a declaration

of the tinth of the statement.

Administrators General.

15. Receivers or Managers appointed by any Receiver or Manager.

Court'in India, the Courts of Wards, 'the Adminis-Courts of Wards and the tratois General of Bengal, Madras and Hombay, and

the Official Trustees, shall be chargeable under this Act in respect of all income and profits officially in their possession or under their control.

.16. When any trustee, guardian, curator, or "Trastees, Agents, Re- committee, or agent is assessed under this Act m ceivers, &c , may retain duties charged on them. such capacity;

or when any receiver appointed by any Court, Court of Wards, Administrator General, or Offieial Trustee, is assessed under this Act in respect of the income and profits officially received by him ;

every person and Court so assessed, may, from time to time out of the money coming to his or its possession as such trustee, guardian, curator, committee, or agent, or as such receiver, Court of Wards, Administrator General or Official Trustee, retain so much as shall be sufficient to pay the amount of the assessment.

Every such person and Court is hereby indemni-

fied for every retention and payment made in

Indemnity.

pursuance of this Act.

17. In the case of every person chargeable under this Part whose Notice requiring annual income or profits returns. is or are in the Collector's

opinion two thousand rupees or upwards, the Collector shall,

and in the case of every other person so chargeable,

the Collector may,

serve a notice on him requiring him to fill in a return of his income and profits, or of the income and profits in respect whereof he is chargeable, in the form to be prescribed by the Governor General of India in Council, and specifying the day by which the return is to be made, and the place of the Collector's Office at which the return is to be made.

Every such notice shall be signed by the Collector.

The form of the return shall accompany the notice. 18. Every person on whom such notice is served

shall send to or deliver at Return how made

the Collector's Office the return duly filled in and signed by him.

A declaration shall be added by such person at the foot of the return, that the profits or income stated therein are truly estimated on all the sources therein mentioned.

19. Every person, when required so to:do by a Lists of lodgers and prescribed by the said Governor General in Council employes. shall, within the period mentioned in such, hotice, prepare and deliver to the Collector a list contain-

prepare and denver to the concentration to the best of his belief, the name of every lodger, or inmate resident in his dwelling-house, and of any other persons, receiving, salary or endiuments amounting to forty-one rupees, teu annas, eight pie per mensem or upwards, employed in his service, whether resident in such dwellinghouse of not, and the place of residence of such of them as are not resident in such dwelling-house, and also of any such lodger or inmate who has any ordinary place of residence elsewhere, at which he is liable, under this Act, to be assessed, and who desires to be so assessed at such place.

Such lists shall be signed by the persons re-spectively delivering the same, and shall be prepared in the form to be prescribed as aforesaid.

20. The Collector shall from time to time determine what persons are

Collector, to determine, chargeable under this Part, -persons chargeable. and the amount that every such person shall be assessed in accordance with the said Schedule; and in making such assessment income exempted under section seven shall be tieated as chargeable under this Part.

21. In the case of a person for the first time chargeable becoming Computation when isunder this Part within

sessee become chargeable the year of assessment, the computation shall be within year made according to an average of his' income and

profits for such period as the Collector shall, under the circumstances, thect 22. The Collector shall cause a notice to be Notice to persons chargeable under this Part interable

chargeable ., stating-, , ,

(1)......The mame and the profession, strade, or other source af the income or profits of such person, or of the income, and profits in respect of which he is chargeable !.

(2) .- The year of portion of the year for which e duty is to be paid. the duty is to be paid.

(3).- The place or places, district or districts, where such income or profits accrues or avise;

(4) - The amount to be paid; t

and requiring him within fifteen days from the date of the service to pay such amount.

23. 'Such' unbuilt shall be paid to the Gollec-

Officer to grant receipts. tor, who shall grant is re-ceipt for such payment to the person making the same

Provided that, if such income or profits accines or artse at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice resides, or (in the case of a firm) at or in which its principal place of business in British India is situate.

Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf and such signature shall be judicially noticed.

ceipt shall specify-

(1) .- The name and source or sources of the income or profits of the person by or on whose be-

(2) — The year or portion of the year for which the duty is paid: (3). The amount paid, and the date of pay-

ment ; and .... i., eiter

. (4) .- The place or places, district or districts where the income or profits accrues, or arise; and thall be admissible as, prima facie proof of all matters contained therein.

25.: Any person objecting to the amount at Petition against as a th' denying his liabilities to sessment. . be assessed, under this Part, may within the period mentioned in the said notice, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled.

""Provided that no person who shall have been served with a notice Proviso. under section seventeen shall be entitled to apply by petition under this section, unless he shall have made the secure required in such notice on or before the day therein mentioned, or unless he shall satisfy the Collector that he had a sufficient excuse for not making such return.

The petition shall be in the form contained in Form and verification the second schedule to petition. bf petition. stances admit, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

26. The Collector shall fix a day for the hear-ing of the petition, and Hearing of petition. 11 on the day so fixed, or on

the day (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon. thereon.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the fee on the petition. '

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be). ", " and mer. "

27. Any person dissatisfied with any order Appeal from order on may, within fifteen days petition. from the date thereof, on payment of the sum in which he was assessed, or to which his assessment was enhanced, present a petition of appeal to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final. . .

Every petition presented under this section shall

Documents to accom-ecopy of the petition to the Collector's order thereon, and all other documents

(if any) connected with the case. Neither of such copies shall be chargeable under

the Court Fees Act. When the decision on such appeal is in favour

Return of fees and excess. of the petitioner, the value to the Collector and on his petition of appeal, together with the excess paid by him, or (when the decision is that the petitioner is not chargeable under this Act), the whole sum so paid shall at once be refunded.

28. The Collector or Commissioner may summon any person whom he

Power to summon thinks able to give evipersons to give necessary information. dence for the purpose of enabling him to determine how the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the sources of the petitioner's income or profits accruing or arising in British India.

Whenever the Collector has reason to be-29.

Power to issue fresh notice.

lieve that, in assessing any person under this Act, any source of income or

profits not specified in the receipt granted to him under section twenty-three has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person stating the amount to be paid in respect of such source, and the provisions contained in sections twenty-two to twenty eight (both inclusive) shall apply to such notice and regulate the proceduie thereunder.

#### PART V.

#### PENALTIES.

30. Every Treasurer, Secretary, or principal Treasurers, &c., failing Agent or Manager failing to make payments or delute to make any payment or to make any payment or to prepare and deliver any ver returns. return required by section nine,

or failing to make any payment or to prepare and deliver any statement or return, required by section eleven,

and every trustee, guardian, curator, committee, Trustees, &o., Failing to or agent failing to deliver deliver statements or deany statements or declaclarations. ration required by section fourteen, shall for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

31. If any person served with notice under Failure to pay amount not within the period " of assessment.

specified in the said notice pay the amount required thereby, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such notice : Provided that he has not presented a petition under section twenty-five.

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If any such person presents a petition under section twenty-five and does not, within one week from the passing of the order thereon, pay the amount, if any, required by such order, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such order.

On the recovery of the fine from the person so convicted, the Collector Grant of receipt on res shall grant him a receipt without any further paycovery of fine. ment.

Every such receipt shall bear date from the recovery of the fine, and save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section,

32. Whoever makes a statement in any declaration or list, made or

False statements. delivered, under section eighteen or nineteen, which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have com-mitted the offence described in section one hundred and seventy-seven of the Indian Penal Code.

Whoever makes a statement in any petition presented under section twenty-five which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

33. No person shall be proceeded against for Prosecution to be at any offence under section .thirty, section thirty-one, instance of Collector. or section thirty-two, except at the instance of the Collector.

34. All fines imposed under this Act may be Mode of recovering fines.

recovered, if for offences committed outside the local limits of the towns of

Calcutta, Madras or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Actoregulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distuess and sale of any moveable property belonging to the firm or to all or any of the members thereof.

35. In sections one hundred and ninety-three's Sections 193 and 228 and two hundred and of Penal Code to apply twenty-eight of the Indian to proceedings ander this Act, "judicial proceeding" shall be taken to include any proceeding under this Act.

#### PART VI.

#### PAYMENT.

36. All taxes under this Act, except when they are deducted under section eight or section Tax when payable. nine, shall be payable on the fifth day of April 1870.

#### Instalments.

Provided that the amount so payable may be

Payment by instalments: paid by four equal instal-ments: the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section twenty-two upon the person paying the same,

and the second instalment on the first day of July, the third instalment on the first day of October, and the fourth instalment on the first day of January 1871.

37. When any person pays only such first Death or insolvency of person paying instalment. Instalment, or first and instalment, and in any of the quarters respectively ending on the thirtieth day of June, the thirtieth day of September or the thirty-first day of December, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade (if any) in respect of the profit arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his cieditors, the amount of the subsequent instalments or instalment shall not be claimable.

When any firm pays only such first instalment, or first and second instal-

spectively ending on the days last aforesaid dissolves partnership, or takes the benefit of any Act for the rehef of insolvent delitors, or conveys the whole of its property in trust for the benefit of its creditors, the amount of the subsequent instalments or instalment shall not be claimable.

38. If the Collector has caused a hotice to Recovery of subsequent instalment. Instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning 11), and if the person so served does not within that period pay such amount as required by the said notice, he shall, on conviction before a Magistrate, be fined twice the amount so mentioned.

Recovery under Revenue-law.

39. In any case of default under this Act Optional recovery under revenue-law.

cutta, Madrasor Bombay, the Collector may, if he thinks fit, and if the notice mentioned in sections twenty-two, twenty-nine, or thirty-reight (as the case may be) has been served on the defaulter, recover the amount of any tax or instalment payable under this Act as if it were an artear of land revenue.

On the recovery of such amount from the defaulter the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

#### Payment of Taxes and Fines,

40. All taxes levied and all fines, recovered and fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall PART VII.

MISCELLANEOUS. 41. All or any of the powers and duties con-

Powers of Collector and Commissioner under this Act may be exercised by other officers. feired and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such

other officers or persons as the Local Government shall from time to time appoint in this behalf. 42. Service of any notice under this Act shall

Service of notices.

be made by delivering or tendering a copy thereof

under the signature of the Collector.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the housein which the person or firm therein named ordinarily dwells or carries on business.

43. When any Company or firm has several places of business in the royal place of business. places of business in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

When any person has several places of residence Power to declare residence. General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor General of <sup>1</sup> India in Council or the Local Government, as the case may he, shall from time to time appoint in this behalf.

All such forms shall be published in the Gazette of India.

45. The Governor Genneral of India in Council Governor, General in may from time to time Council empowered to make rules consistent with make rules. It is Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the powers given by this section so far as regards the territories subject to such Government.

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#### 288 00

#### SCHEDULE I.

Persons whose a or profits shall not less than	annual be asse	income essed at Rs.	500 1	but at le	ess tha		750 s 1,000	hall pay	7 Rs.	19 27	8 0	0
	ditto	"	750	,,	"	,)			"	39	D	0
Ditto Ditto	ditto	,,	1,000	>>	"	"	1,500 2,000	ر ? به	,, ,,	54	ŏ	ίÕ
Ditto	ditto	,,	1,500	29	39	**		six p	ies in	the r	nne	е.
Ditto	ditto	33	2,000	***	•••	•••		SIM P	10.0 111		-r-	-

#### SCHEDULE II.

Form of Petition under Section 25.

-	
Stamp	
•	
eight annas.	

TO THE COLLECTOR OF

The

day of

The petition of A. B. of

187

#### SHEWETH-

1st.—That under the Indian Income Tax Act your petitioner has been assessed in the sum of twenty-seven rupees for the year commencing the first day of April 187.

2nd.—That your petitioner's income and profits accruing and arising from [here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise] for the year ending the thirty-first day of March last were as will appear from the documents marked with and to which route potentiate accrues to refer

with, and to which your petitioner craves leave to refer.

3rd.—That your petitioner has no other source of income or profits, and has no reason to believe that his income and profits during the year commencing the first day of April 187 will exceed the said sum of rupees

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the fee on this petition may be refunded [or that he may be declared not to be chargeable under the said Act, and that the value of the fee on this petition may be refunded.] A. B.

#### Form of Verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

• ---

(Signed) A. B.

(Signed)

#### SCHEDULE III.

#### Enactments Repealed.

Number and Year.	Title of Act.	Extent of Repeal.
Act No. IX. of 1869 Act No. XXIII. of 1869 .	The Indian Income Tax An Act to enhance the duties levi- able under the Indian Income	The whole.
Act No. VII. of 1870	Tax Act. The Court Fees Act	

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations. The following Act of the Governor General of Indua in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the Gazette of India Extraordinary of 6th April 1870:--

#### Act No. XVII of 1870.

An Act to amend the Law relating to Customs Duties.

WHEREAS it is expedient to amend the Law relating to the duties of Preamble. Customs on goods importel and exported by sea; It is hereby enacted as

follows :--1. This Act may be called "The Indian Cus-Short tile toms Duties' Act, 1870."

2. Act No. XVII. of 1867 (to amend the Law relating to Customs Duties)

Repeal of Acts. and Act No. XII. of 1869 (to amend the law relating to Customs Duties) are

(to amena the law relating to Customs Duttes) are hereby repealed.

3. There shall be levied and collected, in every

Duties specified in Schedules to be levied. Act; and all articles, other than those specified in the said Schedules respectively, shall be dutyfree: Provided that nothing herein contained shall be taken to affect Act No. XX. of 1867 (to authorize the transhipment, without payment of duty, of goods imported into Calcutta, Madras, and Bombay by Steamers), or Act No. II. of 1868 (to alter the rate of duty lenable on pepper erported from Cochin), or to alter the existing duties upon Salt, and Opium.

4. 'Section twenty-seven of the Consolidated Construction of section 27 of Consolidated Customs Act. 'Customs' Act. shall be construed as if for the words!" for which a specific value has not been fixed by the Local Government with the sanction of the Governor General of India in Council," the following words were substituted; (that is to say), " for which a specific value is not fixed by the Indian Customs Duties' Act, 1870;" but, save as aforesaid, nothing herein contained shall be construed to affect the provisions of the Consolidated Customs Act.

5. The Governor General of India in Council may from time to time, by notification in the Gazette of India, fix for the purposes of this Act the value of any goods exported or imported by sea on which duties of customs are hereby imposed.

#### SCHEDULE A.

#### IMPORT TARIFF.

No.	Description of Article.	Value on which Duty is dassesse.	Rate of Duty
1	Apparel, including Habbrdashery,	Rs. A.	
2	MILLINERY, &C.	Ad valorem.	Seven and a-half per cent.
2	Arms, Ammunifion, and Military Stores		Seven and a half per cent. except as regards Mihtar
1	Gunpowder, common	0 5 per lb.	and other Regulation
	" sporting	10,	Uniforms and Accoutre
	Fire-Arms and parts of ditto	Ad vulorem. >	ments when imported fo
	All other sorts, including Military Ac-	4.7 7	private use by persons in the Public Service, which
	coutienients, Uniforms, &c.	Ad valorem.	are free.
	BEADS AND FALSE PEARLS-		
	Beads-China	30 0 per cwt.	7
	" Common	28 0 "	
ļ	" Ruby of all sizes		
	"Seed		
	" Small, Scatlet and Red	010 "	
	" Coral (false) Moorzun	0 8 per corge of 2,000 beads.	
	All other sorts of false Cotals and Beads		
	Pearls, false, Bajeria		Seven and a-half per cent.
	Donio		
	Tonnia		
	,, Nathia	0 6 per thousand.	
	" Tachea	0 12 , , ,	
	Wattanah	10 0 per lakh.	
	All other sorts		11
4	CABINET-WARE		

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No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
5	CANDLES, WAX, COMPOSITION, AND OTHER		]
	RINDS-		
1	Candles, Wax	1 0 per lb.	
1	" Paraffine	08,,	
	" Spermaceti	05 "	
6	CARRIAGES	Ad valorem.	
7	CLOCKS, WATCHES, AND OTHER TIME- KEEPERS	Ad valorem.	
			-
8	COFFEE-	30 () per cwt.	Seven and a-half per cent.
1	Persian Gulf and Red Sea Other places	20 0 "	
9	Corals, BRAL	Ad valorem.	
10	Corks	1 8 per gioss.	
11	COTTON-		
	Thread	0 11 per lb.	
	In reels, or on calds		1
	of one hundled		
	yards (and provatu above and below)*		
1	Gos and Country	30 0 per cwt.	<b>j</b>
	Twist-	-	
	Mule, under No. 15	0 6 per lb.	n –
	Nos. 16 to $24$	0 9 "	
	25 to 32 33 to 42	0.11	
l	43 to 52	0 12 "	
	53 to 60	0 14 "	
	No. 70	0 15 "	<b>}</b>
	80	$\begin{array}{c}1 & 0 \\ 1 & 1 \end{array}$	
	90 <sup>e</sup>	1 9	
	110	1 3 "	Three and a-half per cent.
	120	1 4 "	
	and one anna additional		
	for every count of ten above No. 120.		
1	Water, No. 29	0 10 ,,	
	30	0 11 "	
i	40	0 13 "	
	50 Above 50	$ \begin{array}{cccccccccccccccccccccccccccccccccccc$	<b>}</b>
		1 4 37	۲ ۱
			Three and a-half per cent.
			* Duty to be charged on the
	Turkey Red Twist, all kinds*	1 6 per lb.	Grey weight of the Colour- ed Yarn; when not ascer-
	Twist, Orange, Red and other Colouis*	0 15 "	tainable, the actual whar
		~ *	weight or invoice weight
	Piece Goods—	-	j to be taken.
	Grev_		•
	Grey— Mulls	1 1 pei, lb.	- •
	Jaconets exceeding $10 \times 10$ to the	Por, wi	h
	quarter inch	0 13 ,,	]] ,
	Other Jaconets	0 11 ,, .,	Time non cont
	Shirtings, Mydapollams and Prints Long Cloths, Jeans, Domestics.		Five per cent.
	Sheetings, Drills and T. Cloth	0 9 ,	
	Other sorts	Ad valorem.	J 🗇
	Cotton Rope	25 0 per cwt	
	Cotton Goods-other kinds	Ad valorem.	]

Exceeding this length to be charged in proportion.

000	-	~
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		288 <sup>'</sup> rr	
No.	Description of Article.	· Value on which Duty is Assessed	- Rate of Duty.
		Rs, (A.	
12	DRUGS AND MEDICINES-		
	Acid, Sulphuric	0 3 per lb. 2 0 per cwt.	<u>₽</u>
	Aloes, Black	10 0 "	
	, Socotra	25 0 "	
	Arsenic	38,, 250,,	
	" China Munseel	8 0 "	
	Assafœtida (Bing) , Coarse (Hingra)	55 0 " 10 0 "	
	Brimstone, Flour	7 0 ,,	
	" Roll	60"	
	" Rough Camphor, Bhimsing (Barras)	4 8 5 50 0 per lb	
	" Refined cake	65 0 per cwt.	
	" Crude in powder	50 0 "	
	Casia Lignea	38 0 " Ad valorem.	
	Copperas, green	2 8 per cwt.	
	Quinine	Ad valorem.	
	Sal Ammoniac Salep	22 0 per cwt 60 0 ,	
	Senna Leaves	60"	Seven and a-halfper ce
	All other sorts	Ad valorem.	· ·
13	Dyeing and Colouring Materials-		
	Cochineal	1 -12 - per/lb/ 3 - 0 per cwt.	<b>│</b> ∦•
	,, Persian	35 0 "	
	Gamboge Wood	20 0 .,	
	Madder or Munjeet	10·0 ,, 8·0 ,,	
	Saffron, Europe	16 0 per lb.	
	,, Meadow, Soorunjun ,, Persian	10 0 per cwt. 12 0 per lb.	
	, In cakes or lumps		
-	Sapan Wood and Root	3 8 per cwt.	
	Aniline Dyes All other sorts	0 8 per oz. Ad valorem.	
	_		
14	FIREWORKS— China	30 0 per box o	f .
	•	1331 Ibs.	- ·
	Other sorts	Ad valorem.	<b>بل</b> ].
15	FLAX, MANUFACTURES OF	4.7.	
	Piece Goods Other sorts including linen thread		5 per cent
16	FRUITS AND VEGETABLES-		
-0	Almonds without shell ,	25 0 per cwt.	
	" with shell	10 0 " 10 0 "	
	Cajoo kernels Cocoanuts	30 0 per thousand	
	, kernel (Copra)	9 8 per cwt	
	Currants, Europe	35 0 "' 12 0 "	Seven and a-half per ce
	Dates, dry, in bags	4 0 ,	<u>}</u> }.
	" wet, in bags	30 "	
	""" in pots Figs, Europe		
	". Persian, dried	6 0 "	
	Garlic	40 "	11
ļ	Pistachio Nuts	14 0 "	11

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ο.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	FRUITS AND VEGETABLES-(continued.)	. Rs. A.	
	Raisins, Black, Persian Gulf, Red Sea,	-	
	and Khismis Monocka, Persian Gulf and Red	12 0 per cwt.	[]
	Sea	.70 "	
1	" Malaga and Bloom	0 10 per 1b. Ad valorem.	
1	Walnuts, Akroot	5 0 per cwt-	
1	Mangues, dried		
	Prunes, Europe Other sorts, except Bidmiskh, and Bu-	Ad valorem.	
4	zarbuttoo Nuts, which are free	Ad valorem.	
7	GLASS AND GLASS-WARE	,	
	Bangles, Glass, China, Gilt	10 0 per 100 pairs.	
	" not Gilt Glass—Broken	50 " 50 per cwt.	
	" China, of all colours	32 0 per 1334 lbs.	
	" Crown, coloured	32 0 per 100 supl. feet.	
	,, ,, of sizes	5. 0 per 100 supl.	
ļ	Glass and Glass-ware of all other, sorts, ex-	feet.	
	cept Bottles, which are free	Ad valorem.	
3	Gums-		
	Gum, Ammoniac	10 0 per cwt.	
	" Arabic	16 0 ,; 5 0	
	" Benjamin	33 0 "	
	" Bysabole, coarse Myrrh " Copal	$ \begin{array}{cccccccccccccccccccccccccccccccccccc$	
	"Frankincense or Olebanum.	90 <b>"</b>	
	" Gambier (or Kino)	80,,	
	, Myrrh ,	$ \begin{array}{cccccccccccccccccccccccccccccccccccc$	Seven and a-half per cent
	"Rosin	12 0	
	All other sorts	Ad valorem.	
)	GROCERIES NOT OTHERWISE DESCRIBED,	Ad valorem.	
0	HIDES AND SKINS-		
	Border Hides, prepared Buffalo Hides, Country, Tanned		
	Calf Skins	80 0 per score. 40 0 per dozen.	
	Chamois Skins	60,	
	Cow Hides, Country, Tanned Bhinoceros Leather	60 0 per score. 40 0 per cwt.	
	Other sorts	Ad valorem.	
	Instruments, Musical	Ad valorem,	
2	IVOBY AND IVORY-WARE-	to o	
	Elephants' Grinders Tusks above 20 lbs.	16 0 per cwt. 300 0	
	Tusks 10 lbs. and not exceeding 20 lbs.	225 0	
	Tusks under 10 lbs	125 0 "	
	upwards	225 0	
	Sea Cow or Moye Teeth, under 3 lbs Ivory, Manufactures of	75 0 Ad rolorom	
3		· · · · · · · · · · · · · · · · · · ·	
	JEWELLERY, INCLUDING PLATE	1 6 min 4-1.1	
	, embossed	1 9 A 1	1 1. 1 1
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are for		
	which are free		1 E

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io.	Description of Article.	Value on which Duty is, Assessed.	Rate of duty.
	•	÷.	
4	LEATHER AND MANUFACTURES OF-	Rs. A.	
	Leather Boots and Shoes	Ad valorem.	Seven and a-balf per cent.
25	Liquor-		
	Ale, Beer and Porter	• • • • • • • • • • •	Cone, anna per Imperial Gallon. Three Rupees the Imperial Gallon
		۱ ۱ ۱	and the duty to be rateably mcreas- ed as the strength exceeds London Proof. Provided that ten per cent. ad valo- •rem shall be charged on all spirits .used exclusively in Arts and Manu- factures, or in Chemistry, subject. to such Rules as the Local Govern- 'ments shall from time to time pre- scribel, for ascertaining that such
	*Wines		spirits are unfit for use as a beve- rage and incapable of being con- verted to that purpose. And the officer in charge of the Custom House, subject to the general in- structions of the Local Govern- ment, shall decide what spirits fall within the provise, and his decision thereon shall be final in law.
	Champagnes, Sparkling Wines and Li- queurs	• • • • • . • • • • .	1-8 per Impl. Gal. or 6 Qt. Bottles.
	All other sorts	, • <b>∢</b> , <b>₹</b> •	1-0 per ditto.
6	Matches-		
	Lucuer and all other sorts	Ad valorem.	
7	MATS, FLOOR MATTING, CHINA, OF ALL BORTS	50 0 per hundred.	
8	Metale, Unwrought, Wrought, and Manufactures of	• • •	
	Brass Beads, Googree, China	0 12 thousand. 35, 0 per cwt.	
	" Sheets, rolls, very thin	80_0 <i>"</i> . 41_0 <i>"</i> .	
	" Bolt	43 0 ,, 43 0 ,,	Seven and a-half per cent.
	" China Cash	28 0 "	
	"Japan "Nails and Composition Nails	43 0 "	
	", Old	40 0 n 38 0 n	
	Sheet, Sheathing and Plate	43 0 "	
	", Tiles, Ingots, Cakes and Bricks. China White Copper-ware	40 0 " 1 4 per lb.	
	" Foil, Dauk-pana, China	3 0 per book of 100 leaves.	
	All other kinds	4 0 Ad valorem.	5
	Iron. Angle and T Iron	Ad valorem.	h
	", Beams, Pillars, Girders and Bridge- work	Ad valorem.	One per cent.
	" Flat, Square and Bolt, including Scotch		
	1 Rentob /	80 0 per ton.	

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o.	Description of Article.	Value	e on which Duty is Assessed.	Rate of Duty.
		Rs.	А.	
м	IETALS, &C.,—continued.		`	
	Iron, Hoop, Plate and Sheet		0 per ton. 0 per cwt.	
.   :	Nails, Rivets and Washers	90	0 per ton.	
	"Old	2	8 per cwt.	-
V	Pig	40	0 per ton.	
ł	" Rod, round, British, under half inch	105	0	One per cent.
	diameter'	105	0 "	The per cent.
	" Rod, Round, British, exceeding half inch diameter	80	0, " <sup>`</sup> .	
_] <b>'</b>	. Swedish flat and source	120		
-	. Rice Bowls	3	0 per set of 10.	
		1		Ϋ́Υ
1.	" Galvanised		alorem.	
	Other sorts, except Anchors, Cables	4.2	lorem.	
	and Kentledge, which are free Lametta, Double reels	4		
	"Single "	$\hat{2}$	4 "	
1	Lead, Pig.		0 per cwt.	
1.	" Pipes	13	8 "	
	" tinned	16	0 "	
· +	"Sheets (other than thin sheets for	12	0	11
1	Tea Canisters, which are fice) Ore Galéna	13		
-	Gold leaf, Europé	4		
1	Mock Gold Leaf	5	0 per 20 books.	
1	Orsidue or Brass Leaves, foreign		• • •	
{	Europe		4 per lb.	
	China Patent of Yellów Metals, Sheathing and	0	12 "	
	Sheets and Bolts	35	0 per cwt.	1 <b>1</b> -
	, ditto old	30	0	
	Quicksilver	1	0 per lb.	t i
	Shot, Bird			
	Spelter Nails		8 ,	Seven and a-half per cer
	, Plate and other shapes, , Sheet or Zinc Sheathing		A "-	
	Steel, blistered	9	0	11
	, British	9 ·	0	
	,, Cast	25	0 ,	ÌÌ
	" Spring	10	0,,	
	" Swedish	10	U "	
	Tin Block	45 12	0 ,, 8 -	
	Wire, Brass		8 per lb.	11
	,, Common Iron, Nos. 1 to 40		N per cwt.	11
	" Copper	·0	10 per lb.	1
	Other sorts, including Hardware, Iton-		•	
	mongery, and Carlery, but excluding		• •	
1	Machinery, the component parts there- of, and Agricultural Implements, which			
	are free	Ad v	ulorem.	
9   1	NAVAL STORES-		· ,	
	Cables sois town & it's	10		
	Cables, coir, tarred Canvas, Country, Cotton	10	0 per cwt. )	К
	"Europe Sail, not exceeding forty	50 • • •	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	Five per cent.
	yards		0 per bolt.	Five per ceut.
	Coir Rope, Maldive and Laccadive		0 per cwt.	1
	" Yarn of all kinds	9	0 ,	
	M. The March	18.	A . " /	Seven and a-half per cer
ł	Dammer	20 5		

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No.	, Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
	NAVAL STORES—continued.	Ra. A.	
	WAVAL DIORES-Uprenacte	(per barrel	
		not exceed-	
1	Pitch, American and Europe	13 0 ing 3 cwt.	
	" Coal	4 8 and pro rata	
		above and	
		L below.	
Ì	Tar, American	13 0)	
	" Coal " Swedish and Archangel	6 8 Ditto ditto	
ļ	Twine, Europe, Sail		
	All other sorts, except Oakum, which is	• • pc. 14.	
	free		
30	Oils-	I I	
	Cardamom	10 Q per lb,	
	Cassia	40.	
1	Cinnamon, Ceylon	10 0 "	Seven and a half per cea
	Cocoanut		
	Earth		
	Grass Jingelee or Teel	2 0 per lb. 20 0 per cwt.	
	Kerosine, Paraffine, Petroleum, Rock		
	and Shale Oils of all descriptions	1 12 per Impl. gal.	<u>i</u> F
	Linseed, Country	18 0 per cwt.	
	" Europe	2 4 per Impl. gal	L <b>i</b>
	Naphtha	30 0 per cwt.	
	Oito, of sorts		
	Sandalwood		
	Sorrel	20 0 per cwt. 2 0 per Impl. gal	
	Whale and Fish	2 0 per Impl. gal 15 0 per cwt.	
	Wood		
	All other sorts, except Cocum and Slush		
	Fat, which are free	Ad valarem.	
31	OIL AND FLOOR CLOTH	Ad vulorem.	Five per cent.
32	PAINTS, COLOURS, AND PAINTERS' MATE-		
	RTALS— Ochre, all Colours	2 0	<b>N</b> <sup>1</sup>
	Denre, all Colours, second second		-
	Paints of sorts	30 0	1
ł	Punssian Blue China	0 8 ner lh.	
	Red Lead	18 "	.·
	Red Lead	14 0 per cwt.	11
	Turpentine	2 U.per Impl. gal.	
•	Veraigns	80 0) per cwt.	f I
	Verdigris Vermillion, Canton	30 0 90 bundles	Savan and a half non an
_	White Lead	12 0 per cwt.	Coeven and a-nam per cent
	White Lead All other sorts, including Brushes	Ad valorem.	łł
33	PERFUMERY-		
	Atary, Persian	15 . 0 per cwt.	l ŀ
	Rose flowers, dried		
	Rose water	1 12 per 1 mpi, gai.	
4	All other sorts	LIC VUIVICIII.	] ]
*	RIALS	Ad valorem.	J
5	PIECE GOODS, NOT OTHERWISE DESCRIBED . *	Ad valorem.	Five per cent.
6	Porcelain and Earthen-ware,	Ad valorem.	
7	PROVISIONS AND OILMAN'S STORES-		Seven and a-half per cent
•	Bacon in Cauisters, Jowls and Cheeks.	0 9 per lb. [cwt	> Deven and a-nan per cent
		CEO 0 - on diamon of 3	1 1
1		40 0 per brl. of 2 cwt.	· · ·

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	28	38 ww	
No.	Description of Article.	Value on which Duty is Assessed.	' 'Rate of Duty
	PROVISIONS AND OILMAN'S STORES-contd.	- Rs. A. '	*
	Cheese Fish Maws	0 10 per 1b. 50 0 per cwt.	
	" Sozille and Singally, small Flour	6 0 ,, 25 0 per barrel or sack of 200 lbs.	
1	Ghee	36 0 per cwt. 0 8 per lb. (50 0 per tierce" of	
	Pork	3 cwt. and 34 <sup>i</sup> 0 per barrel of 2 cwt.	Seven and a-half per cent.
	Shark Fins	20 0 per cwt. 10 0 per keg of six.	
	Vinegar in wood, Europe Vinegar in wood, Persian Vinegar in wood, Country	012 "	
1	All other sorts, except Biche de mer, Butter and salted Fish, which are free	• • • • • •	<b>J</b> <sup>*</sup>
8	RAILWAY MATERIALS Of Iron Steel rails Other sorts	Ad valorem.	One per cent. One per cent. Seven and a-half per cent
,	RATTANS AND CANES	· · ·	· · · · · · · · · · · · · · · · · · ·
	Canes, Malacca Rattans All other sorts		
0	SEEDS Anchuchuck	10 0-per ewt.	• • • • • • • • • • • • • • • • • • •
	Anise, Europe Assalia	28 0 " 7 0 " 3 0 "	
	Cajoo Castor Cummin	4 8 " 12 0 "	
	" Black Esubgool Linseed	5.0° "	
	Methee	50" 50" 48"	
i	Quince Seed or Badana Rape or Sursee Sawjeerah	50 0 " 4 8 " 25 0 "	
	Tookmeria	70,"	Seven and a-half per cent
	by any Public Society for gratuitous distribution, which are free	Ad valorem.	
1	SHELLS Chanks, "large shells," for Cameos ,, White, live	10 0 per hundred. 6 0	
-	", white, nve ", dead Cowdas, Mozambique and Zauzibar	30 . (	
	" from other places	08 "	
	Bazaar, common Maldive	16 0	
	Sunkley Yellow, superior quality Mother o'Pearl	40 0 , " 8 0 "	
	Tortoise Shell , Nuck Nuckla and other sorts	6 0 per lb	
	a uckia and other sorts	Ad valorem.	j

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No.	, Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		R <sub>B.</sub> A.	
42	Silk-	-	
•	Floss	8 O per lb,	
	Raw, Charon and Cochin-China	40	
	" Mathow, " other kinds of China	1 12	
	, Persian ,	70"	Seven and a-half per ce
	" Punjum and Cutchra	1 12 "	
	"Siam A	4'0	
	Sewing Thread, China Other sorts	8 0 y	1
	Silk Piece Goods of soits	Ad valorem.	Five per cent.
43	SOAP	Ad natorem	) )
44	SPICES- Aloe Wood	0.0.	
	Aniseed Star	3 0 per lb. 40 0 per cwt.	
	Betelnut, White, Sheverdhun	18 0 ,	11
	" all other kinds	7 0 per cwt.	
	,, in husk Cassia Buds, Nagkessur, China		
	Chillies, dried	8 Oper cwt.	
4	Cloves	12 0 "	
	,, in Seeds, Nurlavang	8 0 " 0 9 per lb.	
1	false	10 0 per cwt.	1.
	Nutnegs	0 10 per lb.	
-	,, in shell		
	Pepper, Black and long	12 0 per cwt. 14 0 "	
	White	25 0	Seven and a-half per ce
	All other kinds	Ad valorem.	ŕ
45	STATIONERY OTHER THAN PAPER	Ad valorem.	
46	SUGAR AND, SUGAR-CANDY-	-	
•	Sugar-Candy, China	20 0 per cwt.	
	" Loaf	190	
	All other sorts of Saccharine producé		
47	Теа	1 0 per lb.	
48	TIMBER AND WOODS-	`	
-0_	Manufactures of, including also Pipes,	<b>~</b> ,	
	Stave and Casks	Ad valorem.	ע
<b>4</b> 9	TOBACCO-		
	Manufactured	Ad valorem,	Ten per cent
	Articles such as pipes, &c., used in con-	Ad valorem.	· ·
	sumption of	Ad valorem.	
50	Toys and Requisites for all Games	Ad valorem.	
51	UMBRELLAS-		Seven and a-half per ce
	Cotton, Steel Ribs	0 13 each.	
	Cane Ribs	0 11	
	, China Paper Kettisals	45 0 per box of 110	
	All other sorts	Ad valorem.	J.,
,52	Woollen Goods-		Diaman
-	Piece Goods	Ad valorem.	Five per cent.
	Braid Other sorts	Ad valorem.	Seven and a-half per ce
	1788 r	1.0	¥.

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	• • • • •	DULE B.			
EXPORT TARIFF.					
•	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.		
		Rs. A.			
	INDIGO		Three Rupees per maund		
N	GRAIN OF ALL SORTS		Three Annas per maund		
	Lac-	29. 0 mm and			
	Button Dye	28 Oper cwt. 45 O "			
	Seed	20 Č "	Four per cent.		
ļ	Shell Stick				
	Other sorts	Ad valorem.	l)		
	O11s-	· · · ·	-		
1	Castor	16 0 per cwt.	<b>1</b>		
	Cocoanyt Fish	20 0 " 15 0 "			
	Grass	2 '0 per lb.			
	Jingeely or Teel	20 0 per cwt.			
1	Mhowa	12 0 "	{ }		
	Mustard	16 0 "	11		
	Poppy	20 0 " 16 0 "			
l	Sandalwood	8 0 per lb.			
ľ	Other sorts	Ad valorem.			
	Seeds	•			
	Castor Seed (Erundee)	4 8 per cwt. 4 0			
	Cummin Seed	12 0 "			
	" Black (Caleejeera)	50 "			
	Ground Nuts, with shell	50 ,, 60			
	Jungeely or Teel Seed	60 "			
1	Linseed	-50,			
	Mustard Seed	4 8 "			
	Poppy Seed	58,,	Three per cent.		
	Rape or Sursee Seed	4.8 " Ad valorem.			
	Cotton Goods-	•			
	Piece Goods-				
	Baftahs	30 0 per score.			
	Gurrah Kharwah				
1	Mamoodie	32 0 "··	1		
ł	Muzapore Chintz Patna	15 0 "			
1	Shans	30 0 "··· 40 0 "			
	Tunjeeb, Oudh	26 0 "			
đ	O.her sorts	Ad valorem. 0 7 per lb.			
ļ	» » No. 20	09,			
	" " No. 30	010 "			
	All other kinds of Cotton Goods	Ad valorem."			
	Hides AND Skins, TANNED-		-		
	Jides-	-			
	Buffaloe, Country, tanned	70 0 per score. 50 0			

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## EXPORT TARIFF-continued.

No.	Description of Article.	Value on which Duty is Assessed,	Rate of Duty.
`	HIDRS AND SKINS, TANNED-continued	Rs. A.	
	Goat and sheep Lamb Any other sorts of Hides and Skins	5 0 "	
8	SPICES- Aloe Wood Betelnut, in husk Cardamoms , large bastard Chilhes, dried Ginger, dry (rough) Malabar , , , Bengal , (scraped) Pepper Turmeric All other sorts		Three per cent.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla,

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The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the *Gazette of India* Extraordinary on the 6th April 1870:---

#### Act No. XIV. of 1870.

An Act for repealing certain enactments which have ceased to be in force, or have become unnecessary.

WHEREAS it is expedient that certain enactments (mentioned in the

Preamble. Schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:---

1. The enactments mentioned in the schedule Enactments in schedule to this Act are hereby repealed. repealed to the extent specified in the third column of the same schedule: Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed:

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or practice not now existing of in force.

Short title.

2. This Act may be called "The Repealing Act, 1870."

#### SCHEDULE.

#### PART I.-STATUTES.

Year and Chapter.	Trtle	Extent of repeal
13 Geo. III. cap. lxiii.	An Act for establishing certain regulations for the better management of the affairs of the East India Com- pany, as well in India as in Europe.	Sections sixteen, nineteen, twenty, twenty-seven, twenty-eight, twenty- nine, thirty-one, thirty-three, thirty-six, and thirty-eight, from and including the words " and for that purpose' to the end of the section.
21 Geo, III. свр. lxx	An Act to explain and amend so much of an Act, made in the thirteenth year of the reign of his present Majesty, intituled Au Act for establishing certain regulations for the better management of the affairs of the East India Company, as well in India as in Europe, as relates to the administration of justice in Bengal; and for the relief of certain persons impri- soned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature, and also for indemni- fying the Governor General and Council of Bengal, and all officers who have acted under their orders or authority, in the undue resistance made to the process of the Supreme Court.	Sections nine to sixteen (both inclu- sive), sections nineteen to twenty- six (both inclusive).
33 Geo. 111. cap. lii	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with their exclusive trade, under certain limitations; for establishing further regulations for the Government of the said territories, and the better administration of justice within the same, for appropriating to certain uses the revenues and profits of the said Company, and for making provision for the good order and government of the towns of Calcutta, Madras and Bombay.	thirty-seven from and including the words "nor shall it be lawful for any of His Majesty's subjects" to the end of the section, sections one hundred and fifty-five, and one hundred and fifty-mine
37 Geo. III. cap. calii.	An Act for the better administration of justice at Cal cutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	sive), sections micen, sevencer to
39 & 40 Geo. III. cap. lxxix. 1v-88 y	An Act for establishing further regulations for the government of the British territories in India, and the administration of justice within the same.	Sections four, six, eight, ten, eleven, seventeen, eighteen, nineteen, twenty-one, twenty-two, twenty- three, twenty-four.

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## SCHEDULE—continued.

Year and Chapter.	Title.	Extent of repeal.
53 Geo. III. cap. clv	An Act for continuing in the East India Company, for a further term, the possession of the British territories in India, together with certain exclusive privileges; for establishing further Regulations for the govern- ment of the said territories, and the better adminis- tration of justice within the same; and for regulating the trade to and from the places within the limits of	one hundred and one, one hundred and four, one hundred and eight, oue hundred and nine, one hundred and thirteen, one hundred and twenty-two.
54 Geo. III. cap. cv	the said Company's Charter. An Act to remove doubt as to the Duties and Taxes heretofore imposed and levied under the authority of the succed Company of the East of the	
55 Geo . III. cap. Ixxxiv.	the several Governments in the East Indies. An Act to amend so much of an Act of the thirty-third year of His present Majesty as relates to fixing the limits of the Towns of Calcutta, Madras and Bombay; and also so much of an Act of the thirty-ninth and fortieth year of His present Majesty as relates to granting Letters of Administration to the effects of	
4 Geo IV on hai	persons dying intestate within the several Presiden- cies in the East Indies to the Registrar of the Eccle- siastical Courts; and to enable the Governor in Council of the said Presidencies to remove persons not being British subjects; and to make provision for the Judges in the East Indies in centain cases.	
	An Act for defraying the charge of retiring pay, pen- sions and other expenses of that nature, of Hie Majesty's Forces serving in India; for establishing the pensions of the Bishop, Archdeacons and Judges; for regulating Ordinations; and for establishing a Court of Judicature at Bombay.	fourteen.
	An Act for transferring to the East India Company certain possessions newly acquired in the East Indies, and for authorizing the removal of convicts from Sumntra.	
	An Act for further regulating the payment of the salaries and pensions to the Judges of His Majesty's Courts in India, and the Bishop of Calcutta; for authorizing the transportation of offenders from the Island of Saint Helena; and for more effectually pro- viding for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	
7 Geo IV cap. xxxvii	An Act to regulate the appointment of juries in the East Indies.	So much as has not been repealed.
	An Act to declare and settle the law respecting the liability of the real estates of British subjects and others, situate within the jurisdiction of His Majesty's Supreme Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners	estates of persons dying before the first day of January 1866.
	An Act for the relief of the sufferers by the insolvency of Gilbert Ricketts, Esquire, formerly Registrar of the Supreme Court of Induction at Made	
<b>`</b>	Supreme Court of Judicature at Madias. An Act to indemnify the Governor General and other I persons in respect of certain acts done in the adminis- tration of the Government of the British Territories in the East Indies subsequent to the twenty-second day of April One thousand eight hundred and thirty- four, and to make those Acts valid.	british India.
7 6 10 7	An Act to consolidate and amend the Laws relating to S insolvent debtors in Iudia. An Act to amend and consolidate the Acts relating to S Merchant Shipping.	Sivin comon

## PART II.-ACTS.

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Number and year.	Title.	Entert of sound
X of 1836 XX. ot 1835 VI. of 1837	Indigo contracts Revenue Sale Law	Extent of repeal. Section one. Sections one and four. Section two.

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## SCHEDULE—continued.

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Number and year.	Title	Extent of repeal.
57 X X X X . C 1007	Madage Commings Trainibility of the	
XXXVI. 01 1837	Madras Criminal Jurisdiction Act	In section one the words and figure "It is hereby enacted that from the 15th day of December 1837, and in section two the word "from the said day."
XI. of 1838	Amíns, Bengal	Section one and in section two th words 'And it is hereby enacte that.'
XVI. of 1838		In Section one, clause one, the word 'It is hereby enacted in modification of the rules contained in chapter VII., Regulation XVII. 1827 of the Bombay Code that' In section five the words "without
		further costs of stamps to the parties except on new exhibits any such should be allowed to filed," and from and including the words " but if an appeal" to the end of the section.
XIX. of 1838	Bombay Coasting Vessels	Section one.
XXXII. of 1838	Salt Department, Bengal	Sections two and three.
VII. of 1839	Tahsildárs, Madras	Section one.
XXIV of 1839	Ganjam and Vizagapatam	Section one.
XVI. of 1840	An Act concerning the management of convicts trans- ported to places within the territories of the East In- dia Company.	Section four,
XI. of 1841	An Act for consolidating and amending the Regulations concerning Multary Courts of Requests for Native Officers and Soldiers in the service of the East Indua Company.	The first twenty-one words in section one, and section eighteen.
	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	
XXIX. of 1841	An Act for amending such parts of the Béngal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	Section three down to and includin the words 'are repealed, and'
XVII. of 1842	An Act relative to the number and powers of the Reve- nue Commissioners under the Presidency of Bombay.	
	An Act for regulating the service of hereditary officers under the Presidency of Bombay.	Section one.
XI. of 1844	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.	The whole.
	An Act for increasing the Excise and Import Duties heletofore payable to the Government on salt manu- factured within or imported into the territories sub- ject to the Government of the Presidency of Bombay.	
	An Act for the better control and management of gaols within the Bengal Presidency.	words 'And it is hereby enacte that'
	An Act to amend the law relating to advances bond fide made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Sta- tute 5 & 6 Victoria, c. 39, as altered by this Act.	~
-	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Pre- sidencies in respect of judicial and revenue proceed- ings.	
•	An Act for determining the duration of the existing Settlement of the North-Western Provinces.	nuggur, Meerut, Bulundshuhu Allyghur, Bijnore, Budaon, Bi reily,Shajehanpore, Furruckabad Allahabad, Goruckpore an Azimgurh.
l. of 1847	An Act for the establishment and maintenance of Boundary Marks in the North-Western Provinces of Bengal.	In section six the words and figure

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### SCHEDULE-continued.

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Number and year.	<b>p</b> .	Title	12	Extent of repeal.
	1	-		
IX. of 1847	An Act regarding the the sealor from river in the Provinces of J	s by alluvion o	r dereliction with	Section eight.
\$	An Act for the encour tories subject to th Company, by defining ment of the right ca	e Government	of the East India	
2 4 40 Y				In section two the words and figure "necording to the provisions of Act No. 11. of 1839."
	An Act to remove certs	ain restrictions	on the salt trade.	The whole.
XVIII. of 1848	Nawab of Surat, a	nd to continu	e privileges to his	1
I. of 1849	Au Act to provide mo of offences committee	re effectually fo l.in.Foreign.St	er the punishment ates.	Section one.
	For securing . Military annuation allowances		•	
XI. of 1849	For securing the Abkar	es revenue of C	alcutta	Section one.
X. of 1850 - Sec	An iAct for the more demands in Calcutta,	easy recovery o	f small debts and Sombay.	Section seven. In section seventee the words "by action of debt or o the case."
KI. of 1850	An Act to amen& ActiX	C, 1841	**** *****	Section one.
KII. of 1850	For avoiding loss by thi	default of Pul	blie Accountants.	Section six.
KIX, of 1850	Concerning the binding	of Annyanting		Section six.
XXV. of 1850	An Aet for the forfei made on incomplete VIII., 1819, and Act	ture to Govern sales of land	ment of deposits	Section one.
XXVI. of 1850	An Act to enable impro	veménts to be	made in towns	Section one.
XXXIII. of 1850	An Act for amending th Putnee Tenures in Be	mgai.	· · .]	Sections two and three.
	for regulating inquirie	s into the be	haviour of public	Section one.
Xi V. of 1850 1.5	An Act for consolidatin and Opium, and the s Lower Provinces of B	ng the Board Sudder Board o engal.	of Customs, Salt f Revenue in the	
VI. of 1851	Respecting certain land	in Bombay call	ed Foras Land	The whole.
VIII. of 1851	An Act for snabling Go roads and bridges,	vernment to le	y tolls on public	Section one.
1 J J J	An Act for giving effe Parliament, passed i Her present Majesty, in India."	ct to the provis in the 15th ye intituled "An J	ions of an Act of ar of the reign of Act for Marriages	Section twenty-six.
	An Act to amend the L	aw of Evidence		Section fourteen.
XVI. of 1852	An Act for further in Criminal Justice in 1 in the territories of th	mproving the Her Majesty's	administration of Courts of Justice	Sections ten and twenty-seven.
XIX. of 1852	An Act for securing the	Abkaree reven	no of Modern	n 1 Radian 'n n

XIX. of 1852...... An Act for securing the Abkaree revenue of Madras ... Section one.

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## SCHEDULE—continued.

Number and year.	Title.	Extent of repeal.
	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., im- posed by the Supreme Court?, or any other Courts of Justice at Madras and Bombay respectively.	
XXIX. of 1852	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section one.
XI. of 1853	An Act to facilitate the removal of Nuisances and en- croachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven the words "the East India Company as trusteed for"
XX. of 1853	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section one.
V. of 1954	An Act to amend Act No. V. of 1838, relating to the Bengal Bouded Warehouse Association.	Section one.
VII. of 1854	An Act for the apprehension, within the territories un- der the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said Territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdic- tion of the authorities issuing them.	
	An Act to repeal Act No. VI. of 1852; and to make provision for defraying the cost of the Light House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the west of Singapore, and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.	
XVI. of 1854	An Act to amend Regulation XI. of 1831 of the Bengal Code.	Section one.
XVIII. of 1854	An Act relating to Bailways in India	Section thirty-nine
XXIV. of 1854 ,		In section one from and including the words "and every person" to the end of the section In section two the words "after such date."
XXVII. of 1854	An Act to amend the law relating to the Nazim of Ben- gal.	Section one.
XXX. of 1854	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasseum Provinces.	Sections one and twelve.
XXXI. of 1854	An Act to abolish real actions and also fines and com- mon recoveries, and to simplify the modes of convey- ing land in cases to which the English Law is appli- cable.	Section one.
II. of 1855	An Act for the further improvement of the Law of Evidence.	Section seventeen.
	An Act for the regulation of Ports and Port-dues	
XXIV. of 1855	An Act to substitute penal servitude for the punishment of Transportation in respect of European and Ameri- can convicts, and to smend the law relating to the removal of such convicts.	Section sixteen.

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## SCHEDULE-continued.

Number and year.	Tıtie.	Extent of repeal.
	An Act to facilitate the payment of small deposits in Government Savings' Banks to the representatives of deceased depositors.	the marine service of the
XXVIII. of 1855	An Act for the repeal of the Usury Laws	Sections one, seven, eight and schedule.
XXXII. of 1855	An Act relating to embankments	Section one.
	An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an officer to be specially appointed for that purpose.	Section six.
VIII. of 1856	An Act for the better control of the gaols within the Presidencies of Fort St. George and Bombay.	Section one.
XI. of 1856	An Act for the better prevention of desertion by Euro- pean Soldiers from the Land Forces of Her Majesty and of the East India Company in Iudia.	In the title and the preamble words "and of the East I Company."
X11. of 1856	An Act to amend the law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William.	Section one.
X111. of 1856	An Act for regulating the Police of the Towns of Cal- cutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singa- pore and Malacca.	to and including the words "
XX. of 1856	An Act to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars in the Presi- dency of Fort William in Bengal.	down to and including the w
XXI. of 1856	An Act to consolidate and amend the law relating to the Alikaree Revenue in the Presidency of Fort William 'in Bengal.	
III of 1857	An Act relating to trespass by Cattle	Sections one and twenty-two.
IV. of 1857	An Act to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing , thereof in the town of Bombay.	
X. of 1857	An' Act to amend Act XXXVII. of 1955	Section one from the begin down to and including the w "this Act; and"
XIII. of 1857	An Act to consolidate and amend the law relating to the cultivation of the poppy and the manufacture of opium in the Presidency of Fort William in Bengal.	Section one.
XXIX of 1857	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay.	Section one.
	An Act for the levy of Port-dues and fees in the Fort of Calcutta.	down to and including the w "said date."
8	An Act for the levy of Port-dues and fees in the Port of Bombay. An Act relating to the sale of Ganjah in the Presidency of Bombay.	a own to and including the w

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## SCHEDULE-continued.

Number and year.	Title,	Extent of repeal.
XXXV. of 1857	An Act for the levy of Port-dues in the ports of Moul- mein, Rangoon, Kyouk Phyoo, Akyab and Chitta- gong.	Section five from the beginning down to and including the words "said date."
II. of 1858	An Act for the levy of Port-dues in certain ports in the Province of Cultack.	Section five. Section' six from the beginning down to and including the words "said date."
III. of 1858	An Act to amend the law relating to the arrest and de- tention of State Prisoners.	Section one.
VIII. of 1859	An Act for the levy of Port-dues and fees in the Port of Kurrachee.	Section seven. Section eight from the beginning down to and including the words "said date."
XV. of 1858	An Act for the levy of Port-dues m the Port of Aden	Section six from the beginning down to and including the words "said date."
XXVIII. of 1858	An Act for the maintenance of a Police Force for the Port of Madras.	Section eleven.
XXXV. of 1858	An Act to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature.	Section one.
XL. of 1858	An Act for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Beugal.	
I of 1859	An Act for the amendment of the law relating to Mer- chant Seamen.	Section one.
III. of 1859	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for consti- tuting those Officers Registers of Deeds.	
VIII. of 1859	An Act for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter.	In section three hundred and eighty- two the words "in any Couit of Judicature established by Royal Charter or" Section three hundred and eighty-
		вечеп.
X. of 1859	An Act to amend the law relating to the recovery of rent in the Plesidency of Fort William in Bengal.	Sections one and one hundred and sixty-seven.
XI. of 1859	An Act to improve the law relating to sales of land for arrears of revenue u the Lower Provinces under the Bengal Presidency.	Section one.
	An Act to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty.	
XIV. of 1859	An Act to provide for the limitation of suits	Sections eighteen, twenty-one and twenty-three, and, in section mne- teen, the proviso.
1	An Act to amend the law for the realization of revenue from Abkaree in the Island of Bombay.	•
XX. of 1859	An Act for the suppression of outrages in the District of Malabar in the Presidency of Fort Saint George.	Section one.
XXII. of 1859	An Act to amend Act I. of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay).	Section one.

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## SCHEDULE—continued.

Number and year.	- Title.	Extent of repeal.
XXIV. of 1859	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St George.	Sections two and three and the sche- dule down to and including the - words " said clause."
XXV. of 1859	An Act to prevent the overcrowding of Vessels carrying Native passengers in the Bay of Bengal.	Section nineteen.
II. of 1860	An Act to amend the law relating to the carriage of Passengers by Sea.	In section one the words and figures "under Act XV. of 1842," "under Act XXI. of 1844," "under Act XXXI. of 1855."
VIII. of 1960	An Act for regulating the establishment and manage- ment of Electric Telegraphs in India.	
XXIII. of 1860	An Act to amend Act XXI. of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).	Section one, from the beginning down to and including the word 'repealed,' and the schedule.
XXV. of 1860	An Act for the levy of Port-dues in the Port of Bassein.	Section five from the beginning down to and including the words " said date."
XVIII. of 1860	An Act for the establishment and maintenance of boun- dary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	•
XXI. of 1860	An Act relating to the manufacture, importation and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases.	Sections one, fifty-two and fifty-five,
	l'he Indian Penal Code	East India Company, or of any Act for the government of the Indian
LVI. of 1860	In Act to authorize and regulate the emigration of Native labourers to the French Colonies.	Section one,
LVIII. of 1860 2	An Act to amend Act XIII. of 1856 (for regulating the Police of the towns of Calcutta, Madras and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca).	to and including the words (inc
of 1860	An Act to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal.	Section one,
. of 1861	An Act to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter.	The whole,
LIV, of 1861 ,	An Act to remove certain tracts of country in the Robil-I cund Division from the jurisdiction of the tribunals established under the general Regulations and Acts.	n section four the words "shall not call for the futwah of its law officer and" jection seven.
VI. of 1861	An Act for licensing and regulating stage carriages S	
VII. of 1861	In. Act to amend. Act XIV. of 1843 (for regulating the S Customs duties in the North-Western Provinces).	ection three.
1X. of 1861A	an Act to provide for a Government Paper Currency I	down to and including the words "hereinafter provided" ection one.
	I	n section two the words 'After the passing of this Act,' and the words "except the Banks of Ben- gal, Madras and Bombay, up to the said 1st day of March 1862, and'

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## SCHEDULE continued.

<b></b>	Trtle.	Extent of repeal.
XXIII. of 1861	An Act to amend Act VIII. of 1859 (for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter).	Sections and forty the
XXV. of 1861	An Act for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter.	Section four hundred and forty-five except so far as it empowers the Governor General in Council to extend the Act.
IV. of 1862	An Act for regulating the Bank of Bengal	Sections one and forty-two, and th second proviso in section eleven.
XIII. of 1862	An Act to provide for a new Silver and a new Copper Coinage.	l l l l l l l l l l l l l l l l l l l
XX. of 1862	An Act to provide for the levy of Fees and Stamp Du- ties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII. of 1859 in the said High Court.	
XXIII. of 1862	An Act to amend Act XI. of 1852 (to amend the duties of Customs on goods imported and exported by sea):	The whole,
I. of 1863	An Act to define the jurisdiction and to regulate the procedure of the Courts of Civil Judicature in British Barmah, and to provide for the extension of certain Acts to the said territory.	
<b>▼I.</b> of 1863	An Act to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India.	Sections two and two hundred an thirty.
VIII. of 1863	An Act for the amendment of the law relating to the confinement of prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	
XII. of 1863	An Act to bring the Pergunnahs of Mahoba and Jeit- pore, in the District of Humeerpore, under the opera- tion of the General Regulations.	Sections two, three, four, five, six.
XV of 1863	An Act to amend Act I. of 1859 (for the amendment of the law relating to Merchant Seamen).	Section one
XIX. of 1863, ,	An Act to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.	of section two.
XX. of 1863	An Act to enable the Government to divest itself of the management of Religious Endowments.	Section one.
XXIV. of 1863	An Act to amend Act I, of 1863 (to define the jurisdic- tion and to regulate the procedure of the Courts of Civil Judicature in British Bu, mah, and to provide for the extension of certain Acts to the said territory).	Sections four and five
VII. of 1864	An Act for regulating the importation and manufacture of almentary salt in the territories administered by the Chief Commissioner of the Central Provinces.	Section one.
	An Act to give further effect to the provisions of Act IV. of 1863 (to give effect to certain provisions of a Treaty between His Excellency the Ead of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
	An Act to consolidate and amend the laws relating to the	Sections one and eighty-four, a

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## SCHEDULE-continued.

Number and year.	Title.	Extent of repeal.
XXII. of 1864	An Act to make provision for the Administration of Military Cantonments.	Sections two, thirty-seven, and they, schedule.
XXIV. of 1864	An Act relating to the Administration of certain Dis- tricts under the Government of the Lieutenant Go- vernor of the North-Western Provinces.	
XXVIII. of 1864	An Act to provide for the extension of Act XXI. of 1856 (to consolidate and amend the law relating to the Abkarce Revenue in the Presidency of Fort William in Bengal) to the Provinces under the con- trol of the Lieutenant Governor of the Panjab.	
(I. of 1865	An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature.	to and including the words " Pro-
	An Act to amend the procedure of Her Majesty's High Courts of Judicature in the exercise of their original Criminal jurisdiction, and to provide for the exercise of such jurisdiction at places other than the Presi- dency Towns.	and after the date on which this Act shall come into operation," and in sections twenty-two, twenty- three, twenty-four and forty-four, the words "From and after the commencement of this Act," Sections forty-five and forty-siz.
LV- 01 1805	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Section twenty-four.
(V. of 1865	An Act to define and amend the law relating to Mar- riage and Divorce among the Parsees.	In section seven the words "who may be the Registrar appointed under Act XVI. of 1864 (to pro- vule for the registration of assur- ances.)"
	4.2 	In section fifty-three the words "shall commence and take effect on the first day of September 1865, and "
(IX. of 1865	An Act to define the jurisdiction of the Courts of Judi- cature of the Panjáb and its Dependencies.	Sections twenty-four and twenty-file.
X. of 1865	An Act to amend the law relating to Pleaders and Mookhtars.	Section three and the first schedule.
V of 1866	An Act to amend the constitution of the Chief Court of Judicature in the Panjáb and its Dependencies.	Sections forty-five, fifty-two and fifty-four.
of 1866	An Act to provide a summary procedure on Bills of Exchange, and to amend in certain respects the Com- mercial Law of British India.	In section two the words "From and after the first day of May 1866."
Χ. of 1866	The Indian Companies' Act	Sections two hundred and nineteen, two hundred and twenty, two hun- dred and twenty-one, and two hun- dred and twenty-two, and the third schedule.
KI. of 1866	An Act to repeal Act No. IV. of 1855 (for incorporating for a further period, and for giving further powers to the Assam Company).	The mhole
	The Indian Post Office Act, 1866	come into operation on the first day
	The Indian Registration Act, 1865	Section three, and section ninety- eight from the beginning down to and including "notwithstand- ing." Section one hundred and two.

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## SCHEDULE—continued.

Number and year.	Title.	Extent of repeal
XXII. of 1866	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the Cantonments of Secunderabad, Trimulgerry and Aurungabad.	In Section one the words "From and after the passing of this Act."
XXVI. of 1866	An Act to legalize the rules made by the Chief Com- missioner of Oudh for the better determination of certain claims of subordinate proprietors in that Pro- vince.	
XXVII. of 1866	An Act to consolidate and amend the law relating to the convevance and transfer of property in British India vested in mortgagees and trustees in cases to which English law is applicable.	
	An Act to amend the law relating to the custody of pri- soners within the local limits of the original jurisdic- tion of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay.	
XVIII. of 1867	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhánsi Division.	Section two.
XXIV. of 1867	An Act to consolidate and amend the law relating to the office and duties of Administrator General.	Section two and the schedule
XXV. of 1867	An Act for the regulation of Printing-presses and News- papers, for the preservation of copies of books printed in British India, and for the registration of such books.	-
	An Act to repeal Act No. XIX. of 1866 in the places to which the Madras Salt Excise Act, 1867, may be made applicable.	The whole.
XXXV. of 1867	An Act to provide temporary assistance to the Financial Commissioner of the Panjab.	The whole.
III. of 1868	An Act to anthorize the Local Government of the Panjab to invest any person with the powers of an Assistant Commissioner or Tahsildar.	Section three.
VIII. of 1868	An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.	The whole.
XI. of 1868	An Act to exempt Timber and Woods from Import Duty	The whole.
XIII. of 1868	An Act to exempt the King of Oudh from the jurisdic- tion of the Civil Courts, and for other purposes-	Section one
XVI. of 1868	An Act to consolidate and amend the law relating to Principal Sadr Amins, Sadr Amins, and Munsits in Bengal, and for other purposes.	Section one and the schedule.
XVII. of 1868	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.	The whole.
XVIII. of 1868	An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.	Section five.
XIX. of 1868	An Act to consolidate and ar to the law relating to rent in Oudh.	Section two.
XX. of 1868	An Act to give validity to the levy of certain duties in Lucknow.	The whole.
XXIII. of 1868	An Act to give validity to certain Abkárí Rules in Bri- tish Burmah.	In the preamble the words " and to indemnify all officers, farmers, and other persons who bave acted under them, or under any such rules previously published or en- forced under the same outhority." And section two.

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# SCHEDULE-continued.

Number and year.	Title.	Extent of repeal,
V of 1868	An Act to define the jurisdiction of the Courts in Coorg.	Section twenty-four.
VIII, of 1868	An Act to define and amend the law relating to the tenancy of land in the Panjab.	Section four.
of 1869	An Act for the appointment of Justices of the Peace	Section two and the schedule.
of 1869	An Act for the maintenance of the Rural Police in the North-Western Provinces.	Section two.
»f 1869	The Indian Articles of War	Part I., clause (c), paragraphs o two, and three.
of 1869	An Act to amend the law relating to the Emigration of Native labourers.	Sections ten and eleven.
. of 1869	An Act to give validity to certain Rules relating to Forests in British Burmah.	In the preamble the words "and indemnify the officers and ot persons who have acted un them;" Section two,
I. of 1869	An Act further to amend the Code of Criminal Proce- dure.	Section two, paragraph one.
of 1869	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Pre- sidencies of Fort St. George and Bombay.	Section two,
7. of 1869	An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.	Section two and the schedule.
III, of 1869	An Act for imposing Stamp Duties on certain Instruments	Section two and the third schedul
, of 1869	An Act to provide for the good order and discipline of Vo- lunteer Corps, and to invest them with certain powers.	Section three.
II. of 1869	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regu- lations and Acts, and for other purposes.	Sections two and three.
IV. of 1869	An Act to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presi- dency of Bombay.	Section one.
. of 1870	The Court Fees' Aot	Section two and the third schedul

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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The following Act of the Governor General of India in Council received the assent of H<sub>18</sub> Ex-cellency the Governor General on the 5th April 1870, and was promulgated for general infor-mation in the *Gazette of India* Extraordinary on the 6th April 1870.

### Act No. XV. of 1870.

"An Act for the further amendment of Act No. XIX. of 1861.

FOR the purpose of further amending Act No. XIX. of 1861 (to provide for a Government Paper Currency); It is hereby enacted as fol-

lows :--

1. In section four of the said Act the words Amendment of Act No.XIX. of 1861, Section 4 and the mords ( and the words 'who may be the Master of the Mint at Madras and the Master of the Mint at Bombay' shall be repealed.

2. Section ten of the said Act shall be read as Amendment of Section 10. If for the words 'four crores' the words 'six crores' were substituted.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Lyws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the Gazette of India on the 6th April 1870 :--

#### Act No. XVI. of 1870.

-THE INCOME TAX ACT, 1870.

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An Act for imposing duties on Income and Profils.

For the purpose of imposing duties on income and profits arising from Preamble. profes-

sions and trades; it is hereby enacted as follows 1

#### PART I.

#### PRELIMINARY.

1. This Act may be called "The Indian In-come Tax Act": Short title. It extends to the whole

Extent of Act. of British Indía;

It shall be deemed to have come into operation on the first day of April and Commencement 1870, and it shall cease to continuance of Act.

continuance of Act. be in force on the thirty-first day of March, 1871, except as to taxes and penalties then due and incurred thereunder.

2. On and from the said first day of April 1870, the Acts mentioned

in the third schedule here-to shall be deemed to have Repeal of Acts.

been and shall be repealed to the extent specified therein, except as to taxes due under any of such Acts.

The references made in the Court Fees Act, Schedule II, to the Indian Income Tax Act shall be deemed to be made to this Act.

3. In this Act-unless Interpretation clause. there be something repugnant in the subject or context-

"Magistrate" means any person exercising the powers of a Magistrate, or " Magistrate." of a Subordinate: Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace;

"Company" means an Association carrying on business in British Ind a

" Company."

are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not :

	"Firm" includes a Hindu
" Firm."	undivided family :

" Person."

"Person" includes a firm :

"Defaulter" includes a firm making default under this Act: " Defaulter."

In the case of any Company or Municipal or other public Body or Asso-

"Collector." ciation not being a Com-pany, "Collector" means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person charge-able under this Act "Collector" means the Collector of Land Revenue of the place or district at or in which such person resides.

4. Nothing in this Act applies to the pay and allowances of officers, war-

Exemptions from Act. rant officers, non-commissioned officers and privates of Her Majesty's Forces, or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed five hundred rupees per mensem :

or to any moveable or immoveable property solely employed for or dedicated to religious or charitable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act-

5. The Governor General of India in Council may from time to time, by Power to exempt from order, wholly exempt from Act the operation of this Act

the whole or any part of the income and profits of any tribe or class of persons in British India.

The Governor General of India in Council may revoke any such order.

All orders and revocations made under this section shall be published in the Gazette of India.

#### PART II.

#### DUTIES ON OFFICES.

6. A duty of six pies for every Rupee shall be levied in respect of every Duties on offices. office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, annuity or pension paid in Butish India by Government or by a Company or by a Municipal or other public Body or Association not being a Company to any person residing in British India or serving on board a ship traing to and from British Indian ports, whether on account of himself or another person.

7. No income amounting to less than fortyone rupers, ten annas, eight pie per mensem, shall Exemption of incomes less than Rs. 41-10-8 per mensem.

be chargeable under this Part.

8. In the case of every person holding any paid office, employment or · Provision as to Governcommission under Her Ma- 3ment officials. jesty or under the Govern-ment of India, or under any Local Government, -or receiving any annuity or pension from Her Majesty or any such Government,

the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension, at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

In the case of every person holding a paid employment under or re-Provision as to servants ceiving any annuity or of Companies and Munipension. from any Comcipalities. pany, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension, at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as soon as may be after mak-- Payment to Governing such deductions, pay to the credit of the Goment. vernment of India, or as such Government shall from time to time direct, the amount of such dc-ductions, and shall be answerable to such Government for such payment. . /

Every Company, public Body or Association, Treasurer or other officer Idemnity. as aforesaid, is hereby indemnified for all deductions and payments made in pursuance of this section,

The Treasurer, Secretary, or principal Agent or Annual return by Trea- Manager, of every such Company and public Body surer, &c. or Association shall prepare, and, on or before the thirtieth day of April in this year, deliver to the Collector, in such form as may be prescribed by the Governor General of India in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under or receiving a pension or annuity from the Company or Body or Association whose pay or pension or annuity as such amounts to forty-one rupees, ten annas, eight pie per mensem or upwalds, together with the salaries, annuities or pensions payable by the Company or public Body or Association to all such persons respectively.

10. Whenever the full duty leviable under Difference between duty this Act in April 1870 is Difference between duty not deducted at the time of under this Act for April 1870 and daty under Act payment in that month from the pay, annuity or IX. of 1869. pension chargeable therewith, the deficiency shall be deducted from such pay, annuity or pension, at some subsequent time of payment.

whose stock or funds is or

#### COMPANIES.

11. The Treasurer, Secretary or principal Agent or Manager in India of Shipping Companies.

Shipping Companies. every Company shall in the case of a Shipping Company trading between British India and any other country, pay to Govern-ment in respect of one moiety of the nett profits made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up, the duty of six pies in the rupee,

and in the case of every other Company pay to

Other Companies.

Government in respect of the whole of the nett pro-

fits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up the duty of six pies in the rupee,

and shall prepare, and, on or before the thirtieth day of April in this year,

Statement of result of deliver to the Collector accounts. a statement in writing signed by him showing the result of such accounts

(if any). In the case of any Company where no such

accounts as are mentioned. Annual return of nett in this section have been

profits ending on the thirty-first day of March 1870, the Treasurer, Secretary or principal Agent or Manager, of such Company shall prepare, and, on or before the thirtieth day of April in this year, deliver to the Collector a return in writing signed by him, and stating the nett profits made by such ships or by the Company. (as the case may be) during the year ending on the said thirty-first day of March.

Every such Treasurer, Secretary or principal Agent or Manager; is Indemnity. hereby indemnified for all payments made in pursuance of this section.

#### PART IV.

DUTIES ON ALL OTHER INCOME AND PROFITS.

12. A yearly duty in accordance with the Duty on income not first schedule to this Act charged under Part II. or annexed shall be levied Part III. upon all income and profits accruing and arising in British India and not chargeable under Part II. or Part III. of this Act.

The trustee, guardian, curator, or com-Trustees, guardians and mittee of any infant, married woman subject to committees of incapacitated persons to be charged. the law of England, Junatic or idiot, and having the control of the property of such infant, mairied woman, lunatic, or idiot, whether such infant, married woman, lunatic, or idiot resides in British India or not, shall, if the infant, mairied woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such mairied woman if she weie sole, or to such lunatic or idiot if he were capable of acting for himself.

Any person not resident in British India,

Non-residents charged 10 names of their agents,

whether a subject of Her Majesty or not, being in receipt, through an agent, of any income or profits chargeable under this Part shall be chargeable in the name of such agent in the like manner and to the like amount as be would be charged if resident in British India and in actual receipt of such income or profits.

14. Every such trustee, guardian, curator, Trustees or agents of committee or agent shall, persons meapacitated or when required by the non-resident to furnish statements of income or profits with declaration. Collector, deliver a statement signed by him of the amount of the income or profits in respect whereof he is chargeable on account of such infant, mainied woman, lunatic, idiot or non-resident, together with a declaration of the truth of the statement.

15. Receivers or Managers appointed by any Court in India, the Courts Receiver or Manager of Wards, the Adminis-Courts of Wards and the tratois General of Bengal, Administrators General. Madras and Bombay, and the Official Trustees, shall be chargeable under

this Act in respect of all income and profits officially in their possession or under their control. When any trustee, guardian, curator, or 16.

Trustees, Agents, Re- committee, or agent is assessed under this Act in ceivers, &c, may retain duties charged on them. retam such capacity; or when any receiver appointed by any Court,

Court of Wards, Administrator General, or Official Trustee is assessed under this Act in respect of the mcome and profits officially received by him ;

every person and Court so assessed, may, from time to time out of the money coming to his or its possession as such trustee, guardian, curator, committee, or agent, or as such receiver, Court of Wards, Administrator General or Official Trustee, retain so much as shall be sufficient to pay the amount of the assessment.

Every such person and Court is hereby indemni-

fied for every retention and payment made in Indemnity pursuance of this Act 17. In the case of every person chargeable under this Part whose Notice requiring

annual income or profits is or are in the Collector's

opinion two thousand rupees or upwards, the Collector shall,

and in the case of every other person so chargeable,

the Collector may,

returns

serve a notice on him requiring him to fill in a return of his income and profits, or of the income and profits in respect whereof he is chargeable, in the form to be prescribed by the Governor General of India in Council, and specifying the day by which the return is to be made, and the place of the Collector's Office at which the return is to be made.

Every such notice shall be signed by the Collector.

The form of the return shall accompany the notice. 18. Every person on whom such notice is served

shall send to or deliver at the Collector's Office the

Return how made

return duly filled in and signed by him.

A declaration shall be added by such person at the foot of the return, that the profits or income stated therein are trily estimated on all the sources therein mentioned.

19. Every person, when required so to do by a Lists of lodgers and prescribed by the

shall, within the period mentioned in such notice, prepare and deliver to the Collector a list containing, to the best of his belief, the name of every ing, to the best of this period, the hadre of every lodger or inmate resident in his dwelling-house, and of any other persons, loceiving salary or empluments amounting to forty-one rupees, ten annas, eight pie per mensem or upwards, employed in his service, whether resident in such dwellinghouse or not, and the place of residence of such of them as are not resident in such dwelling-house, and also of any such lodger or inmate who has any ordinary place of residence elsewhere, at which he is hable, under this Act, to be assessed, and who desires to be so assessed at such place.

Such lists shall be signed by the persons re-spectively delivering the same, and shall be prepared in the form to be prescribed as aloresaid.

The Collector shall from time to time determine what persons are

Unilector to determine persons chargeable

chargeable under this Part, and the amount that every

such person shall be assessed in accordance with the said Schedule; and in making such assessment iucome exempted under section seven shall be treated as chargeable under this Part,

21. In the case of a person for the first time

Computation when as-sessee become chargeable within year

chargeable becoming under this Part within the year of assessment, the computation shall be

made according to an average of his income and profits for such period as the Collector shall, under the cucumstances, direct.

22. The Collector shall cause a notice to be served on every person chargeable under this Part persons Notice ţo rbargeable. stating-

(1),-The name and the profession, trade, or other source of the income or profits of such person, or of the income and profits in respect of which he is chargeable:

(2).-The year or portion of the year for which the duty is to be paid.

(3) .- The place or places, district or districts, where such income or profits accrues or arise:

(4).-The amount to be paid;

and requiring him within fifteen days from the date of the service to pay such amount

23. Such amount shall be paid to the Collec-

tor, who shall grant a re-Officer to grant receipts. ceipt for such payment to the person making the same :

Provided that, if such income or profits accrues or arise at or in more than one, place or district, the receipt shall be granted and payment made by and to the 'Collector for the place or district at or in which the person mentioned in the notice residee, or (in the case of a firm) at or in which its principal place of business in British India is situate.

Every such receipt shall be signed by the Colloctor granting it, or by such other officer as he shall kim time to time empower in this behalf, and such signature shall be judicially noticed.

24. Every such receipt shall specify-

Contents of receipt. (1).-The name and source or sources of the income or profits of the person by or on whose behalf the duty is paid:

(2) -The year or postion of the year for which the duty is paid :

(3) .- The amount paid, and the date of pay- 1. ment: and

(4) .- The place or places, district or districts where the income or profits accrues or arise; and shall be admissible as prima facie proof of all matters contained therein.

Any person objecting to the amount at 25. which he is assessed, or Petition against asdenying his habilities to sessment.

be assessed, ander this Part, may within the period mentioned in the said notice, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled.

Provided that no person who shall have been served with a notice Proviso. under section seventeen shall be entitled to apply by petition under this section, unless he shall have made the return required in such notice on or before the day therein mentioned, or usless he shall satisfy the Collector that he had a sufficient excuse for not making such return.

The petition shall be in the form contained in the second schedule to Form and serification this Act annexed, or as of petition. near thereto as circumstances admit, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

26. The Collector, shall fix a day for the hearing of the petition, and Hearing of petition. on the day so fixed, or on the day (if any) to which he has adjourned such

hearing, shall hear such petition and pass his order thereon.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the fee on the petition.

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be).

27. Any person dissatisfied with any order Appeal from order on may mittin any order petition.

may, within fifteen days : from the date thereof, on payment of the sum in which he was assessed, or to which his assessment was enhanced, present a petition of appeal to the Commissioner of Revenue

of the Division, whose decision upon such appeal shall be final,

Every petition presented under this section shall

Documents to accompany appeal. be accompanied by a copy of the petition to the Collector, a copy of the Collector, a copy of the

(if any) connected with the case. Neither of such copies shall be chargeable under the Court Fees Act.

When the decision on such appeal is in favour of the petitioner, the value

Return of fees and excess. of the petitionel, the value to the Collector and on his petition of appeal, together with the excess paid by him, or (when the decision is that the petitioner is not chargeable under this Act), the whole sum so paid shall at once be refunded.

28. The Collector or Commissioner may sum-Power to summon mon any person whom he persons to give necessary thinks able to give eviinformation. dence for the purpose of enabling him to determine how the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents m his possession or power relating to the sources of the petitioner's income or profits accruing or arising in British India.

29. Whenever the Collector has reason to be-

Power to issue fresh notice. lieve that, in assessing any person under this Act, any source of income or

profits not specified in the receipt granted to him under section twenty-three has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person stating the amount to be paid in respect of such source, and the provisions contained in sections twenty-two to twenty-eight (both inclusive) shall apply to such notice and regulate the procedure thereunder.

#### PART V.

#### PENALTIES.

30. Every Treasurer, Secretary, or principal Treasurers, &c., failing to make payments or delawer returns. return required by section nine,

or failing to make any payment or to prepare and deliver any statement or return required by section eleven,

and every trustee, guardian, curator, committee, Trustees, &c., failing to deliver statements or declarations. fourteen, shall for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

31. If any person served with notice under Failure to pay amount. of assessment.

specified in the said notice pay the amount required thereby, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such notice : Provided that he has not presented a petition under section twenty-five.

If any such person presents a petition under section twenty-five and does not, within one week from the passing of the order thereon, pay the amount, if any, required by such order, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such order.

On the recovery of the fine from the person so Grant of receipt on-recovery of fine.

ment. Every such receipt shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

1/32. Whoever makes a statement in any decla-

False statements. ration dr'alst, made or delivered, auder section eighteen or nineteen, which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have committed the offence discribed in section one hundred and seventy-seven of the Indian Penal Code,

Whoever makes a statement in any petition presented under section twenty-five which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

33. No person shall be proceeded against for Prosecution to be at pastance of Collector. any offence under section thirty, section thirty-one, or section thirty-two, ex-

cept at the instance of the Collector,

34. All fines imposed under this Act may be recovered, if for offences fines.

cal limits of the towns of Calcutta, Madras or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm or to all or any of the members thereof.

35. In sections one hundred, and ninety-three Sections 193 and 228 and two hundred and of Penal Code to apply to proceedings under this Act. "judicial proceeding" shall be taken to include any proceeding under this Act.

be taken to include any proceeding under this Act.

## PART VI.

#### PAYMENT.

36. All taxes under this Act, except when Tax when payable. they are deducted under section eight or section

nine, shall be payable on the fifth day of April 1870.

#### Instalments.

Provided that the amount so payable may be paid by four equal instalmente: the first instal-

Payment by instalments, ments; the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section twenty-two upon the person paying the same, and the second instalment on the first day of July, the third instalment on the first day of October, and the fourth instalment on the first day of January 1871.

37. When any person pays only such first Death or insolvency of instalment, or first and person paying instalment. first, second and third instalments, and in any of the quarters respectively ending on the thintieth day of June, the thirtieth day of September or the thirty-first day of December, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade (if any) in respect of the profit arising from which he was assessed, or takes the benefit

of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, the amount of the subsequent instalments or instalment shall not be claimable.

When any firm pays only such first instalment,

Firm paying instalment and dissolving partnership or becoming insolvent.

or first and second instalments, or first, second, and third instalments, and in any of the quarters re-

spectively ending on the days last aforesaid dissolves partnership, or takes the benefit of any Act tor the relief of msolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, the amount of the subsequent instalments or instalment shall not be claimable.

38. If the Collector has caused a notice to be served on any person Recovery of subsequent hable to pay the said seinstalment instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so setved does not within that period pay such amount as required by the said notice, he shall, on conviction before a Magistrate, be fined twice the amount so mentioned.

#### Recovery under Revenue-law.

In any case of default under this Act 39. arising outside the local limits of the towns of Cal-Optional recovery under revenue law.

cutta, Madrasor Bombay, the Collector may, if he thinks fit, and if the notice mentioned in sections twenty-two, twenty-ning, or thirty-eight (as the case may be) has been served on the defaulter, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue.

On the recovery of such amount from the defaulter the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section,

#### Payment of Taxes and Fines.

40. All taxes levied and all fines recovered Payment of taxes levied and fines recovered under this Act shall be paid to the credit of the paid to the credit of the Government of India, or this Act.

from time to time direct.

as such Government shall

PART VII.

MISCELLANEOUS. 2 41. All or any of the powers and duties con-

Powers of Collector and Commissioner under this Act may be excreised by other officers.

ferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such

other officers or persons as the Local Government, shall from time to time appoint in this behalf. 42. · Service of any notice under this Act shall

Service of notices.

be made by delivering or tendering a copy thereof

under the signature of the Collector. Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof. When such person or member cannot be found,

the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

When any Company or film has several 43. places of business in the Power to declare printerritories subject to difcipal place of business. ferent Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any Com-pany has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government' shall have power to declare which of them shall, for the 'purposes of this Act, be deemed to be the principal place of business.

When any person has several places of residence in the territories subject to different Local Go-Power to declare residence. vernments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor General of India in Council or the Local Government, as the case may he, shall from time to time appoint in this behalf.

44. The Governor General of India in Council may from time to time Governor General in prescribe forms for the Council empowered to prescube forms. returns, notices, and lists hereinbefore mentioned.

All such forms shall be published in the Gazette of India.

45. The Governor Genneral of India in Council Governor General in may from time to time . Council empowered to make rules consistent with make rules. this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the powers given by this section so far as regards the territories subject to such Government.

#### 288 ĸ

#### SCHEDULE I.

Persons whose annu or profits shall be	al income assessed at						_				
not less than	Rs.	500	but at 1	ess that	n Rs.	750 sl	hall ba	w Rs	19	8	6)
	itto "	750	37	"	,,	1,000	,,	.,	27	•	~
		1,000	,,			1,500	,,	,.	39	Ű.	0
	itto "	1,500	79	,,		2,000	,,	、 <i>"</i> ,	54	0	Ō
Ditto di	ito "	2,000		•••	•••	•••	S1 X	pies in	the r	upeo	е.

#### SCHEDULE II.

Form of Petition under Sectio 1 25.

Stamp	
eight annas,	

TO THE COLLECTOR OF

The

day of

187

#### SHEWETH-

lst.—That under the Indian Income Tax Act your petitioner has been assessed in the sum of twenty-seven rupees for the year commencing the first day of April 187 .

The petition of A. B. of

2nd.—That your petitioner's income and profits accruing and arising from [here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise] for the year ending the thirty-first day of March last were rupees . as will appear from the documents marked presented here-

with, and to which your petitioner claves leave to refer.

3rd.—That your petitioner has no other source of income or profits, and has no reason to believe that his income and profits during the year commencing the first day of April 187 will exceed the said sum of rupees

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the fee on this petition may be refunded [or that he may be declared not to be chargeable under the said Act, and that the value of the fee on this petition may be refunded.] (Signed) A. B.

Form of Verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and behef.

(Signed) A. B.

#### SCHEDULE III.

#### Enactments Repealed.

Number and Year.	Title of Act.	Extent of Repcal		
Act No. IX. of 1869 Act No. XXIII. of 1869 .	The Indian Income Tax An Act to enhance the duties levi- able under the Indian Income Tax Act.	The whole.		
Act No. VII. of 1870	The Court Fees Act	In section thirty-two the words "And the Indian Income Tax Act, section twenty, shall be read as if for the words 'the value of the said stamp' the words 'the fee on the petition' were substituted." In the second schedule, No. nine, the words "section twenty-one."		

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laus and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th April 1870, and was promulgated for general information in the Gazette of India Extraordinary of 6th April 1870:---

#### Act No. XVII of 1870.

An Act to amend the Law relating to Customs Duties,

WHEREAS it is expedient to amend the Law relating to the duties of Customs on goods imported and exported by sea; It is hereby enacted as follows:---

1. This Act may be called "The Indian Cus-Short title. toms Duties' Act, 1870."

2. Act No. XVII. of 1867 (to amend the Law relating to Customs Duties)

Repeal of Acts. and Act No. XII. of 1869 (to amend the law relating to Customs Duties) are hereby repealed.

3. There shall be levied and collected, in every

b. There share to the port in British India, the Duties specified in Schedules to be levied. Schedules annexed to this Act; and all articles, other than those specified in the said Schedules respectively, shall be dutyfree: Provided that nothing herein contained shall be taken to affect Act No. XX- of 1867 (to authorize the transshipment, without payment of duty, of goods imported into Calcutta, Madras, and Bombay by Steamers), or Act No. II. of 1868 (to alter the rate of duty leviable on pepper exported from Cochin), or to alter the existing duties upon Salt, and Opium,

4. Section twenty-seven of the Consolidated Construction of section 37 of Consolidated Customs Act. Act. Act. Act. 4. Section of section Act. Act. 4. Section of the Consolidated Customs Act. 5. Section of the Covernor of Section of the Governor General of India in Coancil," 5. The following words were substituted; (that is to say), "for which a specific value is not fixed by the Indian Customs Duties' Act, 1870.;" but, save as aforesaid, nothing lierein contained shall be construed to affect the provisions of the Censolidated Customs Act.

5. The Governor General of India in Council may from time to time, by adutable goods. poses of this Act the value of any goods exported of imported by sea on which duties of customs are hereby imposed.

### SCHEDULE A

## " IMPORT TARIFF.

šo.	Description of Article.	Value on which Duty is assessed.	Rate of Duty
1 2	APPAREL, INCLUDING HABBRDASHERV, MILLINERV, &C Arms, Ammunition, and Military Stores Gunpowder, common	Ad valorim. 0.5 per lb.	Seven and a-half per cent. Seven and a half per cent except as regards Militar and other Regulatio Uniforms and Accoutre
	Fire-Arms and parts of ditto All other sorts, including Military Ac- coutrements, Uniforms, &c BEADS AND FALSE PEARLS-	,	ments when imported fo private use by persons i the Public Service, which are free.
	Beads China , Common , Ruby of all sizes , Seed , Small, Scarlet and Red , Coral (false) Moorzun	28 0 " 0 12 per lb. 0 10 "	
	All other sorts of false Corals and Beads Pearls, false, Bajeia Boria Jouria Nathia Tachea Wattanah All other sorts. CABINET-WARE	Ad valorem. 5 0' per lakh. 1 0 per thousand: 8 0 per lakh. 0 6 per thousand. 0 12	Seven and a half per cent.

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No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	· · · · · · · · · · · · · · · · · · ·	Rs. A.	
5	CANDLES, WAX, COMPOSITION, AND OTHER kinds-		]
	Candles, Wax Paraffine	1 0 per lb. 0 8	
	" Spermaceti	08,, 05,,	
6 7	CARRIAGES CLOCKS, WATCHES, AND OTHER TIME- KEEPERS	Ad valorem. Ad valorem:	
8	Coffee	30 0 per cwt.	Seven and a-half per cent
9	Other places Corals, BEAL Corks.	20 0 " Ad ralorem." I 8 per gróss.	
10 11	Cotton-	C Starte 1	
	Thread- Sewing Thread, White and Coloured	0 fi per ib.	
	" In reels, or on cards of one hundred yards (and provato	1 x+8 "	1
	above and below)* ,, Goa and Country	2 4 per gross reel.	
	Twist	0 6 per lb.	h
	Nos. 16 to 24 25 to 32	0 9 <i>n</i> 0 10 <i>n</i>	
	33 to 42 43 to 52	0 12 ,,	
	53 to 60 No. 70	0 14 <i>"</i> 0 15 <i>"</i>	
	80 90		
	100 110 120	1 2 "	>Three and a-half per cent-
	and one anna additional for every count of ten above No. 120.		
	Water, No. 20	0 10 ,, 0 11 ,,	
	40	0 13 " 0 15 "	
	Above 50	1 2 "	}
	Turkey Red Twist, all kinds* Twist, Orange, Red and other Colours*	1 6 per lb. } 0 15 " J	Three and a-half per cent *Duty to be charged on the Grey weight of the Colour ed Yarn; when not ascent tainable, the actual what
	Piece Goods		weight or invoice weigh to be taken.
	Grey— Mulls		
	Jaconets exceeding $10 \times 10$ to the quarter inch.	1 1 per jb. 0 13	1
	Shirtings, Mydapollams and Prints Long Cloths, Jeans, Domestics.	0 11 "	Five per cent.
	Sheetings, Drills and T. Cloth Other sorts Cotton Rope Cotton Goods—other kinds	0 9 ", Ad valorem, 25 0 per cwt.	}

\* Exceeding this length to be charged in proportion.

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		Value of mhich Date of	
No.	Description of Article.	, Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
12	Drugs and Medicines-		
	Acid, Sulphuric	0 3 per 1b.	
	Alkali, Country (Sajee Khar)	2 0 per ewt.	
	Aloes, Black	10 0 <sup>11</sup> 25 0 <sup>11</sup>	
	Alum	38 "	
	Arsenic	25 0 3	
	" China Munseel Assafætida (Bing)	55, 0 <b>1</b>	
	"Coarse (Hingra)	10 0	
	Brimstone, Flour	70,	
	, Roll	6 0 <i>"</i>	
	Camphor, Bhimsing (Barras)	4 8	
	" Refined cake	65 0 per cwt,	
	"Crude in powder	50 V	
	Casia Lignea	38 0 " Ad valorem.	
	Copperas, green	2 8 per cwt.	
	Quinine	Ad valorem.	
	Sal Ammoniac Salep	22. 0 per cwt 60 0 ,	
	Senna Leaves	60 "	Seven and a-half per cer
	All other sorts	Ad valorem."	,
13	DYEING AND COLOURING MATERIALS-	i in in	
	Gallnuts, Country, Myrabolam	1 12, per 16. 3 0 per cwt,	f }
	, Persian	35 0 "	
	Gamboge Wood	20 0 ,,	
	Madder or Munjeet	o n	
	Saffron, Europe	16 0 per lb.	
	" Meadow, Seorunjun	10 Oper cwt	
	" Persian	12 0 per lb. 5 0	
	,, In cakes or lumps	50 " 38 per cwt	
	Aniline Dyes	0 8 per oz,	
	All other sorts	Ad valorem.	
14	FIREWORKS-	30 0 per box of	
	China	1333 [bs.	
	Other sorts	Ad valorem.	
15	FLAX, MANUFACTURES OF-		
	Piece Goods Other sorts, including linen thread	Ad valorem. Ad valorem.	ā per cent
16	FRUITS AND VEGETABLES-	• '	
	Almonds without shell	25 0 per cwt	<b>] }</b> .
-	, with shell	10 0 " 10 0 "	
	Cajoo kernels Cocoanuts	10 0 " 30 0 per thousand	
	" kernel (Copra)	9 8 per cwt-	
	Currants, Europe	35 0 "	Seven and a-half per ce
	" Persian Dates, dry, in bags		5 5 F
	wet, in bags	30 "	
	", in pots	60 n 1	
	Figs. Europe	42 0 ». 6 0 ••	
	" Persian, dried	a u "	
	Pistachio Nuts	14. 0	
	Prunes, Bussorah	12 0	! }

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	2	88-°P	-
No.	Description of Article.	Value on which Duty is assessed,	E 12 E Rate of Duty.
	FRUITS AND VEGETABLES-(continued.)	Rs. A.	
	Raisins, Black, Persian Gulf, Red Sea, and Khismis	12 0 per cwt.	
	" Monocka, Persian Gulf and Red Sea	7.0. ".	
	" Malaga and Bloom	0 · 10 per lb. · · · · · · · · · · · · · · · · · · ·	•
	Walnuts, Akroot	5 O per cwt	
	Prunes, Éurope Other sorts, except Bidmiskh and Bu- zarbuttoo Nuts, which are free		
17	GLASS AND GLASS-WARE- Bangles, Glass, China, Gilt	10 · 0 per 100 pairs.	
	", not Gilt	5 0 per cwt.	, 1 °
	" China, of all colours	32 0 per 1833 lbs. 32 0 per 100 supl.	
	es est of sizes	5. 0. per 100. supl.	
	Glass and Glass-ware of all other sorts, ex- cept Bottles, which are free	* · · · · · · · · · · ·	
18	Gums	10 0 per cwt.	
	" Arabic " Bdellium, common Gum	16 0 ····	
	"Benjamin	33 · 0 · · · ;;   12 · 0 · · · ;;	
	" Copal " Frankincense, or Olebanum	65. 0 ,,	
	" Gambier (or Kino) " Myrrh " Persian (false)	8 0, 24. 0, 3. 0,	Seven and a-half per cent.
	, Rosin All other sorts	12. 0	• • • • • • • • • • • • • • • • • • •
19	GROCERIES NOT OTHERWISE DESCRIBED.	Advalorem,	
20	HIDES AND SKINS-		
	Border Hides, prepared Buffalo Hides, Country, Tanned Calf Skins	89. 0 per score.	
	Chamois Skins Cow Hides, Country, Tanned	6 0	
	Rhinoceros Leather Other sorts	40 0 per cwt. Ad valorem.	
	INSTRUMENTS, Musical	Ad valorem.	
22	Ivory and Ivory-wars – Elephants' Grinders'	16. 0-per cwt.	
	Tusks above 20 lbs. Tusks 10 lbs. and not exceeding 20 lbs. Tusks under 10 lbs.	225. 0	
	upwards	225. 0	
	Ivory, Manufactures of	Ad valorem.	
23	JEWELLERY, INCLUDING PLATE		
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are first	2····	
	which are free	Ad valoren.	5

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	No	Description of Article.	Value on which Duty 18 Assessed.	Rate of duty.
2	24	LEATHER AND MANUFACTURES OF-	Rs. A.	
,		Leather Boots and Shoes	Ad valorem.	Seven and a-half pei cent.
	25	Liquor— -	•	
		Ale, Beer and Porter Cider and other fermented Liquors } Spirits	••••	One anna per Impenal Gallon. Three Rupess the Impenal Gallon and the duty to be rateably increas- ed as the strength exceeds London Proof. Provided that ten per cent. ad valo- rem shall be charged on all spirits used exclusively in Arts and Manu- factures, or in Chemistry, subject to such Rules as the Local Govern- ments shall for time to time pre- scribe, for ascertaining that such spirits are suffit for use as a beve- rage and meapable of being con- verted to that purpose And the officer in charge of the Custom House, subject to the general in- structions of the Local Govern- ment, shall deedge what spirits fall within the provisio, and his decision
		Wines Champagnes, Sparkling Wines and Li- queurs	\$ \$ \$ \$	thereon shall be final in law. 1-8 per Impl. Gal. or 6 Qt. Bottles. 1-0 per ditto.
	26	Matches-		, T
	20	Lucifer and all other sorts	Ad valorem.	h J
	27	Mats, Floor Matting, China, of all sorts		
	28	Metals, Unwrought, Wrought, and Manufactures of		
		Brass Beads, Goognee, China , Old , Sheets, rolls, very thin Copper, Australian Cake , Bolt , Brazier's , China Cash , Japan , Nails and Composition Nails , Nails and Composition Nails , Japan , Sheet, Sheathing and Plate , Tiles, Ingots, Cakes and Bricks. , China, White Copper-ware , Foil, Dauk-pana, China , Europe All other kinds , Beams, Pillars, Girders and Bridge-	0 12 per thousand. 35 0 per cwt. 80 0 41 0 43 0 43 0 28 0 44 0 40 0 40 0 40 0 40 0 1 4 per lb. 3 0 per book of 100 leaves. 4 0 Ad valorem. Ad valorem.	
		"Flat, Square and Bolt, including Scotch	Ad valorem.	One per cent.

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No	Description of Article.	Valu	e on which Duty 18 Assessed.	Rate of Duty.
<u> </u>		Rs.	А.	
i	METALS, &C.,—continued.		-	
	Iron, Hoop, Plate and Sheet	100	0 per ton.	h
	Nails, Rivets and Washers	10	0 per cwt.	
	Nail, Rod		0 per ton.	
	Old	2	8 per cwt.	1
	" Pig " Rod, round, British, under half inch	40	0 per ton.	
	diameter	105	0 "	One per cent.
	" Rod, Round, British, exceeding half			
1	inch diameter	80	0 "	
	", Swedish, flat and equare	120	0 m	· ·
	" Rice Bowls	3 1	0 per set of 10. 8 per set of 6.	
	Galganized		alorem.	К
	", Other sorts, except Anchors, Cables			
	and Kentledge, which are free.		lorem.	
	Lametta, Double reels	4		{ <b>}</b>
ļ	", Single ",	2	4 ,, 0 non out	
	Lead, Pig	10 13	0 per cwt. 8	
	,, Pipes	16	0	4
	" Sheets (other than thin sheets for	-	-	
	Tea Canisters, which are free)	12	0 "	
	Ore Galena		0 , 1001	
	Gold leaf, Europe Mock Gold Leaf		0 per 100 leaves 0 per 20 books.	
	Oisidue or Brass Leaves, foreign		o per 20 books.	-
	Europe	1	4 per lb.	
1	China	1 A	12',,	
	Patent or Yellow Metals, Sheathing and			
	Sheets and Bolts	35 30	0 per cwt.	
	Quicksilver	1	0 per lb.	
	Shot, Bird	15	0 per cwt-	
	Spelter Nails		8 11	Seven and a-half per cer
	" Plate and other shapes		·0 "	
	" Sheet or Zinc Sheathing Steel, blistered	15 9	0 »·	
	, British	9	0 ',ï	
	,, Cast	25	0 ,,	
	" Spring	10	0,,	
	", Swedish Tin Block	· 10	0 "	
	Plates	45 12	0 "	
	Wire, Brass		8 per lb.	
	, Common Iron, Nos. 1 to 40	9	N per cwt.	1.
	" Copper	U	10 per lb.	<b>1</b> .
	Other sorts, including Hardware, Iron- mongery, and Cutlery, but excluding		• •	
	Machinery, the component parts there-		1	
	of, and Agricultural Implements, which		- 1	
	are free	Ad v	ulorem.	
29	NAVAL STORES-		,	
			,	
	Cables, coir, tarred.		0 per cwt.	۱) <sup>-</sup>
	Canvas, Country, Cotton	50	0 "	
	", Europe Sail, not exceeding forty yards	15	A non helt	Five per cent.
	Coir Rope, Maldive and Laccadive	15	0 per bolt. 0 per cwt.	К
	, rarn of all kinds	9	0 "	
	Condage, fiemp, Europe		0 ",,	Seven and a-half per cer
	m Manila	20		

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No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
	NAVAL STORES-continued.	Re. A.	
		(per barrel	6
		not exceed-	
	Pitch, American and Europe		
		4 8 and pro rata above and	
	Tan American	Lbelow.	
	Tar, American	13 0 6.8 Ditto ditto	
	", Swedish and Archangel	14 0	
	Twine, Europe, Sail, All other sorts, except Oakum, which is	0.8 per lb.	
	free	Ad valorem.	
30 4	Oils-	· ·	
	Cardamom	10.0 per 16.	
	Cassia	40'.,,	
	Cinnamon, Ceylon	10, 0 ,, 20 0 per cwt.	> Seven and a -half per cent.
	Earth	10 0	
	Grass	2 0 per lb.	
	Jingelee or Teel	. 20 .0 per ewt.	
	and Shale Oils of all descriptions	1 12 per Impl. gal.	. <b>1</b>
	Linseed, Country	18 0 per cwt.	
	" Europe Naphtha	2 4 per Impl. gal. 30 0 per cwt.	
	Otto, of sorts	20 0 per ounce.	ĺ,
1	Sandalwood	8 0 per lb.	
	Turpentine	20 0 per cwt. 2 0 per Impl. gal.	
	Whale and Fish	15 .0.per cwt.	1
	Wood All other sorts, except Cocum and Slush	15.0 "	
	Fat, which are free	Ad valorem.	Ĵ.
31	OIL AND FLOOR CLOTH	Ad vulorem.	Five per cent.
32	PAINTS, COLOURS, AND PAINTERS' MATE-	2 ··· ·	
	RIALS-		
	Ochre, all Colours	19 0	
	Composition Paint and Patent Driers	30 0,	
	Prussian Blue, China	0.8 per lb.	
	""Europe? Red Lead	1 8. "	
	Turpentine	2. 0 ner. Impl. gal.	
	Verdigris Vermillion, Canton	75 0 per cwt.	
i	Macao Macao	30 0. 90 bundles.	Seven and a half ner cent
		12 U DEF EWL	A South and a light per cent.
	All other sorts, including Brushes	Ad valorem.	
33 ·	PERFUMERY-		
	Atary, Persian	15 0 per cwt.	1
	Rose water	I 12 per Impl. gal.	
	All other sorts	Ad valorem.	
34	PHOTOGRAPHIC APPARATUS AND MATE-	Ad nalorem	
35	RIALS	Ad valorem.	Five per cent.
36	PORCELAIN AND EARTHEN-WARE	Ad valorem.	$\mathbf{j}$
37	PROVISIONS AND OILMAN'S STORES-	í	
"	PROVISIONS AND OILMAN'S STORES- Bacon in Canisters, Jowls and Cheeks.	0 9 per lb. [cwt.	> Seven and a-half per cent.
	Beef	f 60 0 per tierce of 3	

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 (0,	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
•- -	PROVISIONS AND OILMAN'S STORES-contd.	Rs. A.	
1	Cheese Fish Maws "Sozille and Singally, small Flour	0 10 per lb. 50 0 per cwt. 6 0 " 25 0 per barrel or sack of 200 lbs.	
	Ghee	$\begin{cases} 36 & 0 \text{ per cwt.} \\ 0 & 8 \text{ per lb.} \\ 50 & 0 \text{ per tierce of} \\ 3 \text{ cwt. and} \end{cases}$	
	Shark Fins	34 0 per barrel of 2 cwt- 20 0 per cwt.	Seven and a-half per cent.
	Tongues, salted Vinegar in wood, Europe Vinegar in wood, Persian Vinegar in wood, Country All other sorts, except Biche. de men Butter and Salted Fish, which are free	1 8 per Impl. gal. 0 12 ,, 0 6 ,,	
38	RAILWAY MATERIALS	Ad valorem.	. One per cent. One per cent. Seven and a-half per cent.
9	RATTANS AND CANES Canes, Malacca	7 .0 per cwt.	
0	SEEDS Anchuchuck Anise, Europe Assalta Cajoo Castor Cummin Black Esubgool Linseed Methee Mustard Quince Seed or Badana Rape or Sursee Sawjeerah Tookmeria All other sorts, excepting Seeds imported by any Public Society for gratuitous distribution, which are free	$\begin{array}{cccccccccccccccccccccccccccccccccccc$	Seven and a-half per cent.
1	SHELLS- Chanks, "large shells," for Cameos " White, live " " dead Cowdas, Mozambique and Zanziban " from other places Cowries Bazaar, common Małdive Sunkley Yellow, superior quality	10 0 per hundred. 6 0 " 3 0 " 3 0 " 10 8 " 4 0 per cwt. 16 0 " 40 0 "	
	Mother o'Pearl Tortoise Shell , Nuck	8 0 ** 6 0 per lb.	

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No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	· · · · · · · · · · · · · · · · · · ·
42	SILK	۲.	
	Floss Raw, Charon and Cochin-China	A 0'	J
	Mathew,	1 12 ".	
	" other kinds of China	70	Seven and a-half per co
•	" Punjum and Cutchra	1 12	
	" Siam	40	
	Sewing Thread, China	80 " Ad valorem.	
	Silk Piece Goods of soits	Ad valorem.	Five per cent.
43	SOAP	Ad valorem.	<u>]</u> .
44	SPICES-		
	Aloe Wood	.3 0 per lb.	
	Aniseed Star	ไ เช่าด้	
	, all other kinds	7 Oper out	
	" in husk Cassia Buds, Nagkessur, China	2 0 per thousand.	
	Chillies, dried	8 O nor ouif	
	Cloves	12 0 "	
	,, in Seeds, Nurlavong	8 0 ,, 0 9 per lb.	
	, false	10 0 per cwt.	
	Nutmegs	0 10 per lb.	
	,, wild	12 0 per cwt.	
	Pepper, Black and Long	14 0 "	Seven and a-half per c
	All other kinds	Ad valorem.	
45	STATIONERY OTHER THAN PAPER	Ad valorem.	
46	SUGAR AND SUGAR-CANDY-	*	
	Sugar-Candy, China		
	,, Loaf	23 0 " 12 0 "	
	All other sorts of Saccharine produce	Ad valorem."	
47	Теа	1 0 per lb.	
48	TIMBER AND WOODS		*
10	Manufactures of, including also Pipes,		-
	Stave and Casks	Ad valorem.	J
49	Товассо		
	Manufactured	Ad valorem. Ad valorem	Ten per cent
-	Articles such as pipes, &c., used in con-	23 G FULLOI EM.	<b>,</b>
	sumption of	Ad valorem.	
50	TOYS AND REQUISITES FOR ALL GAMES	Ad valorem.	
51	UMBRELLAS	e e e e e e e e e e e e e e e e e e e	Seven and a-half per c
	Cotton, Steel Ribs	0 13 each.	
	" Cane Ribs	0.11 "	
	, China Paper Kettisals		Ŋ
52	Woollen Goods-		
-	Piece Goods	Ad valorem.	Five per cent.
	Braid Other sorts	Ad valorem.	Seven and a-half per o
	1 Annor Borns second	17	1

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## SCHEDULE B.

## EXPORT TARIFF.

No.	Description of Article.	Value on which Duty 18 Assessed.	Rate of Duty.
		Rs. A.	· · · ·
	· · · · ·	H.S. A+	<i>i</i> 1
1	INDIGO	**	Three Rupees per maund
ı	;	· , /· · /	Three Annas per maund
2	GRAIN OF ALL SORTS	,	
3	LAC-	28 0 per cwt.	b
	Button	45 0 "	
	Seed	20 0 "	Four per cent.
	Shell	28 0 "	from per centi
	Stick	16 0 "	
	, Other soits	Ad valorem.	
4	Oils-		
4	Castor	16 0 per cwt.	
	Cocoanut	20 0 "	
	Fish	15 0 ,,	
	Glass	2 0 per lb.	
	Jingeely or Teel	20 0 per cwt.	
1	Linseed		{ [
1	Mhowa	10 0	
	Mustard	20 0	
	Rape or Sursee	16.0 "	
	Sandalwood	8 0 per lb.	
	Other sorts	Ad valorem.	
5	Seeds-		
	Castor Seed (Erundee)	4 8 per cwt	
1	Coriander Seed	40,	
	Cummin Seed	12 0 "	
	"Black (Caleejeera)	50 "	
	Ground Nuts, with shell	50 ,, 60 ,,	
	Jingeely or Teel Seed	e o i	
	Linseed	50 m	
	Methee Seed	50 "	<u>}</u>
	Mustard Seed	48 "	
	Poppy Seed	58 "	Three per cent.
	Rape or Sursee Seed	.4 .8 "	
	Other sorts	Ad valorem.	
6	COTTON GOODS-		
	Piece Goods-	20.0	1 5
	Battahş Gurrah	30 0 per score. 20 0	11
	Kharwah	95 0 "	
	Mamoodie	32 0 n	
	Mirzapore Chintz	15 0 ,	11
	Patna	30 0 "	11
	Shans Tunicah Ondh	40 0 .,	\$ <b>}</b>
	Tunjceb, Oudh	26 0 17 ···	1
	Other sorts Twist, Country, No. 10	Ad valorem.	
	", », No. 20	0 7 per lb. 0 9	
	17 17 No. 30	010 "	{ <b>{</b>
	" Hand Spun	0 5	
	All other kinds of Cotton Goods	Ad valorem.	
7	HIDES AND SKINS, TANNED-	•	
	Hides-		11
	Buffaloe, Country, tanned	70 0 per score.	1 F

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## EXPORT TARIFF-continued.

No.	Description of Article.	Value on which Duty 18 Assessed.	Rate of Duty
	HIDES AND SKINS, TANNED-continued	Re. A.	
8	Skins Goat and Sheep Lamb Any other sorts of Hides and Skins SPICES Aloe Wood Betelnut, in husk Cardamoms in large bastaid Chilhes, dried Ginger, dry (rough) Malabar , , , , , Bengal gengal (scraped) Pepper Tumeric All other sorts	5       0       ",         Ad valorem.         3       0 per lb.         2       0 per l,000.         200       0 per cwt.         40       0         8       0         10       0         7       0         15       0         5       0	Three per cent.

WHITLEY STOKES,

Secretary to the Council of the Governor Géneral for making Laws and Regulations.

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#### THE



# Bombay Government Gazette.

### Jublished by Juthority.

THURSDAY, 9TH JUNE 1870.

🕼 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

## PART IV.

#### LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 27th May 1870.

No. 3.

The following Act applies to India, and is hereby published for general information:-

33 VICTORIA, CAP. 3.

An Act to make better provision for muking Laws and Regulations for certain parts of India, and for certain other purposes relating thereto.

(25th March 1870).

Whereas it is expedient, that provision should be made to enable the Governor General of India in Council to make regulations for the peace and good government of certain territories in India, otherwise than at meetings for the purpose of making Laws and Regulations held under the provisions of the Indian Councils' Act, 1861, and also for certain other purposes connected with the Government of India:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spinitual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Every Governor of a Presidency in Council, Lieutenant-Governor, or Chief Commissioner, whether Power to Executive Government of British India to make regulations for certain parts thereof. together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his government or administration to which the Secretary of State for India shall from time to time by resolution in Council declare the provisions of this section to be applicable from any date to be fixed in such resolution.

And the Governor General in Council shall take such drafts and reasons into consideration; and when any such draft shall have been approved of by the Governor General in Council, and shall have received the Governor General's assent, it shall be published in the *Gazette of India* and in the local *Gazette*, and shall therenpon have like force of law and be subject to the like disallowances as if it had been made by the Governor General of India in Council at a meeting for the purpose of making laws and regulations.

ıv.—89

The Secretary of State for India in Council may from time to time withdraw such power from any The Secretary of Glate is Andre Andre Secretary of Governor, or Chief Commissioner, on whom it has been conferred, and may from timeto time restore the same as he shall think fit.

2. The Governor General shall transmit to the Secretary of State for Indiatin. Councili an authentic: Copies of regulations to be sent to opy of every regulation which shall have been made under the provisions.

Secretary of State ...

Copies of regulations to be sent to becretary of State. Subsequent enactments to control. egulations. regulations. and supersede any regulation in anywise repugnant thereto. which shall have been made under the sameprovisions.

3. Whenever the Governor General in Council shall hold'a meeting for the purpose of making laws and regulations at any place within the limits of any territories now or hereafter Licutenant-Governors and Chief Complaced under the administration of a Lieutenant-Governor or a Chief Com-missioners to be members ex-officio of the Governor General's Council for the purpose of making laws and regulations missioner, the Lieutenant-Governor or Chief. Commissioner respectively shall be ex-officio an additional member of the Council of the Governor

General for that purpose, in excess (if necessary) of the maximum number of twelve specified by the said Act... 4: Section forty-nine of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, is hereby

Sec 49 of 3 and 4 W. 4; c; 85, re-pealed. repealed.

Whenever any measure shall be proposed before the Governor General of India in Council whereby 5. the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor Procedure in case of difference be-tween the Governor General and the General, essentially affected, and he shall be of opinion either that the majority of his Council. measure proposed ought to be adopted and carried' into execution, or that it ought to be suspended or rejected, and the majority in Council then present shall dissent from such opinion, the Governor General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the members of the Council shall have recorded on the subject.

Whereas it is expedient that additional facilities should be given for the employment of natives of Power to appoint natives of India to India, of proved merit and ability, in the civil service of Her Majesty in certain offices without certificate from India: Be it enacted, that nothing in the "Act for the Government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, the Civil Service Commissioners. or in the "Act to confirm certain appointments in India, and to amend the law concerning the civil service there," twenty-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments-are or may be made to offices, places, and employments in the civil service of Her Majesty in India from appointing any mative of India to any such office, place, or employment, although such native shall not have been admitted to the said: civil service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules as may be from time to time prescribed by the Governor General in Council, and sanctioned by the Secretary of State in Gouncil, with the concurrence of a majority of members present; and that for the purpose of this Act the words "natives of India" shall include any person born and domiciled within the domions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only, and that it shall be lawful for the Governor General in Council to define and limit from time to time the qualification of natives of India thus expressed; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla,



# Bombay Government Gazette.

# Published by Authority.

THURSDAY, 21st JULY 1870.

13 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

### ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and was promulgated for general information in the *Gazette of India* on the 9th July 1870:--

### Act No. XVIII. of 1870.

An Act to enable the Government of India to exempt Goods from Customs Duties,

For the purpose of enabling the Governor Preamble General of India in Council to exempt goods from duties of customs; It is hereby enacted as follows :--

1. The said Governor General in Council may from time to time, by power to exempt from

customs duties. customs duties. goods imported or exported into or from British India, or into or from any specified port or place therein, fiom the whole or any part of the duties of customs to which they are hable under the Indian Customs Duties Act, 1870, or any other law for the time being in force relating to such duties,

Power to cancel exemption. and may, by like notification, cancel any such exemption.

### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations. IV, -90 The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and was promulgated for general information in the *Gazette of India* on the 9th July 1870.—

### Act No. XIX. of 1870.

An Act to enable the Directors of the Banh of Bengal to act by a quorum.

WHEREAS section thit teen of the Act for regulating the Bank of Bengal (No

Preamble. IV. of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authouse such business to be managed by a less number; and whereas it is expedient to provide that such business may be managed by a quorum; It is hereby enacted as follows: --

1. The said section shall be construed as if Amendment of Act IV of 1862, section 13. quorum and" were inserted.

2. No act heretofore done by a number of the Valuation of acts of said Directors less than Directors. and Directors less than nive shall be deemed invalid by reason only of its having been done by such less number.

### WHITLEY STOKES.

Secretury to the Council of the Governor General for making Laws and Regulations. The following Act of the Governor General of India in Council received the assent of His Ex<sub>7</sub> cellency the Governor General on the 5th July 1870, and was promulgated for general information in the Gazette of India on the 9th July 1870:--

### Act No. XX. of 1870.

An Act to correct two clerical errors in the Court Fees' Act, 1870.

Fon the purpose of correcting two clerical errors in the Court Fees' Act, Preamble. 1870; It is hereby enacted as follows:--

,

1. Section fifteen of the said Act shall be read as if for the words "plaint or 1870, section 15, and Schedule I., No. 2 and in Schedule I. to the said Act annexed, Num-

ber two shall be read as if the words "or mcmo randum of appeal" were omitted therefrom.

### WHITLEY STOKES,

Sccretary to the Council of the Governor General for making Laws and Regulations. [Published with the "Bombay Government Gazette" of the 28th July 1870].

# PART IV.

# ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and was promulgated for general information in the *Gazette of India* on the 9th July 1870:--

### Act No. XVIII. of 1870.

An Act to enable the Government of India to exempt Goods from Customs Duties.

For the purpose of enabling the Governor Preamble General of India in Council to exempt goods from duties of customs; It is hereby enacted as follows :- 1. The said Governor General in Council may, Power to exempt from customs duties. goods imported or exported into or from British India, or into or from any specified poit or place therein, from the whole or any pait of the duties of customs to which they are hable under the Indian Customs Duties Act, 1870, or any other law for the time being in force relating to such duties,

Power to cancel exemption and may, by like notification, cancel any such exemption.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations. The following Act of the Governor General of India in Council received the assent of Ilis Excellency the Governor General on the 5th July 1870, and was promulgated for general information in the Gazette of India on the 9th July 1870:---

### Act No. XIX. of 1870.

### An Act to enable the Directors of the Banh of Bengal to act by a quorum.

WHEREAS section this teen of the Act for regulating the Bank of Bengal (No.

Preamble. IV. of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorise such business to be managed by a less number; and whereas it is expedient to provide that such business may be managed by a quorum; It is hereby enacted as follows :--

1. The said section shall be construed as if Amendmont of Act IV of 1862, section 13. Quorum and" were inserted.

2. No act heretofore done by a number of the Validation of acts of Directors. •valid by reason only of its having been done by such less number.

### WHITLEY STOKES,

Secretury to the Council of the Governor General for making Laws and Regulations. The following Act of the Governor General of India in Council received the assent of His  $F_{x-}$ cellency the Governor General on the 5th July 1870, and was promulgated for general information in the Gazette of India on the 9th July 1870:—

Act No. XX. of 1870. An Act to correct two clerical errors in the Court Fees' Act, 1870. Fon the purpose of correcting two clerical errors

Preamble. Preamble. Preamble. 1870; It is hereby enacted as follows :--- 1. Section fifteen of the said Act shall be read as if for the words "plaint

Corrections of Act VII. of 1870, section 15, and Schedule I, No 2 and in Schedule I. to the said Act annexed, Number two shall be read as if the words "or memorandum of appeal" were omitted therefrom.

### Whitley Stokes,

Secretary to the Council of the Governor General for making Laws and Regulations.

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Bycullaty, -90 c

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# Bazette. Bomban

Bublished by Authority.

THURSDAY, 4TH AUGUST 1970.

UF Separate paging is given to this Parts in order that it may be filed as a separate compilation.

# PART IV.

# ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th day of July 1870, and was promulgated for general information in the Gazette of India of 23rd July 1870 :-

### Act No. XXI. of 1870.

An Act to regulate the Wills of Hindús, Jainas, Sikhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.

WHEREAS it is expedient to provide rules for the execution, attestation, re-Preamble.

Preamble. vocation, revival, inter-pretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the territor es subject to the Lieutenant-Governor of Bengal and in the towns of Madias and Bombay; It is hereby enacted as follows:-

- This Act may be called "The Hindú Wills Short title. Act, 1870." I.
- 2. The following portions of the Indian Succession Act, 1865, namely,-

Certain portions of Succession Act extended to wills of Hindús, Jamas, Sikhs and Buddhists.

sections forty-six, fortyeight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventyseven (both inclusive),

sections eighty-two, eighty-three, eighty-five, eighty-eight, to one hundled and three (both inclusive),

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sections one hundred and six to one hundred and seventy-seven (both inclusive),

sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive),

sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive),

so much of Parts XXX. and XXXI. as relates to grants of probate and letters of administration with the will annexed, and

Parts XXXIII. to XL. (both inclusive), so far as they relate to an executor and an administrator with the will annexed,

shall, notwithstanding anything contained in. section three hundred and thirty-one of the said Act, apply-

(a) to all wills and codicils made by any Hin-

Extent of Act. dú, Jaiua, Sikh or Bud-dhist on or after the first day. of September one thousand eight hundred and seventy, within the said territories or the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and

(b) to all such wills and codicils made outside those territories and limits, so far as relates to immoveable property situate within those territories or limits :

3. Provided that marriage shall not revoke any such will or codicil: Provisos.

And that nothing herein contained shall authorise a testator to bequeath property which he

And that nothing herein contained shall vest in the executor or administrator-with the will annexed of a deceased person any property which such person could not have alienated inter vivos :

And that nothing herein contained shall affect any law of adoption or intestate succession :

And that nothing herein contained shall authorise any Hindú, Jaina, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one, thousand eight hundred and seventy.

4. On and from that day section two of Bengal Regulation V. of 1799

Partial repeal of Bengal Regulation V. of 1799, section 2.

shall be repealed so far as relates to the executors of persons who are not Muhammadans, but are subject to the jurisdiction

of a District Court in the territories subject to the Lieutenant-Governor of Bengal.

5. Nothing contained in this Act shall affect the

Saving of rights of Administrator General.

rights, duties, and privileges of the Administrators General of Bengal, Madras, and Bombay, respectively.

6. In this Act and in the said sections and Parts of the Indian Suc-Interpretation-clause.

cession Act all words de-

fined in section three of the same Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as

the said section three has attached to such words respectively :--

And in applying sections sixty-two, sixty-three. ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three and one hundred and eighty-two of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child," and "children," shall be deemed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or natural-born, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son.

And in making grants' under this Act of letters of administration with the will annexed, or with a copy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words " and in case the Hindú Wills Act had not been passed" were added thereto; and section one hundred and ninety-eight of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills Act had not been passed" were inserted; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words " if the Hindá Wills Act had not been passed" were added thereto, respectively.

### Whitley Stokes,

Secretary to the Council of the Governor General for making Laws and Regulations. 294 a

[Published with the "Bombay Government Gazette" of the 4th August 1870].

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and was promulgated for general information in the Gazette of India on the 9th July 1870:-

### Act No. XVIII. of 1870.

An Act to enable the Government of India to exempt Goods from Customs Duties.

For the purpose of enabling the Governor Preamble. from duties of customs; It is hereby enacted as follows :- 1. The said Governor General in Council may, Power to exempt from customs duties. goods imported or exported into or from British India, or into or from any specified port or place therein, from the whole or any part of the duties of customs to which they are liable under the Indian Customs Duties Act, 1870, or any other law for the time being in force relating to such duties,

Power to cancel exemption. and may, by like notification, cancel any such exemption.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 5th July 1870, and was promulgated for general information in the Gazette of India on the 9th July 1870:--

### Act No. XIX. of 1870.

An Act to enable the Directors of the Bank of Bengal to act by a quorum.

WHEREAS section thirteen of the Act for regulating the Bank of Bengal (No. Preamble.

Preamble. IV. of 1862) declares that the business of the said Bank shall be managed by nine Directors, but does not authorise such business to be managed by a less number; and whereas it is expedient to provide that such business may be managed by a quorum; It is hereby enacted as follows : --

1. The said section shall be construed as if Amendment of Act IV. of 1862, section 13. quorum and" were inserted.

2. No act heretofore done by a number of the Validation of acts of said Directors less than Directors. Naving been done by such less number.

WHITLEY STOKES,

Secretury to the Council of the Governor General for making Laws and Regulations. The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General'on the 5th July 1870, and was promulgated for general information in the *Gazette of India* on the 9th July 1870:—

Act No. XX. of 1870.

,

An Act to correct two clerical errors in the Court Fees' Act, 1870.

Fon the purpose of correcting two clerical errors in the Court Fees' Act, Preamble. 1870; It is hereby enacted as follows :-- 1. Section fifteen of the said Act shall be read as if for the words "plaint of 1870, section 15, and Schedule I., No. 2 and in Schedule I. to the said Act annexed, Number two shall be read as if the words "or memorandum of appeal" were omitted therefrom.

### WHITLEY STOKES,

Sceretary to the Council of the Governor General for making Laws and Regulations.

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla. IV.—91 c

[Published with the "Bombay Government Gazelte" of the 11th August 1870].

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th day of July 1870, and was promulgated for general information in the Gazette of India of 23rd July 1870:-

### Act No. XXI. of 1870.

An Act to regulate the Wills of Hindús, Jainns, Sikhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.

WHEREAS it is expedient to provide rules for the

Preamble. 

- 1. This Act may be called "The Hindú Wills Short title. Act, 1870."
- 2. The following portions of the Indian Succession Act, 1865, namely,-

Certain portions of Succession Act extended to wills of Hindúa, Jainas, Sikhs and Buddhists.

IV.-91 d

sections forty-six, fortyeight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventyseven (both inclusive),

sections eighty-two, eighty-three, eighty-five, eighty-eight, to one hundred and three (both inclusive),

sections one hundred and six to one hundred and seventy-seven (both inclusive),

sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive),

sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive),

so much of Parts XXX. and XXXI. as relates to grants of probate and letters of administration with the will annexed, and

Parts XXXIII. to XL. (both inclusive), so far as they relate to an executor and an administrator with the will annexed,

shall, notwithstanding anything contained in section three hundred and thirty-one of the said Act, apply-

(a) to all wills and codicils made by any Hin-Extent of Act. dú, Jaina, Sikh or Buddhist on or after the first day of September one thousand eight hundred and seventy, within the said territories or the local limits of the ordinary original civil jurisduction off the High Courts of Judicature at Madras and Bombay; and

(b) to all such wills and codicils made outside those territories and limits, so far as relates to immoveable property situate within those territories or limits:

3. Provided that marriage shall not revoke any Provisos, such will or codicil:

And that nothing herein contained shall authorise a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any right of maintenance of which, but for section two of this Act, he could not deprive them by will:

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated *inter vivos*:

And that nothing herein contained shall affect any law of adoption or intestate succession:

And that nothing herein contained shall authorise any Hindú, Jaina, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one thousand eight hundred and seventy.

4. On and from that day section two of Ben-Partial repeal of Bengal Regulation V. of 1799, section 2. Mubammadans, but are subject to the jurisdiction of a District Court in the territories subject to the Lieutenant-Governor of Bengal.

5. Nothing contained in this Act shall affect the Saving of rights of Administrator General. Madras, and Bombay, respectively.

6. In this Act and in the said sections and Interpretation-clause. Parts of the Indian Succession Act all words defined in section three of the same Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as the said section three has attached to such words respectively :--

And in applying sections sixty-two, sixty-three, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three and one hundred and eighty-two of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child," and "children," shall be deemed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or naturalborn, of a child whether adopted or naturalborn; of a child whether adopted or naturaland the expression "daughter-in-law" shall be deemed to include the wife of an adopted son.

And in making grants under this Act of letters of administration with the will annexed, or with a eopy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words "and in case the Hindú Wills Act had not been passed" were added thereto; and section one hundred and ninety-eight of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills Act had not been passed" were inserted; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills Act had not been passed" were added thereto, respectively.

# WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS; Byculla

[Published with the "Bombay Government Gazette" of the 11th August 1870].

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th day of July 1870, and was promulgated for general information in the *Gazette of India* of 23rd July 1870:---

### Act No. XXI. of 1870.

An Act to regulate the Wills of Hindús, Jainns, Sukhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.

WHEREAS it is expedient to provide rules for the execution, attestation, re-

Preamble. vocation, revival, interpretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the territories subject to the Lieutenant-Governor of Bengal and in the towns of Madras and Bombay; It is hereby enacted as follows:--

- 1. This Act may be called "The Hindu Wills Short title, Act, 1870."
- 2. The following portions of the Indian Succession Act, 1865, namely,---

Certain portions of Succession Act extended to wills of Hindús, Jamas, Sikhs and Buddhists.

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sections forty-six, fortyeight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventyseven (both inclusive),

sections eighty-two, eighty-three, eighty-five, eighty-eight, to one hundred and three (both inclusive),

sections one hundred and six to one hundred and seventy-seven (both inclusive).

sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive),

sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive),

so much of Parts XXX. and XXXI. as relates to grants of probate and letters of administration with the will annexed, and

Parts XXXIII. to XL. (both inclusive), so far as they relate to an executor and an administrator with the will annexed,

'shall, notwithstanding anything contained in section three hundred and thirty-one of the said Act, apply—

(a) to all wills and codicils made by any Hin-Extent of Act.

day of September one thousand eight hundred and seventy, within the said territories or the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and

(b) to all such wills and codicils made outside those territories and limits, so far as relates to immoveable property situate within those territories or limits:

3. Provided that marriage shall not revoke any Provisos. such will or codicil:

And that nothing herein contained shall authorse a testator to bequeath property which he could not have alienated *inter vivos*, or to deprive any persons of any light of maintenance of which, but for section two of this Act, he could not deprive them by will:

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated inter vivos:

And that nothing herein contained shall affect any law of adoption or intestate succession:

And that nothing herein contained shall authorise any Hindú, Jama, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one thousand eight hundred and seventy.

4. On and from that day section two of Ben-Partial repeal of Bengal Regulation V. of 1799, section 2. Muhammadans, but are subject to the juisdiction

Muhammadans, but are subject to the julisdiction of a District Court in the territories subject to the Lieutenant-Governor of Bengal.

5. Nothing contained in this Act shall affect the Saving of rights of Admunistrator General. Madras, and Bombay, respectively.

And in applying sections sixty-two, sixty-three, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three and one hundred and eighty-two of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child," and "children," shall

be deemed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or naturalborn, of a child whether adopted or natural-born; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son.

And in making grants under this Act of letters administration with the will annexed, or with a -copy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words " and in case the Hindú Wills Act had not been passed" were added thereto; and section one hundred and ninety-eight

of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills Act had not been passed" were inserted; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills Act had not been passed" were added thereto, respectively.

### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

[Published with the "Bombay Government Gazette" of the 18th August 1870].

# PART IV.

### ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th day of July 1870, and was promulgated for general information in the Gazette of India of 231d July 1870 :---

#### Act No. XXI. of 1870.

An Act to regulate the Wills of Hindús, Jainas, Sikhs and Buddhists in the Lower Provinces of Bengal and in the towns of Madras and Bombay.

WHEREAS it is expedient to provide rules for the execution, attestation, re-Preamble.

Preamble. vocation, revival, inter-pretation and probate of the wills of Hindús, Jainas, Sikhs and Buddhists in the territories subject to the Lieutenant-Governor of Bengal and in the towns of Madras and Bombay; It is hereby enacted as follows :--

- This Act may be called "The Hindú Wills" 1. Act, 1870." Short title.
- The following portions of the Indian Suc-2. cession Act, 1865, namely,-

Certain portions of Succession Act extended to wills of Hindús, Jainas, Sikhs and Buddhists.

sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventyseven (both inclusive),

sections eighty-two, eighty-three, eighty-five, eighty-eight, to one hundred and three (both inclusive),

sections one hundred and six to one hundred and seventy-seven (both inclusive),

sections one hundred and seventy-nine to one hundred and eighty-nine (both inclusive),

sections one hundred and ninety-one to one hundred and ninety-nine (both inclusive),

so much of Parts XXX. and XXXI. as relates to grants of probate and letters of administration with the will annexed, and

Parts XXXIII. to XL. (both inclusive), so far as they relate to an executor and an administrator with the will annexed,

shall, notwithstanding anything contained in section three hundred and thirty-one of the said Act, apply-

(a), to all wills and codicils made by any Hindú, Jaina, Sikh or Bud-Extent of Act. dhist on or after the first

day of September one thousand eight hundred and seventy, within the said territories or the local 1v.--91 e

limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Madras and Bombay; and

(b) to all such wills and codicils made outside those territories and limits, so far as relates to immoveable property situate within those territories or limits :

3. Provided that marriage shall not revoke any such will or codicil. Provisos.

And that nothing herein contained shall au-thorise a testator to bequeath property which he could not have alienated inter vivos, or to deprive any persons of any light of maintenance of which, but for section two of this Act, he could not deprive them by will:

And that nothing herein contained shall vest in the executor or administrator with the will annexed of a deceased person any property which such person could not have alienated inter vivos:

And that nothing herein contained shall affect any law of adoption or intestate succession :

And that nothing herein contained shall authorise any Hindú, Jaina, Sikh or Buddhist to create in property any interest which he could not have created before the first day of September one thousand eight hundred and seventy.

On and from that day section two of Ben-gal Regulation V. of 1799 4. Partial repeal of Bengal Regulation V. of 1799, sec-tion 2. shall be repealed so far as relates to the executors of persons who are not Muhammadans, but are subject to the jurisdiction of a District Court in the territories subject to

the Lieutenant-Governor of Bengal.

5. Nothing contained in this Act shall affect the rights, duties, and pri-Saving of rights of Advileges of the Administraministrator General. tors General of Bengal, Madras, and Bombay, respectively.

6. In this Act and in the said sections and. Parts of the Indian Suc-Interpretation-clause. cession Act all words defined in section three of the same Act shall, unless there be something repugnant in the subject or context, be deemed to have the same meaning as , the said section three has attached to such words respectively :-

And in applying sections sixty-two, sixty-three, ninety-two, ninety-six, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three and one hundred and eighty-two of the said Succession Act, to wills and codicils made under this Act, the words "son," "sons," "child," and "children," shall

- 4

be decmed to include an adopted child; and the word "grand-children" shall be deemed to include the children, whether adopted or naturalborn, of a child whether adopted or naturalborn; and the expression "daughter-in-law" shall be deemed to include the wife of an adopted son.

And in making grants under this Act of letters of administration with the will annexed, or with a. copy of the will annexed, section one hundred and ninety-five of the said Succession Act shall be construed as if the words " and in case the Hindú Wills Act had not been passed" were added thereto; and section one hundred and ninety-eight of the said Succession Act shall be construed as if, after the word "intestate," the words "and the Hindú Wills Act had not been passed" were inserted; and sections two hundred and thirty and two hundred and thirty-one of the said Succession Act shall be construed as if the words "if the Hindú Wills Act had not been passed" were added thereto, respectively.

# WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.



# Bombay Government Gazette.

# Published by Zutharity.

THURSDAY, 25TH AUGUST 1870.

KS Scparate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

### LEGISLATIVE DEPARTMENT.

### NOTIFICATION.

Simla, the 10th August 1870,

No. 4 .- The following Statute affects British India, and is hereby published for general information :--

33 VICTORIA, CAP. 14.

An Act to amend the Law relating to the legal condition of Aliens and British Subjects.

#### [12th May 1870.]

Whereas it is expedient to amend the law relating to the legal condition of aliens and British Subjects: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Sphitual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:--

Short title.

1. This Act may be cited for all purposes as "The Naturalization Act, 1870."

# Status of Aliens in the United Kingdom.

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided—

- (1) that this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, paliamentary, or other franchise:
- (2) that this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him:
- . (3) that this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.

-3. Where Her Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State who have been naturalized as British subjects of their status as such subjects, it shall be lawful for. Her Majesty, by Order in Council, to declare that such be lawful for. Her majesty by Order in Council, to declare that such

cases. convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows: that is to say, if the declarant be in the United Kingdom in the presence of any justice of the peace, if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer m the diplomatic or consular service of Her Majesty.

4. Any person who by reason of his having been born within the dominions of Her Majesty is a natural-born subject, but who also at the time of his birth became under

How British-born subject may cease the law of any foreign State a subject of such State, and is still such subject, may, if of full age and not under any disability, make a declara-

tion of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of Her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

Ahen not eatitled to jury de medietate Innguæ. 5. From and after the passing of this Act, an alien shall not be entitled to be tried by a jury de mcdietate linguæ, but shall be triable in the same manner as if he were a natural-born subject.

6. Any British subject who has at any time before, or may at any time after the passing of this Act, Capacity of British subject to renounce allegiance to Her Majesty. The main any foreign State and not under any disability voluntarily become naturalized in such State, shall from and after the time of his so having become naturalized in such foreign State, be deemed to have ccased to

be a British subject and be regarded as an alien : Provided-

- (1) that where any British subject has before the passing of this Act voluntarily become naturalized in a foreign State and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration hereinafter referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign State in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.
- (2) A declaration of British nationality may be made, and the oath of allegiance be taken as follows: that is to say, if the declarant be in the United Kingdom in the presence of a justice of the peace; if elsewhere in Her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of Her Majesty's dominions in the presence of any officer in the diplomatic or consular service of Her Majesty.

### Naturalization and resumption of British Nationality.

7. An alien who, within such limited time before making the application hereinafter mentioned at may Certificate of naturalization. be allowed by ore of Her Majesty's Principal Secretaries of State, either

Certificate of naturalization. Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of Her Majesty's Principal Secretaries of State for a certificate of naturalization.

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such Secretary of State may require. The said Secretary of State, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegnance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect. The said Secretary of State may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of queting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall 'not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An a ien who has been naturalized previously to the passing of this Act may apply to the Secretary of State for a certificate of naturalization under this Act, and it shall be lawful for the said Secretary of State to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

8. A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions

Certificate of re-admission to British nationality. and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of Her Majesty's

Principal Secretaries of State for a certificate hereinafter referred to as a certificate of re-admission to British nationality, re-admitting him to the status of a British subject. The said Secretary of State shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of re-admission to British nationality has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a Bitish subject; with this qualification, that within the limits of the foreign State of which he became a subject he shall not be deemed to be a Bitish subject unless he has ceased to be a subject of that foreign State according to the laws thereof, or in pursuance of a treaty to that effect.

The jurisdiction by this Act conferred on the Secretary of State in the United Kingdom in respect of the grant of a certificate re-admission to British nationality, in the case of any statutory alien being in any British possession, may be exercised by the Governor of such possession; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

9. The oath in this Act referred to as the oath of allegance shall be in the form following: that is to say, -- "I

Form of oath of all<sup>‡</sup>guance. "I Queen Victoria, her heirs and successors, according to law. So help me GOD."

#### National status of married women and infant children.

National status of married women and infant children. 10. The following enactments shall be made with respect to the national status of women and children :---

- (1) A married woman shall be deemed to be a subject of the State of which her husband is for the time being a subject :--
- (2) A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage, shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of re-admission to British nationality in manner provided by this Act:
- (3) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the State of which the father or mother has become a subject, and not a British subject:
- (4) Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents:
- (5) Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdont, every child of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject.

### Supplemental Provisions.

Regulations as to registration. 11. One of Her Majesty's Principal Secretaries of State may by regulation provide for the following matters:--

# The form and registration of declarations of British nationality:

- (2) The form and registration of certificates of naturalization in the United Kingdom :
- (3). The form and registration of certificates of re-admission to British nationality:
- (4) The form and registration of declaration of alienage:

(1)

(5) The registration by officers in the diplomatic or consular service of Her Majesty of the births and deaths of British subjects who may be born or die out of Her Majesty's dominions, and of the marriages of persons married at any of Her Majesty's embassies or legations:

- The transmission to the United Kingdom for the puppose of registration or safe keeping, or of (6) being produced as evidence of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this Act.
- (7) With the consent of the Treasury the imposition and application of fees in respect of any 1egistration authorized to be made by this Act, and in respect of the making any declaration. or the grant of any certificate authorized to be made or granted by this Act.

The said Secretary of State, by a further regulation, may repeal, alter, or add to any regulation previously made by him in pursuance of this section.

Any regulation made by the said Secretary of State in pursuance of this section shall be deemed to be within the powers conterred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not, so fat as respects the imposition of fees, be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possession in which any Act or Ordinance to the contrary of or inconsistent with any such direction may for the time being be in force.

12. The following regulations shall be made with respect to Regulations as to evidence. evidence under this Act :-

- Any declaration authorized to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a time copy by one of Her Majesty's Principal Secretaries of State, or by any person anthonized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned:
- A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majer-(2)ty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate:
- A certificate of re-admission to British nationality , may be proved in any legal proceeding by (3)the production of the original certificate, or of any copy thereof certified to be a true copy by one of Her Majesty's Principal Secretaries of State, or by any person authorized by regulations of one of Her Majesty's Principal Secretaries of State to give certified copies of such certificate :
- (4) Entries in any register authorized to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of Her Majesty's Principal Secretaries of State, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said Secretary of State authorized to be inserted in the register.
- The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of (5) State, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

### Miscellaneous.

Saving of letters of denization.

Nothing in this Act contained shall affect the grant of letters 13. of denization by Her Majesty.

Saving as to British ships.

patriation.

Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

14.

15. Where any British subject has in pursuance of this Act be-Saving of allegiance prior to excome an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

16. All laws, statutes, and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges, or any of the privileges

Powers of colonies to legislate with respect to naturalization.

of naturalization, to be enjoyed by such person within the limits of such possession shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner, and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in

17. In this Act, if not inconsistent with the context or subject-Definition of terms. matter thereof,-

"Disability" shall mean the status of being an infant, lunatic, idiot, or married woman:

- "British possession" shall mean any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act.
  - "The Governor of any British possession" shall include any person exercising the chief authority in
  - "Officer in the Diplomatic Service of Her Majesty" shall mean any Ambassador, Minister, or Chargé d'Affaires, •or Secretary of Legation, or any person appointed by euch Ambassador, Minister, Charge d'Affaires, or Secretary of Legation to execute any duties imposed by this Act on an Officer in the Diplomatic Service of Her Majesty;

"Officer in the Consular Service of Her Majesty" shall mean and include Consul-General, Consul, Vice-Consul, and Consular Agent, and any person for the time being discharging the duties of Consul-General, Consul, Vice-Consul, and Consular Agent.

### Repeal of Acts mentioned in Schedule.

18. The several Acts set forth in the first and second parts of the schedule annexed hereto shall be wholly repealed, and the Acts set forth in the third part of the said schedule shall be repealed to the extent therein mentioned: provided that Repeal of Acts. the repeal enacted in this Act shall not affect-

(1) any right acquired or thing done before the passing of this Act :

(2) any liability accruing before the passing of this Act:

- (3) any penalty, forfeiture, or other punishment incurred, or to be incurred, in respect of any offence committed before the passing of this Act :
- (4) the institution of any investigation or legal proceeding or any other remedy for ascertaining or enforcing any such liability, penalty, forfeiture, or punishment as aforesaid.

### SCHEDULE.

Note -Reference is made to the repeal of the "whole Act" where portions have been repealed before, in order to preclude henceforth the necessity of looking back to previous Acts.

This Schedule, so far as respect Acts prior to the reign of George the Second, other than Acts of the Irish Parliament, refers to the edition prepared under the direction of the Record Commission, initialed "The Statutes of the Realm : printed by Command of His Majesty King George the Third, in pur-snance of an Address of the House of Commons of Great Britain. From original records, and authentic manuscripts."

PART I.
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#### Acts wholly repealed other than Acts of the Irish Parhament.

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Date.	Title
7 Jas 1, c. 2	An Act that all such as are to be naturalized or restored in blood shall first receive the Sacrament of the Lord's Supper, and the oath of allegiance, and the oath of supremacy
11 Will. 3, c. 6 (a)	An Act to enable His Majesty's natural-born subjects to inherit the estate of their ancestors, either lineal or collateral, notwithstanding their father or mother were aliens.
13 Geo. 2, c. 7	An Act for naturalizing such foreign Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty's colonies in America.
20 Geo. 2, c. 44	An Act to extend the provisions of an Act made in the thirteenth year of His present Majesty's reign, intituled "An Act for naturalizing foreign Plotestants and others therein mentioned, as are settled or shall settle in any of His Majes- ty's colonies in America, to other foreign Protestants who conscientiously scruple the taking of an oath."
13 Geo. 3, c. 25	An Act to explain two Acts of Parliament,—one of the thisteenth year of the reign of His late Majesty, "for naturalizing such foreign Protestants and others, as are settled or shall settle in any of His Majesty's colonies in Ame- rica," and "the other of the second year of the reign of His present Majesty, "for naturalizing such foreign Protestants as have served or shall serve as officers or soldiers in His Majesty's Royal American regiment, or as engineers in America."
14 Geo. 3, c. 84	An Act to prevent certain inconveniences that may happen by bills of natu- ralization.
16 Geo. 3, c. 52	An Act to declare His Majesty's natural-born subjects inheritable to the estates of their ancestors, whether lineal or collateral, in that part of Great Britain called Scotland, notwithstanding their father or mother were aliens.
6 Geo 4, c. 67	An Act to alter and amend an Act passed in the seventh year of the reign of His Majesty King James the First, intruled "An Act that all such as are to be naturalized or restored in blood shall first receive the Sacrament of the Lord's Supper, and the oath of allegiance, and the oath of supremacy."
7 & 9 Vic., c 66	An Act to amend the laws relating to aliens.
	An Act for the naturalization of aliens.

IV.---93

(a) 11 & 12 Wm. 3. (Ruff)

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### PART II.

# Acts of the Irish Parliament wholly repealed.

Date.	Title
14 & 15 Chas. 2, c 13	An Act for encouraging Protestant strangers and others to inhabit and plant in the Kingdom of Iteland.
2 Anne, c. 14	An Act for natoralizing of all Protestant strangers in this kingdom.
19 & 20 Geo. 3, c. 29	the second
23 & 24 Geo 3, c. 38	An Act for extending the provisions of an Act passed in this kingdom in the nineteenth and twentieth years of His Majesty's reign, intituled "An Act for naturalizing such foreign merchants, traders, artificers, artizans, manu- facturers, workmen, seamen, farmers, and others as shall settle in this kingdom."
36 Geo. 3, c 48	An Act to explain and amend an Act, intituled "An Act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others who shall settle in this kingdom."

### PART III.

### Acts partially repealed.

Date	Title.	Extent of repeal.
4 Geo. 1, c. 9	An Act for revising, continuing, and amend- ing several statutes made in this kingdom heretofore temporary.	So far as it makes perpetual the Act of 2 Anne, c. 14.
6 Geo. 4, c. 50	An Act for consolidating and amending the laws relative to jurors and juries.	The whole of section 47.
3 & 4 Will. 4, c. 91	An Act consolidating and amending the laws relating to jurors and juries in Ireland.	The whole of section 37.

### WHITLEY STOKES,

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Secretary to the Council of the Governor General for making Laus and Regulations.

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### Bomban (Bazette. printiput

# Published by Authority.

THURSDAY, 15th SEPTEMBER 1870.

K Separate paging is given to this Part, in order that it may be filed as a separate computation.

# PART IV.

### ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th August 1870, and was promulgated for general information in the Gazette of India on the 3rd September 1870:-

### Act No. XXII. of 1870.

### An Act to confirm certain laws affecting European British Subjects.

WHEREAS the Governors of the Presidencies of

Fort St. George and Bom-Preamble bay in Council, and the Lieutenant Governor of Bengal in Council have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts ; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras, and Bombay; and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council: For the purpose of removing such doubts it is hereby enacted as follows:--

1. Every such Act passed by the Governor of Configuration of the Presidency of Madras in local Acts so far as Council, or by the Governor of regards Europ Butish subjects. European the Presidency of Bombay in Butish subjects. Council, or by the Lieutenant-Governoi of Bengal in Council, shall, so far as regards the hability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been passed by the Governor General of India in IV.--94

Council at a meeting for the purpose of making Laws and Regulations.

Acts conferring summary jurisdiction over offences to apply to European British subjects

2. Unless there be something repugnant m the context, all Acts heretofore or hereafter passed by the Governor General in Council, which confer summary jurisdiction over

offences, shall be deemed to apply to European British subjects, although such persons be not . expressly referred to therein.

3. Act No. XVIII. of 1859 (to amend the law Amendment of Act No XVIII of 1859, Sections 1, 2 and 4

relating to offences declared to be punishable on conviction before a Magnatrate) shall be construed

as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inserted.

4. Nothing in this Act shall be taken to au-Saving of limits of thorize a Magi-trate to exceed Magistrates' ordinary jurisdiction. the limits of his ordinary jurisdiction as to the amount of punishment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

5. All Magistrates and other persons are hereby indemnified for any Indemnity-clause. thing done before the passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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### PART IV.

# ACTS PASSED BY THE GOVERNMENT OF INDIA.

12.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th September 1870, and was promulgated for general information in the Gazette of India on the 10th September 1870 :---

### Act No. XXIII. of 1870.

### THE INDIAN COINAGE ACT, 1870.

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An Act to consolidate and amend the law relating to Coinage and the Mint.

Whereas it is expedient to consolidate and amend the law relating to coinage and the mint ; Preamble. It is hereby enacted as

follows :----

### 1.-Preliminary.

Short title. .

1. This Act may be called "The Indian Coinage Act, 1870."

2. The Regulations and Acts mentioned in the Schedule hereto annexed Repeal of enactments. are repealed.,

3. In this Act, the expression " Mint" includes the Mints at Calcutta,

In terpretation clause

at Bombay, and at such other places (if any) as

the Governor General in Council, by notification in the Gazette of India, from time to time, directs: the expression ' Mint-rules' means such rules as

the Governor General in Council from time to time prescribes for the management of the Mint; and the expression 'remedy' means variation

from the standard weight and fineness.

" II.-Gold Coinage. tioned gold coins only 1 1 shall be comed at the Gold coms. Mint :~

(1)-A gold mohur or fifteen-rupee piece. (2)-A five-rupee piece, equal to a third of a gold mohur.

(3)-A ten-supee piece, equal to two-thirds of a gold mohur.

-4 thuty-rupee piece or a double gold (4)mohur.

The standard weight of the said gold mohur Ĩ,

shall be one hundred and Their weight and fineeighty grains Troy, and its standard fineness shall \*\* ess

he as follows :- eleven-twelfths or one hundred and sixty-five grains of fine gold, and one-twelfth or thireen grains of alloy.

The other gold coins shall be of proportionate weight and of the same fineness:

Provided that in the making of gold coins a

remedy shall be allowed Remedy allowed. of an amount not exceeding two thousandths in weight and two thou-

sondths in fineness. III.-Silver Coinage.

The undermentioned silver coins only 6 shall be coined at the Silver coms Mint :---

A rupee to be called the Government (1)rupee.

A halt rupee. (2)

(3) A quarter supee, or four-anna piece.

(4) An eighth of a rupee, or two-anna piece.

7. The standard weight of the Government iupee shall be one hun-Their weight and fine-

Their weight and fine-ness died and eighty grains Troy, and its standard finene-s shall be as follows:--eleven-twelfths or one hundred and sixty-five grains of fine silver, and one-twelfth or fifteen grains of alloy,

The other silver coins shall be of proportionate weight and of the same fineness.

Provided that in	the making of silver coins a
Remedy allowed.	nemedy shall be allowed of an amount not exceed-
	ing the following

	ing the lollowing :		
•	Remedy in weight.	Remedy in fiveness.	
Rupes Half rupes Quarter rupee Eighth of a rupee	Five thousandths Seven thousandths Ten thousandths	Two thousandths,	

### IV .- Copper Coinage.

The undermentioned copper coins only 8. shall be coined at the Copper coins. Mint:-

(1)-A double pice or half anna.

(2)-A pice or quarter anna.

(3)-A half pice or one-eighth of an anna.

(4)-A pie, heing one-third of a pice or one-r twelfth of an anna.

The weight of the double pice shall be two 9. bundred grains Troy. Their weight.

The other copper coins shall be of proportionate weight:

Provided that in the making of copper coins a remedy shall be allowed

Remedy allowed. of an amount not exceeding one fortieth in weight.

### V.-Devices on Coins.

10. Until the Governor General in Council otherwise orders under the power hereinafter con-Present devices on coins.

ferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the in-scription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India," with such date and embel-lishments on each coin as the Governor General in Council form time to time date with

Council from time to time determines.

11. The Governor General in Council may, from time to time, by notification in the Gazette Power to order other devices. of India, direct the coming and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and

inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said . coins as he thinks fit.

### VI.-Legal Tender.

12. No gold coin shall Gold com not a legal be a legal tender in paytender. ment or on account.

13 The said rupee and half rupee shall be a Rupees and half rupees a legal tender in payment legal tender. or on account:

Provided that the coin has not lost more than two per cent in weight :

Provided also that it has not been clipped or filed, or defaced or diminished, otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for Four-anna and two-anna; the fractions of a rupee, pieces, subject to the second pro- . viso contained in this section,

14. The double pice shall be a legal tender for the thirty-second part Copper coin how to be of a rupee or for half an legal tender. anna;

The pice for the sixty-fourth part of a rupee or for one-fourth of an anna;

The half pice for the one hundred and twentyeighth part of a rupee or for one-eighth of an anna.

and the pie for an hundred and ninety-second part of a rupee or for one twellth of an anna :

Provided that none of the said copper coins shall be a legal tender, except for the fractions of ·a rupee.

15.\$ All silver coin of the weight and standard specified in the Acts No. XVII. of 1835 No. XXI.

Com made under former of 1838, and Act No. XIII. Acts.

of 1862, issued since the passing of those Acts, respectively, and declared by those Acts respectively to be a legal tender,

and all copper coins of the weight specified in Acts No. XXI. of 1835, No. XXII. of 1844, and No. XIII. of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

VII .- Diminished, Counterfeit, or Called-in Coin.

16. When any silver coin purporting to be coined and issued under Cutting certain Silver coins. the authority of the Government of India is tendered to any officer autho-rized by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent. in weight,

or to be counterfeit,

or to have been reduced in weight otherwise than by reasonable wearing,

or to be called-in by any proclamation,

he may, by himself or another

(subject to the rules which the Governor Geneneral in Council prescribes in this behalt),

cut or break such coin.

17. If any coin so cut, or broken, is counterfeit, or has been reduced in Return of cut com. weight otherwise than by

reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

But if it has been coined and issued by the

authority of the Govern-ment of India, and has Receipt of cut coin. lost by reasonable wearing more than two per cent. in weight or has been called-in by any pro-clamation, the officer cutting, or breaking the same shall receive it at the rate of one rupee per tola.

18. All public servants are hereby indemnified for anything done here-Indemnification of public tofore which they might servants for anything done lawfully have done before passing of Act

if this Act had been in

force, and if they had been authorized under section sixteen; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

No suit or other proceeding shall be maintained against any person in Bar of suits.

respect of anything done by him bona fide pursuant to this Act.

### VIII.-Coinage of Bullion.

19. Subject to the Mint-rules for the time being in force, the Mint Master shall receive all Receipt of gold and sil-ver bullion and coin. gold and silver bullion and com brought to the Mint:

Provided that such bullion and coin be fit for coinage:

Provided also that the quantity so brought at one time by one person is not less, in the case of gold than fifty tolas, and, in the case of silver than one thousand tolas.

20. A duty shall be levied at the rate of one rupee per cent. at the Mint on the produce of Duty on produce of gold bullion. all gold bullion and on all gold coin brought for coinage to the Mint in accordance with the said Mint rule.

21. All silver bullion or coin brought for coinage to the Mint in accor-Duty on produce of sildance with the said Mint ver bulhon. rules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor,

22. A charge of one fourth per mille on gold bullion and coin and of Charge for melting and cutting bullion. one per mille on silver bullion and coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt into the Mint.

23. All gold and silver bullion and coin brought to the Mint for coinage, Charge for refining. and which is inferior to

the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for comage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge on account of the loss and expense of refining, as the Governor General in Council prescribes in this behalf.

24. The Mint Master, on the delivery of gold or silver bullion or com Certificate for produce into the Mint for coinage, of bullion. shall grant to the proprietor a receipt which shall entitle him to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

25. The proprietor of any bullion or com so delivered for comage, who

Withdrawal of bulhon is dissatisfied with the Assay Master's report of its value, may within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

26. For all gold bullion and coin, in respect of which the Assay Master Payment for gold bullion. has granted a certificate, payment shall be made, as nearly as may be, m gold coins coined under this Act or Act No. XVII. of 1835; and the balance (if any) due to the proprietor shall be paid in silver, or any silver and copper, coms current in British India.

### IX .- Power to make Rules.

27. The Rules as to officers' and management of the Mint.

General in Council may, from time to time,

Governor

(1) fix the number and duties of the officers of, and persons employed in, the Mint :

(2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mist, and revoke and alter such rules and directions.

The Governor General in Council may 28. also, from time to time, by notification in the Rules by notification.

Gazette of India,-

(1) diminish the amount of remedy allowed by sections five, seven and nine in the case of any com.

determine in the case of any coin the date (2)and embellishments to be put thereon :

(3) call-in coins of any date or denomination, or any coins coined before the date in the notification mentioned :

(4) prescribe rules for the guidance of officers authorized to cut or break coin under section sixteen ·

(3) prescribe the charge to be made on account of the loss add expense of refining :

(6) determine the period for which certificates granted under section twenty-four shall run:

(7) fix the fee payable under section twentyrive .

(5) establish a Mint at any place in British India other than Calcutta and Bombay:

'9) abolish any Mint so established or any Mint now existing in British India:

(10) regulate any matters relative to coinage and to the Mint, which are not provided for by ons Act.

(11) revoke or alter any notification previousiv made under this Act.

Every such notification shall come into force i the day therein in that behalf mentioned, and -nell have effect as if it were enacted in this Act.

SCHEDULE.

Number and ye	ər.	Title or subject.	
Bengal Regulation 1512	<b>II.</b> of	A Regulation for levying a duty On the coinage of silver bullion and on the re-coinage of rupees, and other coins with certais ex- ceptions at the Mints estab- lished at Calcutta, Furrucka- bad, and Benares; for defining the weight and standard of the Benares Rupce; for modifying the rates of duty at present levied on the coinage of gold bullion in the Mint of Calcutta; and also for establishing certain rules for the conduct of the business of the above-mentioned Mints, respectively.	
Bengal Regulation of 1817.	XIV.	A Regulation for amending cer- tain Parts of Regulation 11. 1812.	
Bengal Regulation of 1818	XIV.	A Regulation for altering the standard of the Calcutta sicca Rupee and Gold mohur, and for further modifying some of the rules in force respecting those coins.	

Number and year.	Title or subject.
Bengal Regulation V. o. 1919.	A Regulation for modifying cer- tau parts of the rules in force in regard to the conduct of the business of the Mints subordi- nate to this presidency
Act Na. XVII. of 1835	Gold and alver comage.
Act No. XIII. of 1862.	An Act to provide for a new silver and a new copper coinage.
	<u>1</u>

WHITLEY STOKES.

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th Septem-. ber 1870, and was promulgated for general information in the Gazette of India of the 10th September 1870:-

### Act No. XXIV. of 1870.

An Act to relieve from Incumbrances the Estates of Talugdárs in Oudh.

WHEREAS many of the taluqdárs of Oudh are in debt, and their

Preamble. subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinaster appearing; It is hereby enacted as follows :---

1		$P_i$	rel	im	in	ary.	•
---	--	-------	-----	----	----	------	---

Short title.	called "The Oudh Tuluq-
In this Ac	dárs' Rehef Act."

'Chief Commissioner' Interpretation clause.

means the Chief Commissioner of Oudh :

'taluqdar' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight :

'heir' means the person for the time being cntitled under the same Act as heir to a talugdar.

### II .-- Vesting order.

Power to vest manage-ment of taluqdár's property in an officer appoint-ed by Chief Commis-SIODET

2.

3. Whenever, within twelve months after the passing of this Act, any taluqdár,

or (when such taluqdár is an infant, or of unsound mind, or an idiot) his guaidian, committee, or other legal curator,

or the person who would be heir to such taluqdár if be died intestate,

or (when such person is an infant, or of unsound) mind, or an idiot), his guardian, committee, or other legal curator,

applies in writing to the Chief Commissioner, stating that the taluqdar is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities. incurred, to Government, and requesting that the provisions of this Act be applied to his case, ... it a

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer thereinafter called the Manager) and vest in him the management of the immoveable property, of ar to which the talugdar is then possessed or entitled in his own right, or which he is entitled to redeem) or which may be acquired by or devolve on the taluquar or his heir during the continuance of such management.

Effect of order.

4. On such publica-tion the following consequences shall ensue :-----

First, all proceedings in respect to such debts or liabilities which may

Bar of suits against then be pending in any taluqdár.

Civil Court in British India, shall be barred; and all processes, executions, and attachments for or in respect of such debts and liabilities shall become null and void ;

secondly, so long as such Taluqdár freed from management continues, ' arrest,

the taluqdar and his heir shall not be liable to arrest for or in respect of the debts and liabilities to which the taluqdár was immediately before the said publication subject, or with which his immoveable property or any past thereof was then charged, other than debts due, or liabilities ins curred, to Government ;

nor shall their moveable property be liable to

and his moveable property from attachment for prior debts.

attachment or sale, under process of any Civil Court in British India, for or in respect of such debts

and liabilities other than as aforesaid; and thirdly, so long as such management continues,

Cessation of his power to alienate.

(a) the talugdán and his heir shall be incompetent to mortgage, charge, lease,

or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

and (b) such property shall be exempt from at-

tachment or sale under Immoveable property such process as aforesaid, freed from attachment. except for or in respect of debts due, or liabilities incurred, to Govern-

ment.

III.—Duties of Manager.

5. The Manager shall, during his management

of the said property, re-Manager to receive rents and profits, ceive and recover all rents and profits due in respect

thereof; and shall upon receiving of such rents and profits give receipts for the same.

From the sums so received, he shall pay-

First, the Government revenue, and all debts or liabilities for the time be-

and pay therefrom the Government demand,

and an annual sum for maintenance of the takingdár and his heir,

IV.-96

ing due or incurred to Government in respect of the said property : Secondly, such annual sum as appears to the Chief Commissioner re-

quisite for the maintenance of the taluqdár, his heir and their families :

"Thirdly, the costs of such repairs and improveand costs of repairs and "ments of the property as provements," "popear" necessary to the improvements, in the Manager and are approved by the Chief Commissionenne 5 't of and i - 11<sup>1</sup> 19 and the residue shall be applied in discharge of

to main have grante the costs of the manage-the provisions hereinafter contained.

TV.-Settlement of Debis.

6. On the publication of the lorder vesting in Notice to claimants the said property, the against talugdar. Manager shall publishin the local official Gazette a notice in English and Urda, calling upon all persons having claims against the taluquars or his immoreable property to notify the same in writing to such Manager within three months from the date of the publication.

He shall also cause copies of such notice to be Copies of notice to be exhibited at the Tabsil-dars' kachabits, in the district or districts in which the said property lies, and at such other places as the Manager thinks fit.

Every document on which the claimant founds his claim, or on which he Bocuments to be given relies, in support thereof, app Manager along with the claim.

Claim to contain full ant shall, along with his claim, present full particulars thereof.

If the document be an entry in any book, the claimant shall produce the book to the Manager, to-

gether with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and after examining and comparing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the control of the elaimant, Exclusion of documents is not delivered or produnot produced. 'ced by him to the Manager slong with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case:

8. Every debt or liability (other than debts Debt or liability not due or liabilities incurred duly notified, to be barred... to Government) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall he barred ;

Provided that, when proof is made to the Manag-

er that the claimant was of claim within further period of nine months. and seven, the Manager

may admit such claim within the further period of nine months from the expiration of the said period of three months.

. O. The Manager shall, in accordance with the

Determination of debts rules to be made under this Act, determine the ad habilities. and habilities. liabilities due to the several creditors of the taluqdár and persons holding mortgages, charges, or liens on the said property or any part thereof.

10. An appeal against any refusal, admission or determination under Appeal. sections seven, eight or nine shall lie, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal has 'been so preferred, shall be final.

11. When the total amount of such debts and liabilities has been finally Scheme for settlement of debts and habilities. determined, the Manager

shall prepare and submit to the Chief Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Until such approval is given, the Chief Commis-

sioner may, as often as he Power to return scheme thinks fit, send back such for revision. scheme to the Manager for revision, and direct him to make such further

enquiry as may be requisite for the proper preparation of the scheme.

12. When all such Restoration of - taluqdár debts and liabilities shall to his property. have been discharged,

or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluqdár or his heir,

the taluqdár or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such past thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Where the taluqdar or his heir is so restored Revival of barred pro-mentioned in the second mentioned in the second ceedings and debts. clause of this section, the

proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and liabilities barred by section eight shall be revived, and any mortgagee dispossessed under section seventeen shall be reinstated, unless his claim under the mortgage has been satisfied;

and in calculating 'the periods of limitation applicable to such revived proceedings and to suits to recover and enforce such revived debts and habilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

### V.-Powers of Manager.

13. The Manager may, from time to time, call for further and more detailed particulars of any Power to call for further particulars claim preferred before him

under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied and a supplicit and a supp Area .

14. For the purposes of this Act, the Manager Power to summon wit-resses and compel produc-nesses and compel produc-nesses and compel them to tion of documents. 4.6 give evidence and coupel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

15. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the Power to administer oaths. matters to be inquired into under this Act.

16. Every investigation conducted by the Ma-

'Investigation to be deemed a judicial proceeding.

any claim preferred before him under this Act, or to any matter connected

nager with reference to

with any such claim, shall be taken to be a judicial proceeding within the meaning of the ludian Penal Code.

And every statement made by any person Statements of persons examined by or before amined to be evidence, the Manager with re-Statements of persons examined to be evidence. ference to such investigation, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

17. The Manager shall have, for the purpose Manager to have pow-ers of a taluquar.

of the said immoveable

property, the same powers as the taluqdár would have had for such purpose if this Act had not been .passed.

And if such property, or any part thereof be in Power to remove mortgagee, the Manager may gagee in possession.

apply to the Court of the Deputy Commissioner, within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour; but without prejudice to the mortgagee preferring his claim under the provisions hereinbefore contained.

18. Subject to the rules made under section twenty the Manager shall Power to lease. have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as muy be agreed upon.

19. The Manager, with the previous assent of the Chief Commissioner, Power to raise money shall have power to raise by n ortgage or sale. required for the settlement of the debts and liabilities (other than as aforesaid) to which the talugdár is subject, or with which his immoveable property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

And no mortgagee advancing money upon any moitgage made under this section, shall be bound to see that such money is wanted or that no more than is wanted, is raised.

And the receipt of the Manager for any monies paid to him upon any

Manager's receipts. mortgage or sale made under this section, or for any rents or profits received by him under section five, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

The power to mortgage conferred by this section shall not be excicisable until six months have elapsed from the publication of the order mentioned in section three.

VI.-Miscellaneous.

20. The Chief Commissioner may, from time to time, make rules con-Power to make rules.

sistent with this Act in all matters connected with its enforcement.

Such rules, when approved by the Governor General of India in Council, and published in the local official Gazette, shall have the force of law.

21. Whenever the Chief Commissioner thinks fit he may appoint any Power to appoint new officer to be a Manager Managers in the stead of any Manager appointed under this Act, and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Managershall have the same powers as if he had been originally appointed.

22.	Every	Manager	appointed under this Act
Mana servants		be public	shall be deemed a public servant within the mean- ing of the Indian Penal Code.

23. No suit or other proceeding shall be maintained against any person in respect of anything Indemnity-clause.

done by him bona fide pursuant to this Act.

24. No pettition, application, memorandum of appeal, or other proceed-

Petitions, &c., under Act exempt from Court fees.

Saving of jurisdiction of Courts in Oudh in respect of certain suits

25. Nothing in this Act precludes the Courts of the Province of Oudh having jurisdiction in suits relating to the succession

ing under this Act, shall

be chargeable under the

Court Fees' Act, 1870.

to or rights of persons claiming maintenance from any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits, but to all such suits the Manager of such property shall be made a party.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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[Published with the "Bombay Government Gazette" of the 22nd September 1870.]

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Ex. cellency the Governor General on the 30th August 1870, and was promulgated for general information in the Gazette of India on the September 1870:-

### Act No. XXII. of 1870.

An Act to confirm certain laws affecting European British Subjects.

WHEREAS the Governors of the Presidencies of Fort St. George and Bom-Preamble.

bay in Council, and the Lieutenant Governor of Bengal in Council have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects liable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madras, and Bombay, and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council: For the purpose of removing such doubts it is hereby enacted as follows:-

1. Every such Act passed by the Governor of

Confirmation of local Acts so far as regards Eu-ropean British subjects.

the Presidency of Madras in Council, or by the Governor of the Presi-

dency of Bombay in Council, or by the Lieutenant Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to have been as valid as if it had been passed by the Go-

vernor General of India in Council at a meeting for the purpose of making Laws and Regulations.

Acts conferring summary jurisdiction over offences to apply to Euro-pean British subjects.

2. Unless there be something repugnant in the context, all Acts heretofore or hereafter passed by the Governor General in Council, which confer summary jurisdiction over

offences, shall be deemed to apply to European British subjects, although such persons be not expressly referred to therein.

3. Act No. XVIII. of 1859 (to amend the law

Amendment of Act No. XVIII. of 1859, Sections 1, 2 and 4.

relating to offences declared to be punishable on conviction before a Magistrate) shall be construed

as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inseited.

Nothing in this Act shall be taken to au-Saving of limits of Ma-gistrates' ordinary juis-

diction.

thouze a Magistrate to exceed the limits of his ordinary juisordinary jurisdiction as to the amount of punish-

ment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

Indemnity-clause.

5. All Magistrates and other persons are hereby indemnified for anything done before the

passing of this Act which might lawfully have been done if this Act had been then in force; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

#### WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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[Published with the "Bombay Government Gazette" of the 29th September 1870.]

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th August 1870, and was promulgated for general information in the Gazette of India on the 3rd September 1870:-

### Act No. XXII. of 1870.

An Act to confirm certain laws affecting European British Subjects.

WHEREAS the Governors of the Presidencies of Foit St. George and Bom-Preamble.

bay in Council, and the Lieutenant Governor of Bengal in Council have severally passed divers Acts purporting to apply generally to all persons within the local extent of the said Acts; and whereas doubts have been raised as to the validity of such Acts in so far as they affect to render European British subjects hable to be convicted and punished by tribunals other than the High Courts of Judicature at Fort William, Madias, and Bombay; and whereas doubts have also been raised as to the application to European British subjects of certain Acts of the Governor General in Council: For the purpose of removing such doubts it is hereby enacted as follows :-

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3. Act No. XVIII. of 1859 (to amend the law Amendment of Act No. XVIII. of 1859, Sections 1, 2 and 4.

relating to offences declared to be punishable on con-viction before a Magistrate) shall be construed

as if, in sections one, two and four, after the word 'heretofore' the words 'or hereafter' were inserted.

4. Nothing in this Act shall be taken to au-

Saving of lumits of Maistiates ordinary jurisdiction.

thorize a Magistrate to exceed the limits of his ordinary jurisdiction as to the amount of punish-

ment which he may inflict, or to confer jurisdiction on any Magistrate not being a Justice of the Peace.

Indemnity-clause.

5. All Magistrates and other persons are hereby indemnified for anything done before the

passing of this Act which might lawfully have been done if this Act had been then in force ; and no suit or other proceeding shall be maintained against any such Magistrate or other person in respect of anything so done.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

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The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th September 1870, and was promulgated for general information in the *Gazette of India* on the 10th September 1870:-

### Act No. XXIII. of 1870.

### THE INDIAN COINAGE ACT, 1870.

### CONTENTS.

PREAMBLE.

I.-Preliminary.

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- 1. Short title.
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  - SCHEDULE.

An Act to consolidate and amend the law relating to County and the Mant.

Whereas it is expedient to consolidate and amend the law relating preamble. It is hereby enacted as follows:—

#### I .- Preliminary.

Short title.

Interpretation clause

1. This Act may be called "The Indian Comage Act, 1870."

2. The Regulations and Acts mentioned in the Repeal of enactments. Schedule hereio annexed are repealed.

3. In this Act, the expression "Mint" includes the Mints at Calcutta,

at Bombay, and at such other places (if any) as

the Governor General in Council, by notification in the Gazette of India, from time to time, directs.

the expression 'Mint-rules' means such tules as the Governor General in Council from time to tume prescribes for the management of the Mint;

and the expression 'remedy' means variation from the standard weight and fineness.

### II.-Gold Coinage.

U. 1	4. The under-men-
Gold coms.	tioned gold cours only shall be coined at the Mint:

(1)-A gold mohur or fifteen-rupee piece.

- (2)—A five-supee piece, equal to a third of a gold molur.
- (3)—A ten-rupee piece, equal to two-thirds of a gold mohur.
- (4)—A thurty-rupee piece or a double gold mohur.

5. The standard weight of the said gold mohnr Their weight and fineness shall be one hundred and eighty grains Troy, and its standard fineness shall be as follows:--eleven-twelfiths or one hundred and

sixty-five grains of fine gold, and one-twelfth or fifteen grains of alloy.

The other gold coins shall be of proportionate weight and of the same fineness:

Provided that in the making of gold coins a remedy shall be allowed Remedy allowed. of an amount not exceed-

ing two thousandths in weight and two thousandths in fineness.

### III .- Silver Coinage.

- 6. The undermentioned silver coins only . shall be coined at the Silver coins Mint :-
- A rupee to be called the Government (1)iupee.
- (2)A half rupee.

Remedy allowed.

(3) A quarter rupee, or four-anna piece.

(4) An eighth of a supee, or two-anna piece.

7. The standard weight of the Government upee shall be one hun-Their weight and finedred and eighty grains ness. Troy, and its standard

fineness shall be as follows :--eleven-twelfths or one hundred and sixty-five grains of fine silver, and one-twelfth or fifteen grains of alloy.

The other silver coins shall be of proportionate weight and of the same fineness.

Provided that in the making of silver coins a

remedy shall be allowed of an amount not exceeding the following :--

	Remedy in weight	Remedy in fineness.
Rupee	Five thousandths Seven thousandths Ten thousandths	Two thousandths.

### IV.-Corper Coinage.

8. The undermentioned copper coins only shall be couned at the Copper coins. Mint:--

(1)-A double pice or half anna.

(2)-A pice or quaiter anna.

(3)—A half pice or one-eighth of an anna.

- (4)—A pie, being one-third of a pice or one-twelfth of an anna.
- 9. The weight, of the double pice shall be two Then weight, '\* hundled grains Troy.

The other copper coins shall be of proportionate weight;

Provided that in the making of copper coins a Remedy shall be allowed

Remedy allowed. of an amount not exceeding one fortieth in weight.

#### V.—Devices on Coins.

10. Until the Governor General in Council otherwise orders under Present devices on coins, the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the m-scription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word "India," with such date and embellishments on each coin as the Governor General in Council from time to time determines.

Power to order other devices.

11. The Governor General in Council may, from time to time, by notification in the Gazetie of India, direct the com-

ing and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription herembefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.

### VI.-Legal Tender.

Gold com not a legal be a legal tender in paytender. ment or on account.

The said rupee and half supee shall be a 13 Rupees and half rupees a legal tender in payment legal tender. or on account:

Provided that the coin has not lost more than two per cent in weight :

Provided also that it has not been clipped or filed, or defaced or diminished, otherwise than by use.

The quarter supee and eighth of a supee shall be legal tender only for Four-anna and two-anna the fractions of a rupee, pieces. subject to the second proviso contained in this section.

14. The double pice shall be a legal tender for the thirty-second part Copper coin how to be of a rupee or for halt an legal tender. anna;

The pice for the sixty-fourth part of a rupee or for one-fourth of an anna;

The half pice for the one hundred and twentyeighth part of a rupee or for one-eighth of an anna.

and the pie for an hundred and ninety-second part of a rupee or for one twelfth of an anna:

Provided that none of the said copper coins shall be a legal tender, except for the fractions of a rupee.

15. All silver coin of the weight and standard

specified in the Acts No. XVII. of 1835 No. XXI. Com made under former Acts of 1838, and Act No. XIII. of 1862, issued since the passing of those Acts, respectively, and declared by those Acts respectively to be a legal tender,

and all corper coins of the weight specified in Acts No. XXI. of 1835, No. XXII. of 1844, and No. XIII. of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

#### VII.—Diminished, Counterfeit, or Called-in Coin.

16. When any silver coin purporting to be coined and issued under Cutting certain Silver coins. the authority of the Government of India is tendered to any officer authorized by the Governor General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reasonable wearing, more than two per cent. in weight,

12. No gold coin shall

or to be counterfeit,

or to have been reduced in weight otherwise than by reasonable wearing,

or to be called-in by any proclamation,

he may, by himself or another

(subject to the rules which the Governor Gene-, neral in Council prescribes in this behalf),

cut or break such coin.

17. If any coin so cut, or broken, is counterfeit, Patient of ent coin or has been reduced in Return of cut com. weight otherwise than by

reasonable wearing, the pieces shall be retuined to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

But if it has been coined and issued by the

authority of the Govern-ment of India, and has Receipt of cut com. lost by reasonable wearing more than two per cent. in weight or has been called-in by any proclamation, the officer cutting, or breaking the same shall receive it at the rate of one supee per tola.

218. All public servants are hereby indemnified for anything done here-Indemnification of public tofore which they might lawfully have done if ervants for anything done before massing of Act. this Act had been in

force, and if they had been authorized under section sixteen; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

No suit or other proceeding shall be maintained against any person in Bar of suits. re-pect of anything done

by him bona fide pursuant to this Act.

### VIII.—Coinage of Bullion.,

19. Subject to the Mint-rules for the time being in force, the Mint Receipt of gold and sil-Master shall receive all ver bulhon and com

gold and silver builion and coin brought to the Mint Provided that such bullion and coin be fit for

coinage:

Provided also that the quantity so brought at one time by one person is not less, in the case of gold than fifty tolas, and, in the case of silver than one thousand tolas.

20. A duty shall be levied at the rate of one

Duty on produce of gold bullion.

rupee per cent. at the Mint on the produce of all gold bullion and on all gold com brought for

coinage to the Mint in accordance with the said Mint jule.

21. All silver bullion or coin brought for coin-

Duty on produce of sil- \* age to the Mint in accor-- dance with the said Mint ver bulhon.

ules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

22. A charge of one fourth per mille on gold bullion and coin and of-Charge for melting and one per mille on silver cutting bullion.

bullion and coin, shall also be levied for melting or cutting such bullion and com so as to render the same fit for receipt into the Mint.

23. All gold and silver bullion and coin brought to the Mint for coinage, Charge for refining.

the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge on account of the loss and expense of refining, as the Governor General in Council preseribes in this behalf.

24. The Mint Master, on the delivery of gold or silver bullion or coin Certificate for produce into the Mint for coinage, of bullion. shall grant to the proprietor a receipt which shall entitle hun to a certificate from the Assay Master for the net produce of such bullion or coin payable at the General Treasury.

25. The proprietor of any bullion or coin so delivered for coinage, who Withdrawal of bullion.

Assay Master's report of its value, may within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

26. For all gold bullion and coin, in respect of which the Assay Master Payment for gold bulhon. has granted a certificate, payment shall be made, as nearly as may be, in gold coins coined under this Act or Act No XVII. of 1835; and the balance (if any) due to the proprietor shall be poid in silver, or in silver and copper, coins current in British India.

IX .- Power to make Rules.

27. The Governor Rules as to officers and management of the Mint General in Council may, from time to time,

(1) fix the number and duties of the officers of, and persons employed in, the Mint :

(2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mint, and ievoke and alter such rules and duections.

28. The Governor General in Council may also, from time to time, Rules by notification. by notification in the Gaze'te of India,-

(1) diminish the amount of remedy allowed by sections five, seven and nine in the case of any coin :

(2) determine in the case of any com the date and embellishments to be put thereon :

(3) call-in coins of any date or denomination, or any come comed before the date in the notification mentioned :

(4) prescribe rules for the guidance of officers authorized to cut or break com under section sixteen:

prescribe the charge to be made on ac-(5) count of the loss and expense of refining :

(6) determine the period for which certificates granted under section twenty-four shall run :

(7) fix the fee payable under section twentyfive :

(8) establish a Mint at any place in British India other than Calcutta and Bombay:

(9) abolish any Mint so established or any Munt now existing in British India:

(10) regulate any matters relative to coinage and to the Mint, which are not provided for by this Act:

(11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

Number and year.	Title or subject.	
Bengal Regulation II. of 1812	A Regulation for levying a duty on the comage of silver bullion and on the re-comage of rupees, and other comes with certain ex- ceptions at the Mints estab- lished at Calcutta, Furrucka- bad, and Benares; for defining the weight and standard of the Benares Rupee; for modifying the rates of duty at present levied on the comage of gold bullion in the Mint of Calcutta; and also for establishing certain rules for the conduct of the business of the above-mentioned Mints, respectively,	

Number and year.	Title or subject.	
Bengal Regulation XIV. of 1817.	A Regulation for amending cer- tain Parts of Regulation II. 1812.	
Bengal Regulation XIV. of 1818.	A Regulation for altering the standard of the Calcutta sicca Rupee and Gold molaur, and for further modifying some of the rules in force respecting those coins.	
Bengal Regulation V. of 1819	A Regulation for modifying cer- tain parts of the rules in force in legard to the conduct of the business of the Mints subordu- nate to this presidency.	
Act No. XVII. of 1835.	Gold and silver coinage.	
Act No. XIII. of 1862.	An Act to provide for a new silver and a new copper comage.	

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th September 1870, and was promulgated for general information in the Gazette of India of the 10th September 1870 :---

# Act No. XXIV. of 1870.

# An Act to relieve from Incumbrances the Estates of Tuluqdárs in Oudh.

WHEREAS many of the taluquárs of Oudh are in debt, and their Preamble. Preamble. immoveable property is subject to mortgages, charges and hens; and whereas it is expedient to provide for their telief in manner hereinafter appearing ; It is hereby

enacted as follows :-I.-Preliminary.

Short title.

1. This Act may be called "The Oudh Taluqdáis' Relief Act."

In this Act-,2. Interpretation clause.

'Chief Commissioner' means the Chief Commissioner of Oudh :

'taluqdár' means 'a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight:

'heir' means the person for the time being entitled under the same Act as heir to a taluquar.

# II .--- Vesting order.

Power to vest management of taluqdár's pro-perty in an officer appoint-ed by Chief Commissioner

3. Whenever, within twelve months after the passing of this Act, any taluqdár,

or (when such taluqdár is an infant, or of unsound mind, or an idiot) his guardian, committee, or other legal curator,

or the person who would be heir to such taluqdar if he died intestate,

or (when such person is an infant, or of unsound mind, or an idiot), his guardian, committee, or other legal curator,

applies in writing to the Chief Commissmer, stating that the taluqdar is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or habilities incurred, to Government, and requesting that the provisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager) and vest in him the management of the immoveable property, of or to which the taluqdár is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

Det i de la	4. On such publica-
Effect of order.	tion the following conse-
	quences shall ensue :—

First, all proceedings in respect to such debts or liabilities which may Bar of suits against taluqdár.

then be pending in any Civil Court in British India, shall be barred; and all processes, executions, 1v.-96d

and attachments for or in respect of such debts and liabilities shall become null and void :

secondly, so long as such Taluqdár freed from arrest, management continues,

the taluquar and his heir shall not be liable to ariest for or in respect of the debts and liabilities to which the talaqdár was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due, or habilities incurred, to Government;

nor shall their moveable property be liable to attachment or sale, under and his moveable pro-perty from attachment for process of any Civil Court in British India, for or prior debts. in respect of such debts

and liabilities other than as aforesaid, and

thirdly, so long as such management continues, (a) the taluquar and his Cessation of his power heir shall be incompetent to alienate. to mostgage, charge, lease, or alienate their immoveable property or any part thereof, or to grant valid receipts for the rents and profits arising or accruing therefrom,

and (b) such property shall be exempt from at-.tachment or sale under Immoveable property such process as aforesaid, 1. and from attachment. except for or in respect of debts due, or habilities incuried, to Government.

## III .- Duties of Manager.

5. The Manager shall, during his management of the said property, 1eceive und recover all rents

Manager to receive rents and profits,

and profits due in respect thereof; and shall upon receiving of such rents and profits give receipts for the same.

from the sums so received, he shall pay—

First, the Government revenue, and all debts or

and pay therefrom the Government demand,

Secondly, such annual sum as appears to the

and an annual sum for maintenance of the taluqdár and his heir,

Chief Commissioner requisite for the maintenance of the taluqdár, his heir and their families :

Thirdly, the costs of such repairs and improve-

ments of the property as and costs of repairs and appear necessary to the

improvements. Manager and are approved

by the Chief Commissioner : and the residue shall be applied in discharge of

and costs of management, and shall settle the debts and habilities.

the costs of the management, and in settlement of such debts and liabilities of the taluqdár and his heir and their im-

moveable property as may be established under the provisions hereinafter contained.

# IV .- Settlement of Debts.

6. On the publication of the order vesting in him the management of Notice to claimants the said property, the Manager shall publish in against taluqdár. the local official Gazette a notice in English and Urdu, calling upon all persons having claims

liabilities for the time being due or incurred to Government in respect of the said property :

against the taluqdáis or his immoveable property to notify the same in writing to such Manager within three months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the Tab-il-

Copies of notice to be dáis' kachahrís in the exhibited district or districts in which the said property lies, and at such other places as the Manager thinks fit.

Every such claim-7. Claim to contain full ant shall, along with particulars. his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he

Documents to be given relies in support thereof, up. shall be delivered to the

Manager along with the claim.

If the document be an entry in any book, the

Entries in books

claumant shall produce the book to the Manager, to-

gether with a copy of the entry on which he relies. The Manager shall mark the book for the purpose of identification, and after examining and compaing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the

cintiol of the claimant, Exclusion of documents not produced.

is not delivered or produced by hum to the Manager

along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

Every debt or liability (other than debts due or habilities incurred

Debt or hability not duly notified, to be barred.

to Government) to which the taluquái is subject, or

with which his immoveable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner herembefore mentioned, shall be baried :

Provided that, when proof is made to the Manag-

Provision for admission of claim within further period of nine months. er that the claimant was unable to comply with the provisions of sections six and seven, the Manager

may admit such claim within the further period of nine months from the expitation of the said period of three months.

The Manager shall, in accordance with the rules to be made under

Determination of debts this Act, determine the and habilities.

amount of the debts and habilities due to the several creditors of the taluqdát and persons holding mortgages, charge-, or liens on the said property or any part thereof.

10. An appeal against any refusal, admission or determination under Appeal.

sections seven, eight or nine shall he, if preferred within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commi-sioner, or of the Manager, if no such appeal has been so preferred, shall be final.

11. When the total amount of such debts and liabilities has been finally Scheme for settlement determined, the Manager of debts and habilities. shall prepare and submit

to the Chief Commissioner a schedule of such debts and liabilities, and a scheme for the settlement thereof; and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Until such approval is given, the Chief Commisstoner may, as often as he Power to return scheme thinks fit, send back such for revision scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation of the scheme.

12. When all such Restoration of taluquár debts and habilities shall to his property. have been discharged,

or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluquár or his heir,

the talugdár or his hèir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Mánager under the powers hereinafter contained.

Where the taluqdàr or his heir is so restored under the circumstances Revival of barred promentioned in the second ceedings and debts. clause of this section, the proceedings, processes, executions and attachments

mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and liabilities barred by section eight shall be revived, and any mortgagee dispossessed under section seventeen shall be reinstated, unless his claim under the mortgage has been satisfied;

and in calculating the periods of limitation ap-plicable to such revived proceedings and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

# V .- Powers of Manayer.

13. The Manager may, from time to time, call for further and more Power to call for further detailed particulars of any particulars. -claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the claim until such particulars are supplied.

14. For the purposes of this Act, the Manager may summon and enforce Power to summon witthe attendance of witnesses and compel producnesses and compel them to tion of documents. give evidence and compel the production of documents by the same means, and, as far as possible, in the same manner as is

provided in the case of a Civil Court by the Code  $\mathcal{L}$ of Civil Procedure.

15. The Manager may administer an oath in such form as he thinks fit to any person examined \* Power to administer oaths. before him touching the matters to be inquired into under this Act.

16. Every investigation conducted by the Ma-

nager with reference to he Investigation to any claim preferred before deemed a judicial proceedhim under this Act, or to ing. matter connected any with any such claim, shall be taken to be a judicial

proceeding within the meaning of the Indian  $\gamma'$  Penal Code.

And every statement made by any person Statements of persons examined by or before amined to be evidence the Manager with re-Statements of persons examined to be evidence ference to such investigation, whether upon oath or otherwise, shall be

taken to be evidence within the meaning of the same Code.

17. The Manager shall have, for the purpose Manager to have pow- of realizing and recovering the rents and profits ers of a taluquár

of the said immoveable property, the same powers as the taluqdár would have had for such purpose if this Act had not been passed.

And if such property, or any part thereof be in the possession of any most-Power to remove mort-gagee in possession gagee, the Manager may

apply to the Court of the Deputy Commis-ioner, within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour; but without prejudice to the mortgagee preferring his claim under the provisions hereinbefore contained.

18. Subject to the rules made under section twenty the Manager shall Power to lease,

have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and 'under such conditions as may be agreed upon.

The Manager, with the previous assent of the Chief Commissioner, 19.

Power to raise money shall have power to raise by mostgage or sale. any money which may be

required for the settlement of the debts and liabilitics (other than as aforesaid) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged,

by demising by way of moitgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluqdar and of the person (being of full age) who would be his herr if he died intestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any mortgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted, is raised.

And the receipt of the Manager for any monies paid to him upon any

Manager's receipts. mortgage or sale made under this section, or for any rents or profits re-ceived by him under section five, shall discharge the person paying the same therefrom and from being concerned to see to the application thereof.

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section three.

# VI.-Miscellaneous.

20. The Chief Commissioner may, from time to time, make rules con-Power to make rules.

sistent with this Act in all matters connected with its enforcement.

Such rules, when approved by the Governor General of India in Council, and published in the local official Gazette, shall have the force of law

21. Whenever the Chief Commissioner thinks Power to appoint new fit he may appoint any Power to appoint new officer to be a Manager in the stead of any Managers Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new

Manager. Every such new Manager shall have the same powers as if he had been originally appointed.

22. Every Manager appointed under this Act

servants.

Managers to be public shall be deemed a public ing of the Indian Penal Code.

23. No suit or other proceeding shall be maintained against any person Indemnity-clause. in re-pect of anything

done by him boná fide pursuant to this Act. 24. No petition, application, memorandum of

Petitions, &c., under Act exempt from Court fees.

Saving of jurisdiction of

Courts in Oudh in respect

of certain suits

Court Fees' Act, 1870. -

25. Nothing in this Act precludes the Courts of the Province of Oudh having jurisdiction in suits relating to the succession to or rights of persons

appeal, or other proceed-

ing under this Act, shall

be chargeable under the

claiming maintenance from any immoveable pro-perty brought under the operation of this Act, from entertaining and disposing of such suits, but to all such suits the Manager of such property shall be made a party.

# WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.

[Published with the "Bombay Government Gazette" of the 6th October 1870.]

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 6th September 1870, and was promulgated for general information in the Gazette of India on the 10th September 1870 :---

# Act No. XXIII. of 1870.

THE INDIAN COINAGE ACT, 1870.

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Four-anna and two-anna pieces.

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- 18. Indemnification of public servants. Bar of suits for acts done bond fide. VIII.—Coinage of Bullion.
- Receipt of gold and silver bullion and coin. 19
- Duty on produce of gold bullion. 20
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SECTIONS.

- Charge for melting and cutting bulhon. 22.
- 23. Charge for refining.
- 24. Certificate for produce of bulhon.
- 25. Withdrawal of bullion
- 26. Payment for gold bulhon.
  - IX .-- Power to make Rules.
- 27. Rules as to officers and management of Mint.
- 28. Rules by notification.
  - SCHEDULE.

An Act to consolidate and amend the law relating to Coinuge and the Mint.

Whereas it is expedient to consolidate and amend the law relating

Preamble.

It is hereby enacted as follows .-I.-Preliminary.

to coinage and the mint,

Short title.

1. This Act may be called "The Indian Coinage Act, 1870.'

2. The Regulations and Acts mentioned in the Schedule hereto annexed Repeal of enactments are repealed.

3. In this Act, the expression "Mint" includes the Mints at Calcutta,

Interpretation clause at Bombay, and at such

other places (if any) as the Governor General in Council, by notification in the Gazette of India, from time to time, directs,

the expression "Mint rules" means such rules as the Governor General in Council fiom time to time prescribes for the management of the Mint; and the expression "remedy" means variation

from the standard weight and fineness.

# II.-Gold Coinage.

Gold coins

4. The under-men-tioned gold coins only shall be coined at the Mint :-

(1)-A gold mohur or fifteen-rupee piece.

- (2)-A five-supee piece, equal to a third of a gold mohur.
- (3)-A ten-rupee piece, equal to two-thirds of a gold mohur.
- (4)-A thirty-rupee piece or a double gold mohur.

The standard weight of the said gold mohur 5. shall be one hundred and Their weight and fineeighty grains Troy, and

пезэ. its standard fineness shall be as follows :--eleven-twelfths or one hundred and

sixty-five grains of fine gold, and one-twelfth or fifteen grains of alloy.

The other gold coins shall be of proportionate weight and of the same fineness:

Provided that in the making of gold coins a remedy shall be allowed Remedy allowed.

of an amount not exceeding two thousandths in weight and two thousandths in fineness.

III .- Silver Coinage.

6. The undermentioned silver coins only shall be coined at the Silver coms Mint :-

(1) A rupee, to be called the Government jupee.

(2) A half-rupee.

A quarter-rupee, or four-anna piece. (3)

(4) An eighth of a rupee, or two-anna piece.

The standard weight of the Government 7.

supee shall be one hun-Their weight and fine-ccss. dred and eighty grains Troy, and its standard fineness shall be as follows:-eleven-twelfths or

one hundred and sixty-five grains of fine silver, and one-twelfth or fifteen grains of alloy.

The other silver coins shall be of proportionate weight and of the same fineness.

Provided that in the making of silver coins a remedy shall be allowed Remedy allowed. of an amount not exceed-

ing the following :-

	Remedy in weight	Remody 1a fiaeness.
Rupce	Five thousandths Seven thousandths Ten thousandths	Two thousandths,

IV .-- Corper Coinage.

8. The undermentioned copper coins only shall be coined at the Copper cons Mint:-

(1)-A double pice or half-anna.

· (2)-A pice or quarter-anna.

(3)—A half-pice or one-eighth of an ann.

- (4)-A pie, being one-third of a pice or onetwelfth of an anna.
- The weight of the double pice shall be two 9. hundred grains Troy. Their weight.

The other copper coins shall be of proportionate weight:

Provided that in the making of copper coins a remedy shall be allowed Remedy allowed.

of an amount not exceeding one-foitieth in weight.

V.- Devices on Coins.

Until the Governor General in Council 10. otherwise orders under Present devices on coins. the power hereinafter con-

ferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the in-scription "Victoria Queen," and on the reverse the designation of the coins in English filled by the word" India," with such date and embellishments on each coin as the Governor General in Council from time to time determines.

Power to order other devices.

11. The Governor General in Council may, from time to time, by notification in the Gazette of India, direct the coin-

ing and issuing of all coins anthorized by this Act, and prescribe in lieu of the likeness and inscription hereinbefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.

## VI.-Legal Tender.

Gold com not a legal be a legal tender in paytender. ment or on account.

13. The said rupee and half-rupee shall be a Rupees and half-rupees a legal tender in payment or on account: legal tender.

Provided that the coin has not lost more than two per cent in weight:

Provided also that it has not been clipped or filed, or defaced or diminished, otherwise than by use.

The quarter rupee and eighth of a rupee shall be legal tender only for Four-anna and two-anna the fractions of a rupee, meces. subject to the second proviso contained in this section.

14. The double pice shall be a legal tender for the thirty-second part Copper coin how to be of a rupee or for half an legal tender anna:

the pice for the sixty-fourth part of a rupee or for one-fourth of an anna;

the half-pice for the one hundred and twentyeighth part of a rupee or for one-eighth of an anna.

and the pie for the hundred and ninety-second part of a rupee or for one twelfth of an anna:

Provided that none of the said copper coms shall be a legal tender, except for the fractions of a rupee.

15. All silver coin of the weight and standard

specified in the Acts No. XVII. of 1835, No. XXI. Coin made under former Acts. of 1838, and Act No. XIII.

of 1862, issued since the passing of those Acts, respectively, and declared by those Acts respectively to be a legal tender,

and all copper coins of the weight specified in Acts No XXI. of 1835, No. XXII. of 1844, and No. XIII. of 1862, issued since the passing of those Acts, respectively, and declared by those Acts, respectively, to be a legal tender,

shall continue to be a legal tender for the amounts thereof, respectively, subject to the same conditions and provisions as under those Acts, respectively, anything contained in this Act or in any Act hereby repealed notwithstanding.

# VII.—Diminished, Counterfeit, or Called in Corn.

16. When any silver coin purporting to be coined and issued under Cutting certain Silver coins. the authority of the Government of India is tendered to any officer authorized by the Governoi General in Council or the Local Government to act under this section, who has reason to believe it to have lost, by reason-able wearing, more than two per cent. in weight,

12. No gold coin shall

or to be counterfeit,

or to have been reduced in weight otherwise than by reasonable wearing,

or to be called-in by any proclamation,

he may, by himself or another

(subject to the rules which the Governor Geneneral in Council prescubes in this behalt),

cut or break such com.

17. If any coin so cut or broken is counterfeit, Beturn of cut coin or 'has been reduced in Beturn of cut coin.

weight otherwise than by reasonable wearing, the pieces shall be returned to the person tendering the coin, and he shall bear the loss caused by such cutting or breaking.

But if it has been coined and issued by the

authority of the Govern-ment of India, and has Receipt of cut coin. lost by reasonable wearing more than two per cent. in weight, or has been called-in by any proclamation, the officer cutting or bleaking the same shall receive it at the rate of one inpee per tola.

All public servants are hereby indemnified

for anything done here-Indemnification of public tofore which they might servants for anything done ' lawfully have done if before passing of Act this Act had been in

force, and if they had been authorized under section sixteen; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

No suit or other proceeding shall be maintained against any person in Bar of suits

respect of anything done by him bona fide pursuant to this Act.

# VIII.—Coinage of Bullion.

19. Subject to the Mint rules for the time being in force, the Mint Receipt of gold and sil-Master shall receive all ver bullion and com

com brought to the Mint Provided that such bullion and coin be fit for

coinage:

Provided also that the quantity so brought at one time by one person is not less, in the case of gold, than fifty tolas, and, in the case of silver, than one thousand tolas.

20. A duty shall be levied at the rate of one

Duty on produce of gold bulhon.

ver bullion.

into the Mint.

rupee per cent. at the Mint on the produce of all gold bullion and on all gold coin brought for

coinage to the Mint in accordance with the said Mint rules.

21. All silver bullion or coin brought for coin-

age to the Mint in accord-Duty on produce of silance with the said Mint

rules, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, and the amount of such duty shall be deducted from the return to be made to the proprietor.

22. A charge of one fourth per mille on gold bullion and coin, and of Charge for melting and cutting bullion. one per mille on silver bullion and 'coin, shall also be levied for melting or cutting such bullion and coin so as to render the same fit for receipt

(1) fix the number and duties of the officers of, gold and silver bullion and

and persons employed in, the Mint : (2) make rules and give directions (subject to the provisions of this Act, and any notification made thereunder) respecting the management of the Mint, and revoke and alter such rules and

directions. 28. The Governor General in Council may also, from time to time. Rules by notification. by notification in the Gazette of India,-

(1) diminish the amount of remedy allowed by sections five, seven, and nine in the case of any coin :

(2) determine in the case of any coin the date and embellishments to be put thereon :

(3) call-in coins of any date or denomination, or any coins coined before the date in the notification mentioned :

(4) prescribe rules for the guidance of officers authorized to cut or break coin under section sixteen :

(5) prescribe the charge to be made on account of the loss and expense of refining :

(6) determine the period for which certificates granted under section twenty-four shall run :

(7) fix the fee payable under section twentyfive :

(8) establish a Mint at any place in British India other than Calcutta and Bombay:

23. All gold and silver bullion and coin brought

to the Mint for coinage, Charge for refining. and which is inferior to the standard fineness prescribed by this Act, or which, from brittleness or other cause, is unfit for coinage, shall, in case it is refined, be subject, in addition to the duty and charge aforesaid, to such charge on account of the loss and expense of refining as the Governor General in Council piescribes in this behalf.

24. The Mint Master, on the delivery of gold or silver bullion or com Certificate for produce into the Mint for coinage, of bullion. shall grant to the propuetor a receipt which shall entitle hum to a certricate

from the Assay Master for the net produce of such bullion or coin payable at the General Treasury. 25. The proprietor of any bullion or coin so

delivered for coinage who Withdrawal of bullion is dissatisfied with the

Assay Master's report of its value may, within twenty-four hours after receiving such report, and subject to the payment of the fee prescribed in this behalf by the Governor General in Council, withdraw such bullion or coin without being subject to the duties on coinage imposed by this Act.

26. For all gold bullion and coin in respect of Payment for gold bullion. which the Assay Master has granted a certificate payment shall be made, as nearly as may be, in gold coins comed under this Act or Act No. XVII. of 1835; and the balance (if any) due to the proprietor shall be paid in silver, or in silver and copper, coins current in Butish India.

IX.-Power to make Rules.

27. The Governor Rules as to officers and General in Council may, management of the Mint. from time to time.

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(9) abolish any Mint so established or any Mint now existing in British India:

(10) regulate any matters relative to coinage and to the Mint which are not provided for by this Act:

(11) revoke or alter any notification previously made under this Act.

Every such notification shall come into force on the day therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

SCH	ED	U1	LE.
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Number and year.	Title or subject.
Bengal Regulation II. of 1312.	A Regulation for levying a duty on the coinage of silver bullion, and on the re-coinage of rupees and other cons, with certain ex- ceptions at the Mints estab- lished at Calcutta, Furrncka- bad, and Benares; for defining the weight and standard of the Benares Rupee; for modifying the rates of duty at present levied on the coinage of gold bullion in the Mint of Calcutta; and also for establishing certain rules for the conduct of the business of the above-mentioned Mints, respectively.

Number and year.	Title or subject.	
Bengal Regulation XIV of 1817.	A Regulation for amending cer- tain Parts of Regulation II 1812	
Bengal Regulation XIV of 1918.	A Regulation for altering the standard of the Calcuits sicca Rupee and Gold mohur, and for further modifying some of the rules in force respecting those cours.	
Bengal Regulation V. of 1819	A Regulation for modifying cer- tain parts of the rules in force in regard to the conduct of the business of the Mints subordin- ate to this presidency	
Act No. XVII. of 1835.	Gold and silver coinage.	
Act No. XIII. of 1862.	An Act to provide for a new silver and a new copper coinage	

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 7th September 1870, and was promulgated for general information in the Gazette of India of the 10th September 1870 :---

#### Act No. XXIV. of 1870.

# An Act to relieve from Incumbrances the Estates of Taluqdárs in Oudh.

WHEREAS many of the taluqdars of Oudh Preamble are in debt, and their

subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinaster appearing; It is hereby enacted as follows :--

#### 1.-Preliminary.

Short title.

2.

1. This Act may be called " The Oudh Taluqdárs' Relief Act."

Interpretation clause.

In this Act-

'Chief Commissioner' means the Chief Commissioner of Oudh :

'taluqdár' means a person whose name is entered in the first of the lists mentioned in the Oudh Estates' Act, 1869, section eight :

'heir' means the person for the time being entitled under the same Act as heir to a taluquár.

II.—Vesting order.

Power to vest management of taluqdár's pro-perty in an officer appoint-ed by Chief Commissioner

Whenever, within 3. twelve months after the passing of this Act, any taluqdár,

or (when such taluqdár is an infant, or of unsound mind, or an idiot) his guardian, committee, or other legal cutator,

or the person who would be heir to such taluqaar if he died intestate,

or (when such person is an infant, or of unsound mind, or an idiot), his guardian, committee, or other legal cutator,

applies in writing to the Chief Commissioner, stating that the taluqdár is subject to, or that his immoveable property is charged with, debts or liabilities other than debts due or liabilities incurred, to Government, and requesting that the piovisions of this Act be applied to his case,

the Chief Commissioner may, with the previous consent of the Governor General of India in Council, by order published in the local official Gazette, appoint an officer (hereinafter called the Manager) and vest in him the management of the immoveable property, of or to which the taluqdár is then possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on the taluqdár or his heir during the continuance of such management.

Effect of order.

On such publica-4. tion the following consequences shall ensue :-

First, all proceedings in respect to such debts or liabilities which may Bar of suits against

taluqdár.

then be pending in any Civil Court in British

India, shall be barred ; and all processes, executions, IV.—96 f

and attachments for or in respect of such debts and liabilities shall become null and void ;

secondly, so long as such Taluqdár freed from arrest, management continues,

the talugdar and his heir shall not be hable to ariest for or in respect of the debts and liabilities to which the talaqdár was immediately before the said publication subject, or with which his immoveable property or any part thereof was then charged, other than debts due, or liabilities incurred, to Government;

nor shall their moveable property be liable to attachment or sale, under and his moveable proprocess of any Civil Court perty from attachment for in British India, for or prior debts. in respect of such debts

and liabilities other than as aforesaid, and

thirdly, so long as such management continues, (a) the taluqu'ir and his heir shall be incompetent Cessation of his power to alienate. to moitgage, charge, lease, or alienate their immoveable property or any part thereof, or to grant valid receipts for the ients and profits arising or accruing therefiom,

and (b) such property shall be exempt from attachment or sale under Immeveable property such process as aforesaid, freed from attachment. except for or in respect of debts due, or habilities incuried, to Government.

#### III .- Duties of Manager.

5. The Manager shall, during his management Manager to receive rents of the said property, re-ceive and recover all rents

thereof; and shall upon receiving such rents and profits give receipts for the same.

From the sums so received, he shall pay-

and pay therefrom the Government demand,

ing due or incured to Government in respect of the said property :

and an annual sum for maintenance of the taluqdár and his heir,

and costs of repairs and

improvements,

and costs of management, and shall settle the

debts and habilities.

ties of the taluqdár and his heir and their immoveable property as may be established under the provisions hereinafter contained.

#### IV .- Settlement of Debts.

6. On the publication of the order vesting in against taluqdár. him the management of the said property, the Manager shall publish in the local official Gazette a notice in English and Urdu, calling upon all persons having claims

and profits due in respect

First, the Government revenue, and all debts or liabilities for the time be-

Secondly, such annual sum as appears to the Chief Commissioner requisite for the maintenance of the taluqdár, his heir

and their families: Thirdly, the costs of such repairs and improvements of the property as appear necessary to the

Manager and are approved

by the Chief Commissioner : and the residue shall be applied in discharge of the costs of the management, and in settlement of such debts and liabiliagainst the talugdár or his immoveable property to notify the same in writing to such Manager within three months from the date of the publication.

He shall also cause copies of such notice to be exhibited at the Tahsil-

dáis' kachahrís in the Copies of notice to be exhibited district or districts in which the said property lies, and at such other

places as the Manager thinks fit. Claim to contain full particulars.

.7. Every such claim-ant shall, along with bis claim, present full particulars thereof.

Every document on which the claimant founds

his claim, or on which he Documents to be given up.

relies in support thereof, shall be delivered to the Manager along with the claim.

If the document be an entry in any book, the claimant shall produce the Entries in books.

gether with a copy of the entry on which he relies. The Managei shall mark the book for the purpose of identification, and after examining and compaing the copy with the original, shall return the book to the claimant.

If any document in the possession or under the

Exclusion of documents not produced

control of the claimant, is not delivered or produced by him to the Manager

along with the claim, the Manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

8. Every debt or liability (other than debts

due or liabilities incurred Debt or hability not duly notified, to be barred. to Government) to which the taluqdár is subject, or with which his immoveable property or any part thereof is charged, and which is not duly notified to the Manager within the time and in manner hereinbefore mentioned, shall be barred :

Provided that, when proof is made to the Manag-

Provision for admission of claim within further period of nine months.

er that the claimant was unable to comply with the provisions of sections six and seven, the Manager may admit such claim within the further period of

nine months from the expiration of the said period of three months.

9. The Manager shall, in accordance with the

rules to be made under Determination of debts this Act, determine the amount of the debts and and habilities.

habilities due to the several creditors of the taluqdái and persons holding moitgages, chaiges, or liens on the said property or any part thereof.

10. An appeal against any refusal, admission or determination under

Appeal, sections seven, eight or nine shall lie, if prefeired within six weeks from the date of such determination, to the Commissioner of Division to whom the Manager is subordinate, and the decision of such Commissioner, or of the Manager, if no such appeal has been so preferred, shall be final.

11. When the total amount of such debts and liabilities has been finally Scheme for settlement determined, the Manager of debts and habilities. shall prepare and sobmit to the Chief Commissioner a schedule of such debts and habilities, and a scheme for the settlement thereof; and such scheme, when approved by the Chief Commissioner, shall be carried into effect.

Until such approval is given, the Chief Commis. sioner may, as often as he Power to return scheme thinks fit, send back such for revision. scheme to the Manager for revision, and direct him to make such further enquiry as may be requisite for the proper preparation of the scheme.

12. When all such Restoration of taluquár debts and liabilities shall to his property have been discharged,

or if, within six months after the publication of the order mentioned in section three, the Chief Commissioner thinks that the provisions of this Act should not continue to apply to the case of the taluqdár or his heir,

the taluqdár or his heir shall be restored to the possession and enjoyment of his immoveable property, or of such part thereof as has not been sold by the Manager under the power contained in section nineteen, but subject to the leases and mortgages (if any) granted and made by the Manager under the powers hereinafter contained.

Revival of barred proceedings and debts.

Where the taluqdar or his heir is so restored under the circumstances mentioped in the second clause of this section, the

proceedings, processes, executions and attachments mentioned in section three (so far as they relate to debts and liabilities not settled by the Manager), and the debts and habilities barred by section eight shall be revived, and any mortgagee dispossessed under section seventeen shall be reinstated, unless his claim under the mortgage has been satisfied ;

and in calculating the periods of limitation applicable to such revived proceedings and to suits to recover and enforce such revived debts and liabilities, the time intervening between such restoration and the publication of the order mentioned in section three shall be excluded.

# V.-Powers of Manager.

The Manager may, from time to time, call 13. for further and more Power to call for further detailed particulars of any particulars. claim preferred before him under this Act, and may at his discretion refuse to proceed with the investigation of the clama until such particulars are supplied.

14. For the purposes of this Act, the Manager

Power to summon witnesses and compel produc-tion of documents.

may summon and enforce the attendance of witnesses and compel them to give evidence and compel

the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure,

The Manager may administer an oath in 15, such form as he thinks fit Power to any person examined before him touching the to administer oaths.

matters to be inquired into under this Act.

book to the Manager, to-

. 16. Every investigation conducted by the Ma-

nager with reference to any claim preferred before Investigation to be deemed a judicial proceedbe him under this Act, or to ing. any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

And every statement made by any person Statements of persons amined to be evidence. the Manager with re-Statements of persons examined to be evidence. ference to such investiga-

tion, whether upon oath or otherwise, shall be taken to be evidence within the meaning of the same Code.

17. The Manager shall have, for the purpose Manager to have pow- of realizing and recovering the rents and profits ers of a taluquár of the said immoveable

property, the same powers as the taluqdár would have had for such purpose if this Act had not been passed.

And if such property, or any part thereof, be in the possession of any mort-Power to remove mortgagee in possession.

gagee, the Manager may apply to the Court of the

Deputy Commissioner, within whose jurisdiction the property is situate, and such Court shall cause the same to be delivered to the Manager as if a decree therefor had been made in his favour, but without prejudice to the mortgagee preferring his claim under the provisions hereinbefoie contained.

18. Subject to the rules made under section twenty the Manager shall Power to lease.

have power to demise all or any part of the said property, for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of any fine or fines, or without fine, and reserving such rents and under such conditions as may be agreed opon.

19. The Manager, with the previous assent of

Power to raise money the Chief Commissioner, shall have power to raise by mortgage or sale

any money which may be required for the settlement of the debts and liabilities (other than as aforesaid) to which the taluq-dár is subject, or with which his immoveable property or any part thereof is charged,

by demising by way of mortgage the whole or any part of such property for a term not exceeding twenty years from the said publication,

or by selling, with the previous consent of the taluquar and of the person (being of full age) who would be his her if he died mtestate, by public auction or by private contract, and upon such terms as the Manager thinks fit, such portion of the same property as may appear expedient.

And no mortgagee advancing money upon any moltgage made under this section, shall be bound to see that such money is wanted, or that no more than is wanted is raised.

And the receipt of the Manager for any monies paid to him upon any Manager's receipts mortgage or sale made under this section, or for any reats or profits re-ceived by him under section five, shall discharge

the person paying the same therefrom and from being concerned to see to the application thereof.

The power to mortgage conferred by this section shall not be exercisable until six months have elapsed from the publication of the order mentioned in section three.

# VI.-Miscellareous.

20. The Chief Commissioner may, from time to time, make rules con-Power to make rules sistent with this Act in

all matters connected with its enforcement Such rules, when approved by the Governor

General of India in Council, and published in the local official Gazette, shall have the force of law.

21. Whenever the Chief Commissioner thinks Forwar to appoint new fit he may appoint any Power to appoint new officer to be a Managei in the stead of any Managers

Manager appointed under this Act; and thereupon the management then vested under this Act in the former Manager shall become vested in the new Manager.

Every such new Managershall have the same powers as if he had been originally appointed

22. Every Manager appointed under this Act

Managers to be public servants.

servant within the meaning of the Indian Penal Code.

shall be deemed a public

23. No suit or other proceeding shall be maintained against any person Indemnity-clause in respect of anything

done by him bond fide pursuant to this Act. 24. No petition, application, memorandum 63

Petitions, &c., under Act exempt from Court fces.

Saving of jurisdiction of Courts in Oudh in respect of certain suits

claiming maintenance from any immoveable property brought under the operation of this Act, from entertaining and disposing of such suits, but to all such suits the Manager of such property shall be made a party.

# WHITLEY STOKE',

Secretary to the Council of the Governor General for making Laws and Regulations.

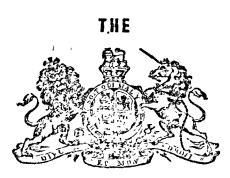
Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.

ing under this Act, shall be chargeable under the Court Fees' Act, 1870 25. Nothing in this Act precludes the Court-of the Province of Oudh

appeal, or other proceed-

having jurisdiction in suita relating to the succession

to or rights of person-



# (Kazette. Bomban ernment

Published by Authority.

# THURSDAY, 20TH OCTOBER 1870.

IFF Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and was promulgated for general information in the Gazette of India of the 8th October 1870:---

# Act No. XXV. of 1870.

An Act to legalize the levy of certain duties on timber imported into Maulmain.

Whereas certain duties were in the years 1864 and 1865 levied on foreign

Preamble. timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:

1. All duties levied between the first day of Legalization of levy of July 1864 and the second day of August 1865 (both duties

inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

2. All officers and other persons are hereby indemnified for anything Indemnity-clause.

done before the passing of this Act which might lawfully have been done Inis Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

# WHITLEY STOKES,

Secretary to the Government of India. 1v.-97

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and was promulgated for general information in the Gazette of India of the 8th October 1870:-

# Act No. XXVI. of 1870

THE PRISONS' ACT, 1870.

# ARRANGEMENT OF SECTIONS

CHAPTER I .- PRELIMINARY.

SECTIONS

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- Local extent.
- Commencement of Act. Repeal of enactments.
- 3. Interpretation-clause

# CHAPTER II.-MAINTENANCE AND OFFICERS OF PRISONS.

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- Temporary shelter of prisoners. 5.
- Inspector General of prisons. 6.
- 7. Officers of prison,
- Appointment of officers.
- Salaries, suspension and dismissal of officers. 9.

#### CHAPTER III .- DUTIES OF OFFICERS.

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SCHEDULE.

An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, Preamble. the Panjáb, Oudh, the Central Provinces, and British Burmah, and to provide rules for the regulation of such prisons; It is hereby enacted as

# CHAPTER I.-PRELIMINARY.

Short title.

follows :-

1. This Act may be called " The Prisons Act, 1870."

It extends only to the territories respectively under the government of Local extent. the Lieutenant-Governors

of the North-Western Provinces and the Panjab, and under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Burmah.

And it shall come into force on the first day of Commencement of Act. December 1870.

2. On and after that day the enactments mentioned in the schedule to

this Act annexed shall Repeal of enactments. be repealed to the extent therein specified in the third column of the said

schedule.

Interpretation-clause. . 3. In this Act-

" prison" means any gaol or penitentiary, and includes the airing-grounds " Prison." or other grounds or buildings occupied for the use of the prison;

	" criminal	prisonel',
"Criminal prisoner."	means any charged with or of a crime;	pilsoner convicted
		e . 3

and "civil prisoner" means any prisoner confined in a civil jail, or on the "Cavil prisoner." civil side of a jail.

#### CHAPTER II.-MAINTENANCE AND OFFICERS OF PRISONS,

4. The Local Government shall provide for Local Government to provide prison accommo-dation. 2 B

the prisoners in the territories under such government, accommodation in a prison or prisons con-

structed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Whenever it appears to the Local Governб. Temporary shelter of ment that the number of prisoners.

prisoners in any prison is greater than can convemently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any pri-on, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall he subject to the same rules as if they were within the prison.

6. An Inspector General of Prisons shall be Inspector General of Eppointed in the North-Western Provinces by Provinces by Prisons. the Local Government,

in the Panjáh by the Local Government, and in Oudh, the Central Provinces and British Burman, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all pusons situate in the territories under such Government.

7. For every prison there shall be a Superintendent, a Medical Officer Officers of prison.

(who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

8. The Local Government shall appoint the

Superintendent and the Medical Officer and the Appointment of officers. Deputy Medical Officer.

The Superintendent (subject to the approval of the Inspector General of Pusons) shall appoint the Gaolet and Deputy Gaoler.

The Superintendent shall also appoint the subordinate officers.

9. Every officer appointed under this Act shall receive such salary as Salary, suspension and dismissal of officers. (subject to the approval

of the Governor General of India in Council) the Local Government directs;

and may be suspended or dismissed by the authosity appointing him:

Provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

# CHAPTER III .- DUTIES OF CFFICERS.

# Generally.

10. All officers of a prison shall obey the directions of the Superin-Officers to obey Supertendent: all subordinate intendent. officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent, and the duties of each subordinate other shall be inserted in a book to be kept by him.

11. No officer of a prison shall sell or let, nor shall any person in Officers not to sell or trust for or employed by let to prisoners. him, sell or let, or derive any benefit from selling or letting, any article to

any prisoner. 12. No officer of a prison shall, nor shall any

person in trust for or Officers not to contract employed by him, have with prisoners, indirect, in any contract for the supply of the

prison: nor, except so fai. nor to benefit by sales by rules made under section fifty-four, shall he

denve any benefit, duectly or indirectly, from the sale of any article on behalf of the prison or belonging to a prisoner.

#### Superintendent.

13. Subject to orders of the Inspector General Duties of Suprimitend- of Prisons, the Supermtendent shallent

manage the pisson in all matters relating to discipline, labour, expenditure, punishment and contiol:

correspond on all matters connected with the prison with and through the Inspector General

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease :

send to the Inspector General returns of all prisoners sentenced to transportation :

periodically inspect all property of the Gov ernment in his charge, and report thereon to the Inspector General;

and, generally, obey all rules made under section fity-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

#### Medical Officer.

14. The Local Gov-

ernment shall make rules Power to make rules as to Medical officer's duties. as to each of the following matters :-

how often the Medical Officer shall visit the prison and see each prisoner:

the records to be made respecting sick prisoners :

periodical inspection of every part of the prison:

reports on its cleanliness, drainage, warmth and ventilation :

reports on the provisions, whiter, clothing and bedding supplied to the prisoners.

The Medical, Officer Medical Officer to obey shall obey such rules. ' such rules.

15. Whenever the Medical Officer has reason to believe that the mind

To report special cases. of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Officer thinks proper.

16. On the death of any prisoner, the Medical To make entries as to officer shall for thwith record in writing the To make entries asto death of prisoners.

following particulars, namely,

when the deceased was taken ill,

when the Medical Officer was first informed of the illness,

the nature of the disease,

when the prisoner died,

and (in cases where a post-mortem examination is made) an account of the appearances after death.

together with any special remarks that appear to the Medical Officer to be required.

17. Where a Deputy Medical Officer is ap-

pointed to a prison, he Deputy Medical Officer. shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the Medical Officer.

When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordi-

nate Medical Officer to Subordinate Medical act as a substitute for the Officer. Medical Officer, and the

subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

#### Gaoler.

18. The Gaoler shall reside in the prison, un-

Residence of Gaoler.

less the Superintendent permits him in writing to

reside elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

The Gaoler shall deliver to the Medical 19 To deliver list of pri-Officer daily a list of such soners confined in 'punishprisoners as are confined ment-cells. in punishment-cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the To give notice of death of prisoners, Superintendent.

To keep enumerated books and accounts.

21. The Gaoler shall keep, or cause to be kept, the following records :-

(1) a register of warrants;

(2) a book showing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted for prison-offences;

(4) a visitors' book for the entry of any observations made by visitors to the prison;

= (5) a second of the money and other articles taken from prisoners;

, and all such other records as may be prescribed by rules made under section fifty-four.

22. The Gaoler shall be responsible for the safe custody of the records Responsible for safe custo be kept by him under. tody of documents. section twenty-one, and also for the commitments and all other documents confided to his care.

23. The Gaoler shall not be absent from the prison for a night without Not to be absent withpermission in writing from out leave.

the Superintendent; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

24. Where a Deputy Gaoler is appointed to a puson, he shall be com-Deputy Gaoler. duty required by this Act or by any rule made

under section fifty-four to be performed by the Gaoler

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

# Subordinate Officers.

25. The officer acting as Gate-Porter, or any other officer of the prison Power of Gate Porter. may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate notice thereof to the Gaoler.

26. Subordinate officers shall not be absent from the prison without Subordinate Officers not leave from the Superintento be absent without leave. dent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Goaler's office.

# CHAPTER IV .--- Admission, Removal and Dis-CHARGE OF PRISONERS.

27. When a prisoner is first admitted, and whenever he afterwards Prisoners to be searched enters the prison, he shall ou entrance. be searched, and all weapons and prohibited articles shall be taken from him.

Every criminal prisoner shall also, as soon as possible after admission, be examined by the Me-Medical examination of

criminal prisoners.

dical Officer, who shall enter in a book, to be kept by the Gaoler, a re-cord of the state of the prisoner's health, and any observations which the Medical Officer thinks fit to add.

soners retained.

28. All money or other effects in respect effects of criminal using whereof no order of a Effects of criminal pri- competent court has been. made, and which may be

brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler."

29. All prisoners, previously to being removed Medical examination be- to any other prison, shall fore removal and discharge be examined by the Me-If prisoners.

dical Officer. No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V,-DISCIPLINE OF PRISONERS.

30. The requisitions of this Act, with respect Requisitions of Act as to to the separation of prisonseparation of prisoners. ers, are as follows :

(1).-In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing, or holding any intercourse with the men.

(2).-In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other pusoners.

(3).-Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4).-Civil prisoners shall be kept apart from criminal prisoners.

31. The Local Go-Rules as to separate vernment shall have confinement. power to make rules-

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison rules may be confined separately.

32. No cell shall be used for separate confinement unless it is furnished

Cells to be furnished with means of communication.

with the means of enabling the prisoner to communicate at any time with an officer of the prison.

33. Every prisoner under warrant or order for execution shall, imme-Prisoners under sen-tence of death.

diately on his arrival in the prison after sentence,

be searched by, or by order of, the Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession."

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

# CHAPTER VI .- Food, CLOTHING AND BEDDING OF PRISONERS.

34. A Civil prisoner shall be permitted to maintain himself, and to Civil prisoner may mainpurchase, or receive from tain himself. private sources at proper

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hours, food, clothing, bedding or other necessaries, but subject to examination, and to such rules as may be approved by the Inspector General.

.35. No part of any food, clothing, bedding, or other necessaries be-Civil prisoner not to longing to any civil prisell provisions. soner shall be sold to any other prisoner; and any civil prisoner transgress-ing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such a time as the Superintendent thinks proper.

36. Every civil prisoner unable to provide hinself with sufficient clothing and bedding, Allowance of clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

When any such prisoner has been committed to puson in execution of a Judgment-creditor to decree in favour of a pridefray such allowance. defray such allowance. vate person, such person, or his representative, shall be liable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the pusoner; and in default of such payment the prisoner shall be released.

CHAPTER VII.-EMPLOYMENT OF PRISONERS.

37. Civil prisoners may, with the Superinten-Work and earnings of dent's permission, work and follow their respeccivil prisoners. tive trades and profession

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the puson, shall be subject to a deduction to be determined by the Superintendent, for the use of implements and the cost of maintenance.

38. The Medical Officer shall, from time to time, examine the labour-Examination by Medical ing prisoners while they are employed, and shall Officer of labouring prisoners. enter in his journal the name of any prisoner whose health he thinks likely

to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer certifies that he is fit for such employment.

But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for, the Guoler so to employ him.

39. Provision shall be made by the Superin-Employment of prisoners tendent for the employment (as long as they so sentenced to simple imprisonment. desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

# CHAPTER VIII .- HEALTH OF PRISONERS.

40. The names of prisoners desiring to see the

Medical Officer or appearing out of health in mind or body shall be Names of sick prisoners to be reported to Gaoler. reported by the Officer attending them to the Gaoler.

The Gaoler shall, without delay, call the atten-tion of the Medical Officer

Gaoler to report them to

to any prisoner desiting to see him, or who is ill Medical Officer. or whose state of mind or body appears to require attention,

and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

41. All directions given by the Medical Officer

Entry of directions by Medical Officer.

in relation to any prisoner, with the exception of orders for the supply of

medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a separate column wherein entries shall be made by the Gaoler, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

42. In every prison an infirmary or proper place for the reception of

Infirmaries

sick prisoners shall be provided.

# CHAPTER IX .- VISITS TO AND CORRESPON-DÉNCE OF PRISONERS.

43. Due provision shall be made for the admission, at proper times Visits to prisoners.

and under proper restric tions, into every prison of persons with whom prisoners before trial may desire to communicate.

The Local Government shall also impose such

restrictions upon the com-Correspondence of pri- munication and corresmners. with their friends as it thinks necessary for the maintenance of good order and discipline.

44. The Gaoler may demand the name andaddress of any visitor to a Power of Gaoler as to prisoner; and when the Gaoler has any ground for visitors.

suspicion, may search visitors, or cause them to be searched, but the search shall not be in the presence of any prisoner or of another visitor.

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal.

# CHAPTER X.-OFFENCES IN RELATION TO PRISONS.

45. Whoever, contrary to the regulations of the prison, brings, throws, or attempts by any means Carrying liquor, tobaccó

or drugs into prison. whatever to introduce into

any prison, or any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or lobacco, or intoxicating or poisonous drug, and every officer of a prison who knowingly

Suffering liquor, tobacco or drugs to be sold or used in prison. .

suffers any such liquor, tobacco, or diug, to be sold or used in such prison or place contrary to such regulations,

vey, any letter or other

article not allowed by

and whoever, contrary to such regulations, conveys, or attempts to con

Carrying letters into and out of prisons.

such regulations, into or out of any such prison or place,

and whoever abets within the meaning of the

Abetment of such offences.

Indian Penal Code any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

The Superintendent shall cause to be 46. affixed, in a conspicuous Notice of penalties to place outside the prison or the place provided us be placed outside prison. aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

# CHAPTER XI .- PRISON OFFENCES.

47. The following acts List of prison offences. are declared to be offences against prison discipline :--

(1) wilful disobedience to the regulations of the puson by any prisoner;

(2) assaults or use of criminal force by any prisoner;

(3) insulting or threatening language by any prisoner to any officer or prisoner;

(4) indecent or disorderly behaviour by any pri-oner;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing or cutting irons or bars;

(8) idleness or negligence at work by any convicted criminal prisoner;

(9) wilful mismanagement of work by any convicted criminal prisoner;

(10) wilful damage to prison property ; "

(11) conspiring to escape, or to assist in escaping,

or to commit any other of the offences aforesaid. 48. The Superintendent may examine any

person touching such of-Superintendent's power tences, and determine to punish prison offenders. thereupon, and punish such offences-

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;

(2) by ordering the offender for any time not exceeding three days to close confinement, to be 1 there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thirty stripes of a ratan; or

(4) where the offender is not sentenced to . rigorous imprisonment, by hard labour for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

49. If any prisoner is guilty of repeated offences

against prison discipline, or is guilty of any offence Punishment of prisoners by Magistrate. against prison discipline

which the Superintendent thinks is not adequately punishable under section forty-eight, the Supermtendent shall report the same to the Magistrate of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire , upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment cell or in irons for any term not exceeding six months,

or by corporal punishment not -exceeding thirty stupes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this .or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil prisoner.

50. All corporal punishment within the prison

shall be inflicted in the Corporal punishment. Corporal punishment. presence of the Superin-tendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

51. Every Gaoler and subordinate officer of a

prison ill-treating any Penalty on officers illprisoner, or wilfully violattreating prisoners or violating or neglecting any rule contained in this Act or

made under section fifty-four, shall be liable, on conviction before the Superintendent, to fine not exceeding one hundred supees, or, on conviction before a Magistiate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

ing rules.

Any fine imposed by the Superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

# CHAPTER XII.-MISCELLANEOUS.

52.

Confinement in irons of prisoners seutenced to ngorous imprisonment

Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the

safe custody of any prisoner's that they should be confined in irons, the Superintendent may so confine them.

53. Except in case of urgent necessity, no Confinement in trons by Gaoler of his own authority

prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and

notice thereof shall be forthwith given to the Superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in nons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

54. The Local Government may, from time to Power to make supple-mentary prison rules. time, make rules consist-ent with this Act,

(1) for the government of prisons and for the guidance of all officers appointed hereunder

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon :

(3) as to the food and clothing of criminal prisoners :

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for lewards for good conduct: and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All rules now in force relating to any of the matters mentioned in

Present rules. sections fourteen, thirty-

one, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

56 All or any of the powers and duties conferred and imposed by Exercise of powers of this Act on a Superinten-Superintendent dent may be exercised and performed by such other officer as the Local Government from time to time appoint in this behalf.

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# SCHEDULE.

# [See Section 2.],

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Number and Year.	TITLB.	Extent of Repcal
Bengal Regulation XIV. of 1816.,	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the	been repealed.
,	Public Roads, or other Public Works : also to place the Jail at Allypore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its im- mediate Dependencies.	٢
Bengal Regulation XVII. of 1816.	For the occasional Revision of the regular Police and Jail Establishments, for the due Support and Regulation of the Establishments of Chokee-	and eighteen.
	dars; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	
Bengal Regulation III of 1826	For extending to Dewanny prisoners some of the Provisions in Regula- tion XIV. 1816, and for modifying the Rule contained in Section III Regulation IV. 1816.	The whole.
Bengal Regulation IV of 1833.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superin- tendents or their Assistants appointed by Government, and to enable those Officers to maintain good order and Discipline among the Convicts and their Guards.	•
Bengal Regulation II. of 1834	For abolishing Corporal Punishmeat; for substituting a Fine in certain cases for a Sentence of Labour; and for the gradual Introduction of a better System of Prison Discipline.	So much as has not been repealed
Act No. XVIII. of 1844	For the better control and management of Gaols within the Bengal Presi- dency.	The whole.

WHITLEY STOKES,

Sccretary to the Government of Indua.

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[Published with the "Bombay Government Gazette" of the 27th October 1870.]

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and was promulgated for general information in the Gazette of India of the 8th October 1870:--

#### Act No. XXV. of 1870.

An Act to legalize the levy of certain duties on timber imported into Maulmain.

Whereas certain duties were in the years 1864 and 1865 levied on foreign Preamble. timber imported into

Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:- 1. All duties levied between the first day of Legalization of levy of duties July 1864 and the second day of August 1865 (both inclusive) on foreign tim-

ber imported into Maulmain by the River Salween, shall be deemed to have been levied in accordance with law.

2. All officers and other persons are hereby Indemnity-clause. indemnified for anything done before the passing

of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

> WHITLEY STOKES, Secretary to the Government of India.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and was promulgated for general information in the Gazette of India of the 8th October 1870:-

#### Act No. XXVI. of 1870.

# THE PRISONS' ACT, 1870.

# ARRANGEMENT OF SECTIONS.

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# An Act to amend the law relating to Prisons.

WHEREAS It is expedient to amend the law relating to prisons in the North-Western Provinces, Preamble.

the Panjáb, Oudh, the Central Provinces, and

British Burmah, and to provide rules for the regulation of such prisons; It is hereby enacted as follows :-

#### CHAPTER I.-PRELIMINARY.

1. This Act may be called " The Prisons Act, 1870."

It extends only to the territories respectively under the government of Local extent.

the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudhathe Central Provinces and British Burmah.

And it shall come into Commencement of Act. force on the first day of December 1870.

2. On and after that day the enactments men-Repeal of enactments

tioned in the schedule to this Act annexed shall be repealed to the extent therein specified in the third column of the said

schedule.

Interpretation-clause 3. In this Act-

" prison" means any gaol or penitentiary, and includes the airing grounds · "Prison"

or other grounds or buildings occupied for the use of the prison,

" criminal prisoner" means any prisoner " Criminal prisoner " charged with or convicted of a crime:

and "civil prisoner" means any prisoner confined in a civil jail, or on the "Civil prisoner " civil side of a jail.

CHAPTER II - MAINTENANCE AND OFFICERS OF PRISONS.

The Local Government shall provide for 4

Local Government to provide prison accommodation

the prisoners in the territones under such government, accommodation in a prison or prisons con-

structed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Б Whenevel it appears to the Local Govern-Temporary shelter of ment that the number of prisoners in any prison is prisoners greater than can convemently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners,

provision shall be made by such officer and in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall be subject to the same rules as if they were within the prison.

6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by Inspector General of Prisons the Local Government, in the Panjáb by the Local Government, and in

Oudh, the Central Provinces and British Burmah, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

7. For every prison there shall be a Superiotendent, a Medical Offic 1 Officers of puson. (who may also be the

Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary

Subject to the orders of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

8. The Local Government shall appoint the Superintendent and the Medical Officei and the Appointment of officers Deputy Medical Officer.

The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaolei and Deputy Gaoler.

The Superintendent shall also appoint the subordinate officers.

Salary, suspension and receive such salary as dismissal of officers 9. Every officer appointed under this Act shall of the Governor General of India in Council) the Local Government directs. and may be suspended or dismissed by the authority appointing him:

Provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

# CHAPTER III,-DUTIES OF COFFICERS.

#### Generally.

10. All officers of a prison shall obey the directions of the Superm-Officers to obey Supertendent: all subordinate intendent others shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent, and the duties of each subordinate officer shall be inserted in a book to be kept by him.

11 No officer of a prison shall sell or let, nor shall any person m Officers not to sell or trust for or employed by let to prisoners him, sell or let, or delive any benefit from selling or letting, any article to any pusoner.

12. No officer of a prison shall, nor shall any person in trust for or Officers not to contract employed by him, have any interest, direct or with prisoners; inducet, in any contract for the supply of the prison: nor, except so far nor to benefit by sales. nor to benefit by sales. as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, duectly or indirectly, from the sale of any article on behalf of the prison or be-

longing to a prisoner.

#### Superintendent.

13. Subject to the orders of the Inspector Duties of Superintend- General of Prisons, the Superintendent shallent

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

correspond on all matters connected with the frison with and through the Inspector General:

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease :

periodically inspect all property of the Goveinment in his charge, and report thereon to the Inspector General;

and, generally, obey all rules made under section filty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the puson given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

#### Medical Officer.

Power to make rules as 10 Medical otheri's duties

14 The Local Government shall make sules as to each of the following matters :-

how often the Medical Officer shall visit the puson and see each prisoner:

the records to be made respecting sick prisoners :

periodical inspection of every part of the prison:

reports on its cleanliness, drainage, warmth and ventilation :

reports on the provisions, water, clothing and bedding supplied to the pir-oners.

Medical Officer to obey The Medical Officer shall obey such rules. nich rules

15. Whenever the Medical Officer has reason to believe that the mind

To report special cases. to be, murriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Officer thinks proper.

On the death of any prisoner, the Medical nake entries as to f prisoners. Officer shall forthwith record in writing the

To make entries as to death of prisoners.

following particulars, namely,

when the deceased was taken ill,

when the Medical Officer was first informed of the illness,

the nature of the disease,

when the pusoner died,

and (in cases where a post-mortem examination is made) an account of the appearances after death.

together with any special remarks that appear to the Medical Officer to be required.

17. Where a Deputy Medical Officer is appointed to a prison, he Deputy Medical Officer. shall be competent to perform any duty required by this Act, or by any rule

made heieunder, to be performed by the Medical Othcer.

When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordi-

nate Medical Officer to Subordinate Medical act as a substitute for the Officer. Medical Officer, and the subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

Gaoler.

18. The Gaoler shall reside in the prison, unless the Superintendent Residence of Gaoler.

Resulence of Gaoler. permits him in writing to reside elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

19. The Gaoler shall deliver to the Medical Otheer daily a list of such To deliver list of prisoners confined in punishprisoners as are confined ment-cells. in punishment-cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the To give notice of death

of prisoners.

To keep enumerated

books and accounts

Superintendent. 21. The Gaoler shall keep, or cause to be kept, the following records :-

(1) a register of wairants;

(2) a book showing when each prisoner is to be released,

(3) a puni-hment-book for the entry of the punishments inflicted for prison-offences;

(4) a visitors' book for the entry of any observations made by visitors to the prison;

(5) a second of the money and other articles taken from prisoners;

and all such other records as may be prescribed. by rules made under section fifty-lour.

22. The Gaoler shall be responsible for the sale custody of the records Responsible for safe custo be kept by him under tody of documents. section Iwenty-one, and also for the commitments and all other documents confided to his care.

23. The Gaoler shall not be absent from the prison for a night without Not to be absent withpermission in writing from the Superintendent; but out leave. if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

24. Where a Deputy Gaoler is appointed to a prison, he shall be com-

Deputy Gaokr petent to perform my duty required by this Act or by any role made under section fifty-four to be performed by the Gaoler.

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an other of the prison to

send to the Inspector General returns of all prisoners sentenced to transportation :

act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Gaoler.

Subordinate Officers.

25. The officer acting as Gate-Porter, or any other officer of the prison Powers of Gate Porter. may examine anything carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such articles or property be found, shall give immediate not ice thereof to the Gaoler.

26. Subordinate officers shall not be absent

from the prison without Subordinate Officers not leave from the Superintento be absent without leave. dent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Goaler's office.

# CHAPTER IV .- Admission, Removal and Dis-CHARGE OF PRISONERS.

When a prisoner is first admitted, and whenever he afterwards

Prisoners to be searched enters the prison, he shall ou entrance. be searched, and all weapons and prohibited articles shall be taken from him.

Every criminal prisoner shall also, as soon as possible after admission,

Medical examination of criminal prisoners

27.

to add.

be examined by the Meenter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit

28. All money or other effects in respect whereof no order of a

Effects of criminal prisoners retained.

competent court has been made, and which may be

brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler.

29. All prisoners, previously to being removed to any other prison, shall Medical examination bebe examined by the Mefore removal and discharge of prisoners. dical Officer.

No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V,-DISCIPLINE OF PRISONERS.

30. The requisitions of this Act, with respect Requisitions of Act as to to the separation of prisonseparation of prisoners. ers, are as follows :-

(1).-In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing, or holding any intercourse with the men.

(2) .- In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other pusoners.

(3).-Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4) .- Civil prisoners shall be kept apart from criminal prisoners.

31. The Local Go-Rules as to separate vernment ehall have confinement. power to make rules-

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against prison rules may he confined separately,

32. No cell shall be used for separate confine.

Cells to be furnished with means of communication.

ment unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

33. Every prisoner under warrant or order for execution shall, imme-

Prisoners under sendiately on his arrival in tence of death. the prison after sentence, be searched by, or by order of, the Guoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave

in his possession. Every such prisoner shall be confined in a cell

apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

# CHAPTER VI .- Food, CLOTHING AND BEDDING OF PRISONERS.

34. A Civil prisoner shall be permitted to maintain himself, and to purchase, or receive from Civil prisoner may mainprivate sources at proper tain himself. hours, food, clothing, bedding or other necessaries, but subject to examination, and to such rules as may be approved by the Inspector General.

35. No part of any food, clothing, bedding, or other necessaries belonging to any civil pri-Civil prisoner not to sell provisions soner shall be sold to any other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such a time as the Superintendent thinks proper.

36. Every civil prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Allowance of clothing and bedding. Superintendent with such clothing and bedding as may be necessary.

When any such prisoner has been committed to prison in execution of a decree in favour of a pri-Judgment-creditor to defray such allowance. vate person, such person, or his representative, shall be hable to pay to the Superintendent on demand the cost of the clothing and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

CHAPTER VII.-EMPLOYMENT OF PRISONERS.

37. Civil prisoners may, with the Superintendent's permission, work and follow their respec-Work and earnings of civil prisoners.

tive trades and profession. Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements, or are maintained at the expense of the prison, shall be subject to a deduction to be determined by the Superintendent, for the use of implements and the cost of maintenance.

38. The Medical Officer shall, from time to

time, examine the labour-Examination by Medical ing prisoners while they are employed, and shall Officer of labouring prisoners. enter in his journal the name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be employed at such labour until the Medical Officer

certifies that he is fit for such employment. But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

39. Provision shall be made by the Superin-Employment of prisoners tendent for the employsentenced to simple impriment (as long as they so sonment. desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no pusoner not sentenced to sigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.-HEALTH OF PRISONERS.

40. The names of prisoners desiring to see the Medical Officer or ap-

Names of sick prisoners to be reported to Gaoler. pearing out of health in mind or body shall be reported by the Officer attending them to the

Gaoler. The Gaoler shall, without delay, call the atten-

tion of the Medical Officer Gaoler to report them to

to any prisoner desuing to see him, or who is ill Medical Officer. or whose state of mind or body appears to require attention,

and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

+ 41. All directions given by the Medical Officer in relation to any prison-Entry of directions by Medical Officer

er, with the exception of orders for the supply of

medicines or directions relating to such matters as me carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in his journal, which shall have a

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separate column wherein entries shall be made by the Gaolei, stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

42. In every prison an infirmary or proper place for the reception of Infirmaries. sick prisoners shall be provided.

# CHAPTER IX .- VISITS TO AND CORRESPON-DENCE OF PRISONERS.

43. Due provision shall be made for the admission, at pioper times

Visits to prisoners. and under proper restrictions, into every prison of persons with whom prisoners before trial may desire to communicate.

The Local Government shall also impose such restrictions upon the com-Correspondence of primunication and corressoners. pondence of prisoners with their friends as it thinks necessary for the maintenance of good order and discipline.

44. The Gaoler may demand the name and Power of Gaoler as to address of any visitor to a prisoner; and when the Gaoler has any ground for visitors. suspicion, may search visitors, or cause them to

be searched, but the search shall not be in the presence of any pusoner or of another visitor.

In case of any such visitor refusing to be searched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal

#### CHAPTER X .- OFFENCES IN RELATION 10 PRISONS.

45. Whoever, contrary to the regulations of the prison, brings, throws, or Carrying liquor, tobacco attempts by any means

or drugs into prison. whatever to introduce into any prison, or any place provided under section five for the temporary shelter and safe custody of prisoneis, any spirituous or fermented liquor, or tobacco, or intoxicating or poisonous drug,

Suffering liquor, tobacco or drugs to be sold or used in prison.

and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contrary to such regulations,

and whoever, contrary to such regulations, con-

Carrying letters into and out of prisons.

veys, or attempts to convey, any letter or other article not allowed by

such regulations, into or out of any such prison

fences.

or place,

and whoever abets within the meaning of the Abetment of such ofoffence made punishable by this section,

shall, on conviction before a Magistrate, be liable to sigorous imprisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

46. The Superintendent shall cause to be affixed, in a conspicuous Notice of penalties to place outside the prison be placed outside prison or the place provided as aforesaid, a notice setting forth the penalties m-curred by persons committing any offence under section forty-five.

#### CHAPTER XI .- PRISON OFFENCES.

47 The following acts List of prison offences are declared to be offences against prison discipline :--

(1) wilful disobedience to the regulations of the prison by any prisoner,

(2) assaults or use of criminal force by any prisonei,

(3) insulting or threatening language by any pusoner to any officer or prisonel,

(4) indecent or disorderly behaviour by any prisonei;

(5) wilfully disabling himself from labour,

(6) contumaciously refusing to work,

(7) filing or cutting nons or bars;

(8) idleness or negligence at work by any convicted cuminal prisoner;

(9) wilful mismanagement of work by any convicted cuminal puisoner,

(10) wilful damage to prison property;

(11) conspiring to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

48. The Superintendent may examine any Superintendent's power to punish prison offenders

person touching such of-tences, and determine thereupon, and punish such offences-

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days,

(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe,

(3) by corporal punishment not exceeding thuty stripes of a ratan; or

(4) where the offender is not sentenced to ingoious imprisonment, by hard labout for any time not exceeding seven days.

The Gaolei shall enter in a separate book, called the punishment-book, a statement of the nature of any offence that hus been pumshed under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

49. If any pusoner is guilty of repeated offences against prison discipline, Punishment of prisoners of is guilty of any offence by Magistrate

against prison discipline which the Superintendent thinks is not adequately punishable under section forty-eight, the Superintendent shall report the same to the Magistrate

of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall bave power to inquire upon oath and to determine concerning any matter so reported to hun, and to sentence the offender to be punished

by confinement in a punishment-cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan,

or by rigorous imprisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing imprisonment.

Nothing in this or the last pieceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prisoner or any civil pusoner.

50. All corporal punishment within the prison shall be influcted in the Corporal punishment presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

Every Gaoler and subordinate officer of a 51

Penalty on officers illtieating prisoners or violatmg rules.

prison ill-treating any prisoner, or wilfully violating or neglecting any rule contained in this Act or

made under section fifty-four, shall be hable, on conviction before the Superintendent, to fine not exceeding one hundred supees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupces, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the Superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

# CHAPTER XII.-MISCELLANEOUS.

52Confinement in irons of prisoners sentenced to rigorous imprisonment

Whenever the Superintendent considers it necessary (with reference either to the state of the puson of the character of the pusoners) for the

safe custody of any prisoners that they should be confined in nons, the Superintendent may so confine them.

53. Except in case of urgent necessity, no pusoner shall be put in Confinement in irons by irons or under mechanical Gaoler of his own authorestraint by the Gaoler of rity his own authority, and notice thereof shall be forthwith given to the Superintendent.

Except in case of uigent necessity, no prisoner shall be kept in irons or under mechanical restraint for more than twenty-four hours, without an order

in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

54. The Local Government may, from time to Power to make supplementary prison rules. ent with this Act,

(1) for the government of prisons and for the guidance of all officers appointed hereunder:

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon :

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without prisons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct: and

(7) for the appointment and guidance of visitors of prisons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All rules now in force relating to any of Present rules sections fourteen, thirtyone, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to nave been made under these sections respectively.

56. All or any of the powers and duties conferred and imposed by Superintendent. and performed by such other officer as the Local Government from time to time appoint in this behalf.

# SCHEDULE.

## [See Section 2.]

Number and Year.	TITLE.	Extent of Repeal
Bengal Regulation XIV. of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Pusioners employed on the Public Roads, or other Public Works:also to place the Jail at Allypore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its im- mediate Dependencies	been repealed.
BengalRegulation XVII. of 1816.	For the occasional Revision of the regular Police and Jail Establishments, for the due Support and Regulation of the Establishments of Chokee- dars; for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	and eighteen.
Bengal Regulation III. of 1826.	For extending to Dewanny prisoners some of the Provisions in Regula- tion XIV. 1816, and for modifying the Rule contained in Section III Regulation IV. 1816.	The whole.
Bengal Regulation IV. of 1533.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superin- tendents or their Assistants appointed by Government, and to enable those Officers to maintain good order and Discipline among the Convicts and their Guards.	
Bengal Regulation II. of 1834	For abolishing Corporal Punishment; for substituting a Fine in certain cases for a Sentence of Labour; and for the gradual Introduction of a better System of Prison Discipline.	So much as has not been repealed
Act No XVIII. of 1844	For the better control and management of Gaols within the Bengal Presi- dency.	The whole

#### WHITLEY STOKES,

Secretary to the Government of India.

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# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3id October 1870, and was promulgated for general information in the Gazette of India of the 8th October 1870:--

# Act No. XXV. of 1870.

An Act to legalize the levy of certain duties on timber imported into Maulmain.

Whereas certain duties were in the years 1864 and 1865 levied on foreign

I'reamble timber imported into Maulmain by the River Salween, and whereas doubts have been raised to the legality of the levy of such duties, and it is expedient to preclude such doubts; It is hereby enacted as follows:--- 1. All daties levied between the first day of Legalization of levy of duties July 1864 and the second day of August 1865 (both inclusive) on foreign timber imported into Maulmain by the River Salween, shall be deemed to have been levied in ac-

cordance with law. 2. All officers and other persons are hereby

Indemnity-clause. indemnified for anything done before the passing

of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

> WHITLEY STOKES, Secretary to the Government of India.

1v.-98 d

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1870, and was promulgated for general information in the Gazette of India of the 8th Qctober 1870:-

#### Act No. XXVI. of 1870.

THE PRISONS' ACT, 1870.

## ARRANGEMENT OF SECTIONS.

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- 2. Repeal of enactments.
- 3. Interpretation-clause.
- CHAPTER II .- MAINTENANCE AND OFFICERS OF PRISONS.
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  - 5. Temporary shelter of prisoners.
  - 6. Inspector General of prisons.
  - 7. Officers of prison.
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  - 9. Salaries, suspension and dismissal of officers.

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# Generally.

- 10. Officers to obey Superintendent.
- Officers not to sell or let to prisoners. 11.
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#### Superintendent.

13. Duties of Superintendent.

#### Medical Officer.

- 14. Power to make rules as to Medical Officer's duties.
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- 15. To report special cases.
- 16. To make entries as to death of prisoner.
- Deputy Medical Officer. 17. Subordinate Medical Officer.
- Gaoler. 18. Residence of Gaoler.
- To deliver list of prisoners confined in 19. punishment-cells.
- 20. To give notice of death of prisoners.
- To keep enumerated books and accounts. 21.
- 22. Responsible for safe custody of documents.
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- 25. Powers of Gate Porter.
- 26. Subordinate Officers not to be absent without leave.
- CHAPTER IV .- Admission, Removal, and DISCHARGE OF PRISONERS.
- 27. Prisoners to be searched on entrance. Medical examination of criminal prisoners.
- 28. Effects of criminal prisoners retained. 29. Medical examination before removal and dis-
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- SECTIONS. 30. Requisitions of Act as to separation of pri-
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- CHAPTER VI .- FOOD, CLOTHING, AND BEDDING OF PRISONERS.
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  - Civil prisoner not to sell provisions. 35.
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- CHAPTER VII .--- EMPLOYMENT OF PRISONERS.
- 37. Work and earnings of civil prisoners.
  - 38. Examination by Medical Officer of labouring prisoners.
  - 39. Employment of prisoners sentenced to simple imprisonment.
  - CHAPTER VIII.-HEALTH OF PRISONERS.
  - Names of sick prisoners to be reported to 40. Gaoler.
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  - 41. Entry of directions by Medical Officer.
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- CHAPTER IX .--- VISITS TO AND CORRESPONDENCE OF PRISONERS.
  - 43. Visits to prisoners.
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  - Power of Gaoler as to visitors. 44.

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- Notice of penalties to be placed outside prison. 46. CHAPTER XI.-PRISON OFFENCES.
- 47. List of prison-offences.
- Superintendent's power to punish prison-48. offenders.
- 49. Punishment of prisoners by Magistrate.
- 50. Corporal punishment.
- 51. Penalty on officers ill-treating prisoners or violating rules.
  - CHAPTER XII.—MISCELLANOUS.
- Confinement in irons of prisoners sentenced 52. to rigorous imprisonment.
- Confinement in irons by Gaoler of his own 53. authority. Power to make supplementary prison-rules.
- 54.
- 55. Present Rules.
- 56. Exercise of powers of Superintendent. SCHEDULE.

# An Act to amend the law relating to Prisons.

WHEREAS it is expedient to amend the law relating to prisons in the North-Western Provinces, Preamble. the Panjáb, Oudh, the Central Provinces, and British Burmah, and to provide rules for the regulation of such prisons; It is hereby enacted as follows:-

# CHAPTER I .- PRELIMINARY.

Short title.

1. This Act may be called "The Prisons Act, 1870."

It extends only to the territories respectively under the government of

Local extent. the Lieutenant-Governors of the North-Western Provinces and the Panjáb, and under the administration of the Chief Commissioners of Oudh, the Central Provinces and British Buimah.

Commencement of Act.

And it shall come into force on the first day of December 1870,

2. On and after that day the enactments mentioned in the schedule to Repeal of enactments.

this Act annexed shall be repealed to the extent therein specified in the third column of the said

schedule.

3. In this Act-Interpretation-clause.

" prison" means any gaol or penitentiary, and includes the airing-grounds " Prison."

other grounds or or buildings occupied for the use of the prison;

prisoner"

prisoner

" criminal means rany " Criminal prisoner." charged with or convicted of a crime:

and "civil prisoner" means any prisoner confined in a 'civil jail, or on the "Civil prisoner." civil side of a jail.

CHAPTER II.-MAINTENANCE AND OFFICERS --- OF PRISONS,

4. The Local Government shall provide for 4. The Local Government to the prisoners in the terri-tories under such govern-

lation.

provide prison accommoment, accommodation in a prison or prisons con-

structed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. Whenever it appears to the Local Govern-Temporary shelter of ment that the number of prisoners in any prison is prisoners. greater than can convemently or safely be kept therein,

or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desinable to provide for the temporary shelter and safe custody of any prisoners,

provision shall, be made by such officer, and, in such manner as the Local Government from time to time directs, for the temporary shelter and safe custody of so many of the prisoners as cannot be conveniently or safely kept in the prison.

Prisoners for whom such temporary shelter is provided shall he subject to the same rules as if they were within the prison.

6. An Inspector General of Prisons shall be Inspector General of appointed in the North-risons the Local Government, Prisons

in the Panjab by the Local Government, and in ?

Oudh, the Central Provinces and British Buimah, by the Governor General in Council.

In each Inspector General so appointed shall be vested (subject to the orders of the Local Government) the general control and superintendence of all prisons situate in the territories under such Government.

7. For every prison there shall be a Superintendent, a Medical Officer Officers of prison.

(who may also be the Superintendent), a Gaoler and such subordinate officers as the Local Government thinks necessary.

Subject to the orders' of the Governor General in Council, the Local Government may direct that for any specified prison there shall also be a Deputy Medical Officer and a Deputy Gaoler.

8. The Local Government shall appoint the Superintendent and the Appointment of officers. Medical Officer and the

Deputy Medical Officer.

The Superintendent (subject to the approval of the Inspector General of Prisons) shall appoint the Gaoler and Deputy Gaoler,

The Superintendent shall also appoint the subordinate officers.

9. Every officer appointed under this Act shall receive such salary as Salary, suspension and dismissal of officers. (subject to the approval of the Governor General of India in Council) the Local Government duects, and may be suspended or dismissed by the authority appointing him:

Provided that no Gaoler or Deputy Gaoler shall be dismissed without the consent of the Inspector General of Prisons.

Any subordinate officer dismissed under this section may appeal to the Inspector General, whose orders on such appeal shall be final.

# CHAPTER III .- DUTIES OF GFFICERS.

Generally.

10. All officers of a prison shall obey the directions of the Superin-Officers to obey Supertendent: all subordinate intendent. officers shall perform such duties as may be directed by the Gaoler with the sanction of the Superintendent, and the duties of each subordinate officer shall be inserted in a book to be kept by him.

11. No officer of a prison shall sell or let, nor shall any person in Officers not to sell or trust for or employed by let to pusoners. him, sell or let, or derive any benefit from selling or letting, any article to any prisoner.

12. No officer of a prison shall, nor shall any person in trust for or employed by him, have Officers not to contract with prisoners; with prisoners; any interest, direct or 1 indirect, in any contract for the supply of the prison: nor, except so far nor to benefit by sales. as is expressly allowed by rules made under section fifty-four, shall he derive any benefit, directly or indirectly, from the

sale of any article on behalf of the prison or belonging to a prisoner.

#### Superintendent.

13. Subject to the orders of the Inspector Duties of Superintend- General of Prisons, the Duties of Superintend-Superintendent shallent.

manage , the prison in all matters relating to discipline, labour, expenditure, punishment and cristiol:

correspond on all matters' connected with the prison with and through the Inspector General:

submit to the Inspector General all bills of prison expenditure with proper vouchers for audit:

report to the Inspector General from time to time, as they occur, all escapes and recaptures, and all outbreaks of epidemic disease :

send to the Inspector General returns of all prisoners sentenced to transportation :

periodically inspect all property of the Government in his charge, and report thereon to the Inspector General;

and, generally, obey all rules made under section fifty-four for the guidance of the Superintendent.

The Superintendent shall also obey all orders respecting the prison given by the Magistrate of the District, or the Deputy Commissioner, as the case may be, and shall report to the Inspector General all such orders and the action taken thereon.

## Medical Officer. ,

Power to make rules as to Medical officer's duties.

The Local Gov-14 ernment shall make jules as to each of the following matters :-

how often the Medical Officer shall visit the prison and see each prisoner:

the records to be made respecting sick prisoners :

periodical inspection of every part of the puson.

reports on its cleanliness, drainage, warmth and ventilation :

reports on the provisions, water, clothing and bedding supplied to the pir-oneis.

The Medical Officer Medical Officer to obey shall obey such tules. such rules.

15. Whenever the Medical Officer has reason to believe that the mind

To report special cases. to report special cases. of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such directions as the Medical Othcei thinks proper.

On the death of any prisoner, the Medical take entries as to f prisoners. 16. To make entries as to death of prisoners. particulais, following namely,-

when the deceased was taken ill,

when the Medical Officer was first informed of the illness.

4 'the nature of the disease,

when the prisoner died,

and (in cases where a post-mortem examination is made) an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

17. Where a Deputy Medical Officer is appointed to a prison, he Deputy Medical Officer. shall be competent to perform any duty required by this Act, or by any rule made hereunder, to be performed by the Medical Officer.

When there is no Deputy Medical Officer, or when his services are not available by reason of sickness or other cause, the Local Government may, by general or special order, appoint a subordi-

nate Medical Officer to Subordinate . Medical act as a substitute for the Officer. Medical Officer, and the subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

#### Gaoler.

18. The Gaoler shall reside in the prison, unless the Superintendent

Residence of Gaoler. pérmits him in writing to reside elsewhere. The Gaoler shall not, without the Inspector General's sanction, be concerned in any other employment.

19. The Gaoler shall deliver to the Medical Otheer daily a list of such To deliver list of priprisoners as are confined soners confined in punishment-cells. in punishment-cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the To give notice of death of prisoners.

Superintendent. 21. The Gaoler shall keep, or cause to be kept,

To keep enumerated books and accounts.

(1) a register of warrants;

(2) a book showing when each prisoner is to be released;

(3) a punishment-book for the entry of the punishments inflicted for mison offences,

(4) a visitois' book for the entry of any observations made by visitors to the prison;

(5) a second of the money and other articles taken from prisoners;

and a'l such other records as may be prescribed by tules made under section fifty-four.

22. The Gaoler shall be responsible for the safe custody of the records Responsible for safe custo be kept by him under tody of documents. section twenty-one, and also for the commitments and all other documents confided to his care.

23. The Gaoler shall not be absent from the prison for a night without Not to be absent withpermission in writing from out leave. the Superintendent; but if absent without leave for a night from unavoidable necessity, he shall report the fact and the cause of it to the Superintendent.

24. Where a Deputy Gaoler is appointed to a prison, he shall be com-petent to perform any Deputy Gaoler.

duty required by this Aut or by any rule made under section fifty-four to be performed by the Gaoler.

Where there is no Deputy Gaoler, or where his services are not available by reason of sickness or other cause, the Superintendent shall, when the Gaoler is absent from the prison or temporarily incapacitated, appoint an officer of the prison to

the following records :-

act as his substitute during such absence or incapacity, and the substitute so appointed shall have all the powers and perform all the duties of the Gaoier.

# Subordinate Officers.

25. The officer acting as Gate-Porter, or any other officer of the prison

may examine anything Poners of Gate Porter. carried in or out of the prison, and may stop and search any person suspected of bringing in spirits or other prohibited articles into the prison, or of carrying out any property belonging to the prison, and if any such aiticles or property be found, shall give immediate notice thereof to the Gaoler.

26. Subordinate officers shall not be absent from the prison without leave from the Superinten-Subordinate Officers not dent, or from the Gaoler, to be absent without leave. and before absenting themselves they shall leave their keys in the Goaler's office.

# CHAPTER IV .- ADMISSION, REMOVAL AND DIS-CHARGE OF PRISONERS.

When a pusoner is first admitted, and whenever he afterwards 27. Prisoners to be searched enters the prison, he shall on entrance be searched, and all weapons and prohibited articles shall be taken from hnu.

Every criminal prisoner shall also, as soon as

possible after admission, Medical examination of be examined by the Mecumunal prisoners enter in a book, to be kept by the Gaoler, a record of the state of the prisoner's health, and any observations which the Medical Officer thinks fit

28. All money or other effects in respect whereof no order of a Effects of criminal pricompetent court has been

to add.

souers retained. made, and which may be brought into the prison by any criminal prisoner, or sent to the prison for his use, shall be placed in the custody of the Gaoler.

29. All prisoners, previously to being removed to any other puson, shall Medical examination bebe examined by the Mefore removal and discharge of prisoners. dical Officer.

No prisoner shall be removed to any other prison unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

No prisoner shall be discharged against his will from prison, if labouring under any acute or danerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V.-DISCIPLINE OF PRISONERS.

30. The requisitions of this Act, with respect Requisitions of Act as to to the separation of prisonseparation of pusoners. ers, are as follows :-

(1).-In a prison containing female prisoners as well as males, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing, or conversing, or holding any intercourse with the men.

(2) .- In a prison where children under twelve years of age are confined, means shall be provided for separating them altogether from the other prisoners. 1991

(3) .- Criminal prisoners before trial shall be kept apart from convicted prisoners.

(1).-Civil prisoners shall be kept apart from criminal prisoners.

31. The Local Go-Rules as to separate vernment shall have confinement. power to make rules-

(1) as to what cells only shall be used for the separate confinement of prisoners:

(2) as to the time during which prisoners not guilty of offences against puson rules may be confined separately.

No cell shall be used for separate confine-32.

Cells to be furnished with means of communication.

ment unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the prison.

33. Every prisoner under warrant or order for execution shall, imme-Prisoners under sen-tence of death. diately on his arrival in the prison after sentence,

be searched by, or by order of, the Gaoler, and all articles shall be taken from him which the Gaoler deems it dangerous or inexpedient to leave in his possession.

Every such prisoner shall be confined in a cell apart from all other prisoners, and shall be placed by day and by night under the charge of an officer or guard.

# CHAPTER VI .- Food, CLOTHING AND BEDDING OF PRISONERS.

34. A Civil prisoner shall be permitted to maintain himself, and to purchase, or receive from Civil prisoner may mainprivate sources at proper tain himself. hours, food, clothing, bedding or other necessaries, but subject to examination, and to such rules as may be approved by the Inspector General.

35. No part of any food, clothing, bedding, or other necessaries belonging to any civil pri-Civil prisoner not to soner shall be sold to any sell provisions. other prisoner; and any civil prisoner transgressing this regulation shall lose the privilege of purchasing food or receiving it from private sources, for such a time as the Superintendent thinks proper.

36. Every civil prisoner unable to provide himself with sufficient bedding, Allowance of clothing clothing and Superintendent with such clothing and bedding as and bedding. may be necessary.

When any such prisoner has been committed to prison in execution of a decree in favour of a pri-Judgment-creditor to or his representative, shall be liable to pay to the Superintendent on downline in the defray such allowance. Superintendent on demand the cost of the clothing

and bedding so supplied to the prisoner; and in default of such payment the prisoner shall be released.

#### CHAPTER VII.-EMPLOYMENT OF PRISONERS.

, 37. Civil prisoners may, with the Superinten-Work and earnings of dent's permission, work and follow their respeccivil prisoners. tive trades and profession.

Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are fuinished with implements, or are maintained at the expense of the prison, shall be subject to a deduction to be determined by the Superintendent, for the use of implements and the cost of maintenance.

38. The Medical Officer shall, from time to

time, examine the labour-Examination by Medical ing prisoners while they are employed, and shall Officer of labouring prisonenter in his journal the

name of any prisoner whose health he thinks likely to be injured by a continuance at hard labour, and thereupon such prisoner shall not again be émployed at such labour until the Medical Officer certifies that he is fit for such employment.

ers.

But if the Medical Officer certifies that such prisoner may without detriment to his health be employed on some lighter kind of labour, it shall be lawful for the Gaoler so to employ him.

39. Provision shall be made by the Superin-Employment of prisoners tendent for the employsentenced to simple impiiment (as long as they so sonment. desire) of all criminal prisoners sentenced to simple imprisonment.

The Superintendent shall make rules as to the amount and nature of such employment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work, excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such prisoners.

CHAPTER VIII.-HEALTH OF PRISONERS.

40. The names of prisoners desiring to see the Medical Officer or ap-

Names of sick prisoners to be reported to Gaoler. pearing out of health in mind or body shall be

reported by the Officer attending them to the Gaoler.

The Gaoler shall, without delay, call the atten-tion of the Medical Officer Gaoler to report them to

Medical Officer.

to any prisoner desning to see him, or who is ill

or whose state of mind or body appears to require attention,

and shall carry into effect the Medical Officer's written directions respecting alterations of the discipline or treatment of any such prisoner.

41. All directions given by the Medical Officer in relation to any prison-

Entry of directions by Medical Officer. er, with the exception of

medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by dav in his journal, which shall have a Iv.-93 f

separate column wherein entries shall be made by the Gaoler, stating in respect of each direction the fact of it, having been or not having been complied with, accompanied by such observations, if any, as the Gaoler thinks fit to make, and the date of the entry.

42. In every puson an infirmary or proper place for the reception of Infirmaties sick prisoners shall be provided.

# CHAPTER IX -VISITS TO AND CORRESPON-DENCE OF PRISONERS.

43. Due provision shall be made for the admission, at proper times Visits to pusoners

and under pioper restrict tions, into every prison of persons with whom prisoners before trial may desire to communicate

The Local Government shall also impose such restrictions upon the com-Correspondence of primunication and corressoners. with their friends as it thinks necessary for the maintenance of good order and discipline.

44. The Gaoler may demand the name and address of any visitor to a Power of Gaoler as to pusones; and when the visitors. Gaolei has any ground for suspicion, may search visitors, or cause them to

be searched, but the search shall not be in the piesence of any pusonel or of another visitor.

In case of any such visitor refusing to be seatched, the Gaoler may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in his journal

# CHAPTER X .- OFFENCES IN BELATION TO PRISONS.

45. Whoever, contrary to the regulations of the prison, brings, throws, or Carrying liquor, tobacco or daugs into prison. attempts by any means whateves to introduce into any prison, or any place provided under section five for the temporary shelter and safe custody of prisoners, any spirituous or fermented liquor, or

tobacco, or intoxicating or poisonous drug,

Suffering liquor, tobacco or drugs to be sold or used in prison.

and every officer of a prison who knowingly suffers any such liquor, tobacco, or drug, to be sold or used in such prison or place contiary to such regulations,

and whoever, contrary to such regulations, con-Carrying letters into and out of prisons

veys, or attempts to convey, any letter or other article not allowed by such regulations, into or out of any such prison

or place, and whoever abets within the meaning of the Abetment of such offences.

Indian Penal Code any offence made punishable by this section,

shall, on conviction before a Magistrate, be liable to rigorous implisonment for a term not exceeding six months, or to fine not exceeding two hundred rupees, or to both.

46. The Superintendent shall cause to be affixed, in a conspicuous Notice of penalties to place outside the prison aforesaid, a notice setting forth the penalties incurred by persons committing any offence under section forty-five.

CHAPTER X1.-PRISON OFFENCES.

47. The followingacts List of prison offences. are declared to be offences against prison discipline :-

(1) wilful disobedience to the regulations of the puson by any prisoner;

(2) assaults or use of cuminal force by any prisonei;

(3) insulting or threatening language by any pusoner to any officer or prisoner;

(4) indecent or disorderly behaviour by any pusoner;

(5) wilfully disabling himself from labour;

(6) contumaciously refusing to work;

(7) filing or cutting itons or bars;

(8) idleness or negligence at work by any convicted criminal prisoner;

(9) wilful mismanagement of work by any convicted criminal prisoner;

(10) wilful damage to prison property;

(11) conspuing to escape, or to assist in escaping, or to commit any other of the offences aforesaid.

48. The Superintendent may examine any Superintendent's power to punish puson offenders

person touching such of-tences, and determine thereupon, and punish such offences-

(1) by imprisoning the offender in solitary confinement for any time not exceeding seven days;

(2) by ordering the offender for any time not exceeding three days to close confinement, to be there kept upon a diet reduced to such extent as the Local Government shall prescribe;

(3) by corporal punishment not exceeding thuty stupes of a ratan; or

(4) where the offender is not sentenced to rigorous imprisonment, by hard labour for any time not exceeding seven days.

The Gaoler shall enter in a separate book, called the punishment book, a statement of the nature of any offence that has been punished under this section, with the addition of the name of the offender, the date of the offence, and the amount of punishment inflicted. Such statement shall be signed by the Superintendent.

49 If any pusoner is guilty of repeated offences against prison discipline, or is guilty of any offence Punishment of prisoners by Magistrate against prison discipline which the Superintendent thinks is not adequately punishable under section forty-eight, the Supermtendent shall report the same to the Magistrate

of the District or any Magistrate empowered to receive complaints without reference by the Magistrate of the District.

Such Magistrate shall have power to inquire upon oath and to determine concerning any matter so reported to him, and to sentence the offender to be punished

by confinement in a punishment cell or in irons for any term not exceeding six months,

or by corporal punishment not exceeding thirty stripes of a ratan,

or by rigorous implisonment for a term not exceeding six months, such term to be in addition to the term for which he is undergoing implisonment.

Nothing in this or the last preceding section shall authorize the infliction of corporal punishment, or confinement in irons, on any female prison. er or any civil prisoner.

50. All corporal punishment within the prison shall be inflicted in the Corporal punishment. presence of the Superintendent, subject to the law for the time being in force relating to the infliction of corporal punishment and the precautions to be taken in reference thereto.

51. Every Gaoler and subordinate officer of a piison ill-treating any Penalty on officers illprisoner, or wilfully violattreating prisoners or violating or neglecting any rule contained in this Act or ing rules.

made under section fifty-four, shall be liable, on conviction' before the Superintendent, to fine not exceeding one hundred supees, or, on conviction before a Magistrate not being the Superintendent, to fine not exceeding two hundred rupees, or rigorous imprisonment for a term not exceeding one month, or both.

Any fine imposed by the Superintendent under this section may be recovered, either by deductions from the convicted officer's salary and allowances, or under the law for the time being in force for the recovery of fines.

No person shall, under this section, be punished twice for the same offence.

#### CHAPTER XII.-MISCELLANBOUS.

Confinement in irons of prisoners seutenced to rigorous imprisonment

52. Whenever the Superintendent considers it necessary (with refer-ence either to the state of the prison or the character

of the prisoners) for the safe custody of any prisoners that they should be confined in irons, the Superintendent may 80 confine them.

53. Except in case of urgent necessity, no

Confinement in irons by Gaoler of his own authonty.

notice thereof shall be forthwith given to the Superintendent.

Except in case of urgent necessity, no prisoner shall be kept in irons of under mechanical restraint for more than twenty-four hours, without an order

prisoner shall be put in irons or under mechanical restraint by the Gaoler of his own authority, and in writing from the Superintendent specifying the cause thereof, and the time during which the prisoner is to be kept in itons or under mechanical restraint. Such order shall be kept by the Gaoler as his wariant.

54. The Local Government may, from time to Power to make suppleincotary prison rules. ent with this Act,

(1) for the government of prisons and for the guidance of all officers appointed hereunder

(2) as to sales of articles on behalf of prisons or belonging to prisoners, and as to the commission receivable thereon :

(3) as to the food and clothing of criminal prisoners:

(4) for the employment and control of convicts within or without pusons, and for the guidance of the guards in charge of such convicts:

(5) for remission of sentences:

(6) for rewards for good conduct · and

(7) for the appointment and guidance of visitors of pusons.

Copies of such rules, so far as they affect the government of prisons, shall be exhibited in some place to which all persons employed within a prison have access.

55. All rules now in force relating to any of Present rules the matters mentioned in sections fourteen, thirtyonc, thirty-nine and fifty-four shall, so far as such rules are consistent with this Act, be deemed to have been made under those sections respectively.

56. All or any of the powers and duties conferred and imposed by Superintendent dent may be exercised and performed by such other officer as the Local Government from time to time appoint in thibehalf.

# SCHEDULE.

# [See Section 2.]

Number and Year.	TITLE.	Extent of Repual
Bengal Regulation XIV. of 1816.	To provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Pusoners employed on the Public Roads, or other Public Works:also to place the Jail at Allypore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its im- mediate Dependencies.	been repealed.
Bengal Regulation XVII. of 1816.	For the occasional Revision of the regular Police and Jail Establishments, for the due Support and Regulation of the Establishments of Chokee- dars, for amending the Rules in Force for the Appointment and Removal of Police Officers; for modifying the Constitution of the Offices of the Superintendents of Police; and for reducing the Miscellaneous Business of Courts of Circuit, and Court of Nizamut Adawlut.	and eighteen.
Bengal Regulation III of 1826.	For extending to Dewanny prisoners some of the Provisions in Regula- tion XIV. 1816, and for modifying the Bule contained in Section III Regulation IV. 1816.	The whole
Bengal Regulation IV. of 1833.	To provide more effectually for the Management of Convicts sentenced to Labour and employed on the Roads or Public Works under Superin- tendents or their Assistants appointed by Government, and to enable those Officers to maintain good order and Discipline among the Convicts and their Guards.	
Bengal Regulation II of 1834	For abolishing Corporal Punishment; for substituting a Fine in certain eases for a Sentence of Labour, and for the gradual Introduction of a better System of Pinson Discipline.	So much as has not been repealed.
Act No. XVIII. of 1844	For the better control and management of Gaols within the Bengal Presi- dency.	The whole.

# WHITLEY STOKES,

Secretary to the Government of India.

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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

# LEGISLATIVE DEPARTMENT.

# NOTIFICATIONS,

Fort William, the 9th November 1870.

No. 6 .- The following Statute relates to India, and is hereby published for general information :-

# 33 & 34 VICTORIA, CAP. 59.

An Act to render valid certain contracts informally executed in India.

[9th August 1870.]

WHEREAS light Act passed in the twenty-second and twenty-third years of the roign of Her present 22 & 23 Vict, c. 41. Majesty, amending an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, initialed "An Act for the better govern-

ment of India," it was provided that any deed, contract, or other instrument made by the authorities therein named for the purpose of disposing of real and personal estate in India vested in Her Majesty under the said last-mentioned Act, or of raising money on such real estate by way of mortgage, or of making proper assurance for that purpose, or of purchasing and acquiring any lands and hereditaments, or any interest therein, stores, goods, chattels, and other property in India, and of entering into any contracts whatsoever for the purposes of the said first-mentioned Act, may be expressed to be executed as on behalf of the Secretary of State for India in Council, by or by older of the Governor General in Council, or the Governor of Fort St, George or of Bombay in Council.

And whereas by an Act passed in the thirty-second and thirty-third years of Her said Majesty it was r. aled, that certain deeds had been issued for Inam lands in the Presidency of Fort Saint George by the Inam Commissioner in the execution of his office in that respect, which, by reason of certain defects in the expression of the execution thereof, it was apprehended might be invalid; and provision was thereupon made by the said last-mentioned Act that the said title deeds should not be deemed invalid by reason of such defects:

And whereas it is apprehended that other deeds, contracts, and instruments made for the purpose expressed in the said first-recited Act, besides such title deeds as aforesaid, may be invalid or deemed invalid for the like reason, and such provision as aforesaid should therefore be made more general:

**iv.**—99

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :-

Deeds, contracts, and instru-ments executed in India valid notwithstanding certain defects of General in Council may deem it advisable to extend the operation of this Act, execution which is expressed to be executed, by or by order of or on behalf of the Gover-nor General of India in Council, the Governor of Fort Saint George in Council, or the Governor of Bombay

in Council, or by any Lieutenant Governor or Chief Commissioner, or any other officer for the time being entrusted with the government, charge, or care of any presidency, province, or district of British India within the limits of their respective governments, provinces, or districts, and every deed, contract, or other instrument so executed in British India by any person authorised in this behalf by the Secretary of State for India in Council, shall be and be deemed to have been as valid as if it had been executed in conformity with the pro-visions of the said first-recited Act; provided that such deed, contract, or other instrument has been in other respects duly executed according to the law in force at the date of its execution.

2. It shall be lawful for the Governor General, by Resolution in Council, from time to time to vary the form of exceution prescribed by the said first-recited Act for the deeds, contracts, Power to authorities in India and other instruments to which it relates, and to empower such authorities as to

to vary forms of execution. him may seem expedient to vary it within the respective limits of their local junsdiction; and deeds, contracts, and other instruments executed according to forms so altered shall have in all respects the like validity as if they had been executed according to the provisions of the said first-recited Act.

No. 7.-The following Statute is hereby published for general information :---

#### 33 & 34 VICTORIA, CAP. 102.

An Act to amend the Law relating to the taking of Oaths of Allegiance on Naturalization.

[10th August 1870.7

WHEREAS it is expedient to amend the law relating to the taking of oaths of allegiance under the Naturalization Act, 1870; 33 & 34 Vict., c. 14

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

1. The power of making regulations vested in one of Her Majesty's Principal Secretaries of State by the Naturalization Act, 1870, shall extend Regulations as to oaths of allegiance to prescribing as follows:

- (1.) The persons by whom the oaths of allegiance may be administered under that Act:
- (2.)Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested;
- (3.) The registration of such oaths :
- (4.) The persons by whom certified copies of such oaths may be given :
- The transmission to the United Kingdom for the purpose of registration or safe keeping or of (5.) being produced as evidence of any oaths taken in pursuance of the said Act out of the United Kingdom, or of any copies of such oaths, also of copies of entries of such oaths contained in any register kept out of the United Kingdom in pursuance of this Act :
- (6,) The proof in any legal proceeding of such oaths:
- With the consent of the Treasury, the imposition and application of fees in respect of the ad-(7.) ministration or registration of any such oath.

The two last paragraphs in the eleventh section of the Naturalization Act, 1870, shall apply to regulations n.ade under this Act.

2. Any person wilfully and corruptly making or subscribing any declaration under the Naturalization Act, 1870, knowing the same to be untrue in any material particular, shall Penalty on making false declaration. be guilty of a misdemeanour, and be hable to imprisonment with or without hard labour for any term not exceeding twelve months.

3. This Act shall be termed the Naturalization Oath Act, 1870, and shall be construed as one with the Naturalization Act, 1870, and may be cited together with that Act as the Construction and short title of Act Naturalization Acts, 1870,

> WHITLEY STOKFS, Secretary to the Government of India, Legislative Department.

Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.



# Bombay Bovernment Gazette.

Published by Authority.

TUESDAY, 22ND NOVEMBER 1870.

IS Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor on the 23rd September 1870, and the assent of His Excellency the Governor General on the 8th November 1870, and is published for general information:—

## BOMBAY.

## Act No. I. of 1870.

An Act for the repeal of (Bombay) Act No. II. of 1869.

WHEREAS it is expedient to reduce taxation for Municipal purposes within the City of Preamble. Bombay; It is hereby enacted as follows :---

Repeal of Bombay Act II. Bombay Act No. II. of 1869 is hereby repealed. of 1869.

By order of the Right Honourable the Governor in Council,

JOHN JARDINE,

Acting Under Secretary to Government.

Bombay Castle, 21st November 1870.

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Printed and Published for Government at the BOMEAN EDUCATION SOCIETY'S PRESS, Byculla.



### (Bazette. Bomban ernment

Qublished by Juthority.

THURSDAY, 1st DECEMBER 1870.

IF Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

#### ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th November 1870, and was promulgated for general information in the Gazette of India on the 26th November 1870:-

#### Act No. XXVII. of 1870.

An Act to amend the Indian Penal Code.

For the purpose of amending the Indian Penal Code; It is hereby enact-Preamble. ed as lollows :-

1. For section thirty-four of the said Code the following section shall be substituted :-

"34. . When a criminal act is done by several persons in furtherance of Liability for act done by the common intention of several persons in furtherall, each of such persons

ance of common intention. is hable for that act in the same manner as if it were done by him alone."

2. For section forty of the said Code, the following section shall be substituted :-

"40. Except in the chapter and sections mentioned in clauses two and 1.5 " Offence."

three of this section, the word 'offence' denotes a thing made punishable by this Code.

"In chapter IV. and in the following sections, namely, sections 109, 110, 112, 114, 115, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, ıv.—101

224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389, and 445, the word ' offence' denotes a thing punishable under this Code, or under any special or local law as hereinafter defined :

And in sections 141, 176, 177, 201, 202, 212, 216, and 441, the word 'offence' has the same meaning when the thing punishable under the special or local law is punishable under such law with imprisonment for a term of six months of upwards, whether with or without fine."

3. Section fifty-six of the said Code shall be read as if the following proviso were added thereto :-

"Provided that, where an European or American offender would, but for

Proviso as to sentence such Act, be liable to be for term exceeding ten sentenced or ordered to years, but not for life. be transported for a term

exceeding ten years, but not for life, he shall be liable to be sentenced or ordered to be kept in penal servitude for such term exceeding six years as to the Court seems fit, but not for life."

4. After section one hundred and twenty-one of the said Code, the following section shall be inserted :-

"121A. Whoever within or without British Conspiracy to commit offences putsishable by sec-tion 121,

India conspires to com-mit any of the offences punishable by section one hundred and twenty-one,

or to deprive the Queen of the sovereignty of British India or of any part thereof, or conspires to overawe, by means of climinal force or the show of criminal force, the Government of India or any Local Government, shall be punished with, transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.

" Explanation .- To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

5. After section one hundred and twenty-four of the said Code, the following section shall be inserted :-

"124A. Wheever by words, either spoken or intended to be read, or by

Exciting disaffection. signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with imprisonment for a term which may extend to three years, to which fine may be added, or with fine.

"Explanation .- Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authority of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause.

6. Section one hundred and thirty-one of the said Code shall be read as Addition to section 131. if the following explanation were added thereto :-

" Explanation .- In this section the words 'officer' and 'soldier' include any person subject to the Articles of War for the better Government of Her Majesty's Army, or to the Articles of War con-tained in Act No. V. of 1869."

7. Sections one hundred and ninety-four and one hundred and ninety-Amendment of sections five of the said Code 194 and 195. shall be read as if, after the words 'by this Code,' the words ' or the law of England,' were inserted.

Sections two hundred and twenty-two and 8. two hundred and twenty-Amendment of sections three of the said Code shall be construed as if, 222 and 223. after the word 'offence,' the following words were inserted (that is to say), ' or lawfully committed to custody;

and section two hundred and twenty-two of the said Code shall be construed as if the following words were added thereto (that is to say), if the person was lawfully committed custody." for

9. After section two hundred and twenty-five of the said Code the following section shall be inserted :---

"225A, Whoever

Escape from custody for failing to furnish security. ۰. •

escapes or , attempts to escape from any custody in which he is lawfully detained for failing, under the Code of Ciminal

Procedure, to furnish any security for good behaviour shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

After section two hundred and ninety-four, and before Chapter XV. of the Indian Penal Code, the following section shall be inserted :-

"294A. Whoever keeps any office or place for the purpose of draw-ing any lottery not autho-Keeping lottery-office. rised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

"And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees."

11. Section three hundred and seven of the said Code shall be read as if following clause were added thereto :-

"When any person offending under this section is under sentence of trans-Attempts by life-conportation for life, he may, victs. if hurt is caused, punished with death." Ъe

12. After section three hundred and four of the same Code, the following section shall be inserted :-

"304A. Whoever causes the death of any person bydoing any rashor Causing death by neghnegligent act not amountgence. ing to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

13. The following chapters of the same Code, namely, IV. (General Ez-Application of certain chapters of Penal Code. ceptions), V. (Of Abet-ment), and XXIII. (Of Attempts to commit Offences) shall apply to offences punishable under the said sections 121A, 294A and 304A, and the said chapters IV. and V. shall apply to offences punishable under the said sec-tions 124A and 225A.

Order of Local Government necessary to prosecu-tion under section 121A, 124A or 294A.

14. No charge of an offence punishable under any of the said sections 121A, 124A, and 294A, shall be entertained by any Court unless the prosecution be instituted

by order of, or under authority from, the Local Government.

15. Nothing contained in this Act shall be Saving of special and local laws.

Schedule I. to be part of Schedule to Criminal Procedure Code.

taken to affect any of the provisions of any special or local law. 16. The first schedule hereto annexed shall be

\* Repeal of enactments.

deemed to be part of theschedule to the Code or

Criminal Procedure. 17. The enactments mentioned in the second schedule bereto annexed are repealed to the extent specified therein.

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## THE FIRST SCHEDULE.

### (See section 16.)

Section.	Offunce.	Whether Police inay arrest without warrant or not.	Whether warrant or summons shall ordinarily issue in first instance.		Punishment under the Indian Penal Code	By what Cours triable.
121 <b>A</b> .	Conspiring to commit certain offences against the State.	Shall not ar- rest without warrant.	Warrant	Not bail- able.	Transportation for hife or any shorter term, or imprisonment of either description for ten years.	
124 A.	Exciting, or attempt- ing to excite, dis- affection.		Warrant	Not bail- able.	Transportation for life or for any term and fine, or imprisonment of ether description for three years and fine, or fine.	
225 A.	Escape, or attempt to escape, from cus- tody for failing to furnish security for good behaviour.	without war-	Warrant	Bailable	Imprisonment of either description for one year, or fine, or both.	District or Sub-
294 A.	Keeping a lottery office.	Shall not ar- rest without warrant.	Summons .	Bailable .	Imprisonment of either description for six months, or fille, or both.	Any Magistrate
	Publishing proposals relating to lotteries	Ditto	Ditto	Ditto	Fine of one thousand rupees.	Any Magistrate
304 A.	Causing death by negligence.	May arrest without war- rant.	Warrant	Bailable .	Imprisonment of either description for two years, or fine, or both.	or Magistrate

#### THE SECOND SCHEDULE.

#### (See section 17.)

Number and year.	Tıtle.	Extent of repeal		
Statute 9 Geo. IV, Cap seventy-tour.	An Act for improving the administration of criminal justice in the <i>Bast Indies</i> .	The whole Act, except sections one to ten (inclusive), thirteen, fourteen, fifteen, twenty-one, twenty-three to twenty-six (in- clusive), thirty-six, thirty-seven, fifty-one, fifty-two, fifty-six and one hundred and teu.		
Act No. V. of 1844	An Act for the suppression of all lotteries not authorized by Government.	The whole.		
Act No 1V. of 1867	An Act to enlarge the meaning of the word 'offence' in certain sections of the Indian Penal Code, and for other purposes.	The whole.		

# WHITLEY STOKES, Secretary to the Government of India.

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[Published with the "Bombay Government Gazette" of the 3rd November 1870.]

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor on the 23rd September 1870, and the assent of His Excellency the Governor General on the 8th November 1870, and is published for general information : --

## BOMBAY.

## Act No. I. of 1870.

An Act for the repeal of (Bombay) Act No. II. of 1869.

WHEREAS it is expedient to reduce taxation for Municipal purposes within the City of Preamble. Bombay; It is hereby enacted as follows .---

Repeal of Bombay Act II. Bombay Act No. II. of 1869 is hereby repealed. of 1869.

> By order of the Right Honourable the Governor in Council, JOHN JARDINE,

Acting Under Secretary to Government.

Bombay Castle, 21st November 1870.

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Printed and Published for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.





# Bombay Bovernment Gazette.

Published by Juthority.

MONDAY, 5TH DECEMBER 1870.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 1st October 1870, and the assent of His Excellency the Governor General on the 26th November 1870, and is published for general information :--

## BOMBAY.

## Act No. II. of 1870.

An Act to enable the Government of Bombay to prescribe the Official Seals of the Magistrates.

WHEREAS it is expedient that Govern-Preamble. Preamble. Dowered from time to

time to direct what official Seals shall be used by Magistrates of Police and other Magistrates of whatever designation exercising all or any of the powers of a Magistrate, it is enacted as follows :--- I. Clause 2 Section III. of Regulation Repeal. XII. of 1827 is hereby repealed.

11. It shall be lawful for Government Government empowered to prescribe Seals. Gazette what official Seals shall be used by the several Magistrates of Police and other Magistrates of whatever designation exercising all or any of the powers of a Magistrate within the Presidency of Bombay.

III. This Act shall come into force on such date as Government may hereafter order by notification in the Government Gazette.

By order of the Right Honourable the Governor in Council,

## JOHN JARDINE,

# Acting Under-Secretary to Government.

Bombay Castle, 3rd December 1870. 1v.-102 [Published with the "Bombay Government Gazette" of the 8th December 1870.]

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 25th November 1870, and was promulgated for general information in the Gazette of India on the 26th November 1870:---

#### Act No. XXVII. of 1870.

An Act to amend the Indian Penal Code.

For the purpose of amending the Indian Penal Code; It is hereby enact-Preamble. ed as follows :-

1. For section thirty-four of the said Code the following section shall be substituted :-

"34. When a criminal act is done by several

Liability for act done by several persons in furtherance of common intention.

persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone."

2. For section forty of the said Code, the following section shall be substituted :-

"40. Except in the chapter and sections mentioned in clauses two and

" Offence." three of this 'section, the word 'offence' denotes a thing made punishable by this Code.

"In chapter IV. and in the following sections, namely, sections 109, 110, 112, 114, 116, 116, 117, 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225, 327, 328, 329, 330, 331, 347, 348, 388, 389, and 445, the word 'offence' denotes a thing punishable under this Code, or under any special or local law as hereinafter defined :

"And in sections 141, 176, 177, 201, 202, 212, 216, and 441, the word 'offence' has the same nearing when the thing punishable under the perial or local law is punishable under such law with imprisonment for a term of six months or ipwards, whether with or without fine.

3. Section fifty-six of the said Code shall be ead as if the following proviso were added there-0:-

"Provided that, where an European or American

Proviso as to sentence or term exceeding ten 'ears, but not for life.

offender would, but for such Act, be hable to be sentenced or ordered to be transported for a term

acceeding ten years, but not for hife, he shall be iable to be sentenced or ordered to be kept in senal servitude for such term exceeding six years is to the Court seems fit, but not for life.

IV.-102 a

4. After section one hundred and twenty-one of the said Code, the following section shall be mserted :---

"121A. Whoever within or without British Conspiracy to commit offences punishable by sec-tion 121.

India conspires to commit any of the offences punishable by section one hundred and twenty-one,

or to deprive the Queen of the sovereighty of British India or of any part thereof, or conspires to overawe, by means of cuminal force or the show of cuminal force, the Government of India or any Local Government, shall be punished with transportation for life or any shorter term, or with imprisonment of either description which may extend to ten years.

" Explanation .- To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

5. After section one hundred and twenty-four of the said Code, the following section shall be inseited :---

"124A. Whoever by words, either spoken or intended to be read, or by Exciting disaffection. signs, or by visible representation, or otherwise, excites or attempts to excite feelings of disaffection to the Government established by law in British India, shall be punished with transportation for life or for any term, to which fine may be added, or with impri-sonment for a term which may extend to three years, to which fine may be added, or with fine.

"Explanation.-Such a disapprobation of the measures of the Government as is compatible with a disposition to render obedience to the lawful authomy of the Government, and to support the lawful authority of the Government against unlawful attempts to subvert or resist that authority, is not disaffection. Therefore, the making of comments on the measures of the Government, with the intention of exciting only this species of disapprobation, is not an offence within this clause.

6. Section one hundred and thirty-one of the said Code shall be read as Addition to section 131 if the following explanation were added thereto :-

" Explanation .- In this section the words 'officer' and 'soldier' include any person subject to the Articles of War for the better government of Her Majesty's Aimy, or to the Articles of War contamed in Act No. V. of 1869."

Sections one hundred and ninety-four and 7 one hundred and ninety-Amendment of sections five of the said Code 194 and 195. shall be read as if, after the words 'by this Code,' the words 'or the law of England,' were inserted.

8. Sections two hundred/and twenty-two and

two hundred and twenty-Amendment of sections three of the said Code 222 and 223 shall be construed as if,

after the word 'offence,' the following words were inserted (that is to say), ' or lawfully committed to custody;

and section two hundred and twenty-two of the said Code shall be construed as if the following words were added thereto (that is to say), 'or if the person was lawfully committed to custody.'

9. After section, two hundred and twenty-five of the said Code the following section shall be inserted :-

"225A. Whoever escapes or attempts to escape from any custody Escape from custody 'm which he is lawfully for failing to furnish sedetained for failing, under curity the Code of Criminal

Procedure, to furnish security for good behaviour shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."

10. After section two hundred and ninety-four, and before Chapter XV. of the Indian Penal Code, the following section shall be inserted :-

"294A. Whoever keeps any office or place

for the purpose of draw-ing any lottery not autho-Keeping lottery-office.

rised by Government, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

" And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one thousand rupees."

11. Section three hundred and seven of the said Code shall be read as if the following clause were added thereto :-

"When any person offending under this section is under sentence of trans-Attempts by life-conportation for life, he may victs if hurt is caused, bě

punished with death." 12. After section three hundred and four of the same Code, the following section shall be

inseited :-"304A. Whoever causes the death of any person bydoing any rashor Causing death by neglinegligent act not amountgence. ing to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."

13. The following chapters of the same Code, namely, IV. (General Exceptions), V. (Of Aberment), and XXIII. (Of Application of certain chapters of Penal Code Attempts to commit Offences) shall apply to offences punishable under the said sections 121A, 294A, and 304A, and the said chapters IV. and V. shall apply to offences punishable under the said sections 124A and 225A.

Order of Local Government necessary to prosecution under section 121A, 124A, or 294A

14. No charge of an offence punishable under any of the said sections Order of Local Govern-int necessary to prosecu-n under section 121A. any Court unless the prosecution be instituted by order of, or under authority from, the Local

taken to affect any of the

provisions of any special

Government.

15. Nothing contained in this Act shall be Saving of special and local laws.

16. The first schedule hereto annexed shall be deemed to be part of the Schedule I. to be part of Schedule to Criminal Proschedule to the Code of Criminal Procedure. cedure Code.

17. The enactments mentioned in the second

Repeal of enactments.

schedule hereto annexed are repealed to the extent specified therein.

or local law.

# 323 c

## THE FIRST SCHEDULE

## (See section 16.)

,	bection	Offence.	Whethor Police may arrest without warrant or not.	Whether warrant or summons shall ordinarily issue in first instance		Punishment under the Indian Penal Code	By what Cours triable.
	121 A	Conspiring to commit certain offences against the State.			Not bail- able.	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Court of Session.
•	124 A.	Exciting, or attempt- ing to excite, dis- affection.			Not bail- able.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	
	225 A.	Escape, or attempt to escape, from cus- tody for failing to furnish security for good behaviour.	without war- rant.	Warrant	Bailable	Imprisonment of either description for one year, or fine, or both.	District or Sub-
	294 A.	Keeping a lottery office.	Shall not ar- rest without warrant.		Bailable .	Imprisonment of either description for six months, or fice, oi both.	
		Publishing proposals relating to lotteries	Ditto	Ditto	Ditto	Fine of one thousand rupees.	Any Magastrate
	304 A.	Causing death by negligence.	May arrest without war- rant.	Warrant	Bailable	Imprisonment of either description for two years, or fine, or both.	or Magistrate

#### THE SECOND SCHEDULE.

#### (See section 17.)

Number and year.	Title.	Extent of repeal	
Statute 9 Geo. IV, Cap. seventy-four.	An Act for improving the administration of criminal justice in the <i>East Indies</i> .	The whole Act, except sections one to ten (inclusive), thirteen, fourteen, fifteen, twenty-one, twenty-three to twenty-six (in- clusive), thirty-six, thirty-seven, fifty-one, fifty-two, fifty-six and one hundred and ten.	
Act No. V. of 1844	An Act for the suppression of all lotteries not authorized by Government.	The whole.	
Act No. 1V. of 1867	An Act to enlarge the meaning of the word 'offence' in certain sections of the Indian Peual Code, and for other purposes.	The whole.	

# WHITLEY STOKES, Secretary to the Government of India.

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## ACTS PASSED BY THE COVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor on the 23rd September 1870, and the assent of His Excellency the Governor General on the 8th November 1870, and is published for general information :--

#### BOMBAY.

## Act No. I. of 1870.

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WHEREAS it is expedient to reduce taxation for Municipal purposes within the City of Preamble. Bombay; It is hereby enacted as follows :---

Repeal of Bombay Act II. Bombay Act No. II. of 1869 is hereby repealed.

By order of the Right Honourable the Governor in Council,

## JOHN JARDINE,

Acting Under Secretary to Government.

Bombay Castle, 21st November 1870.

ıv.—102 b

[Published with the "Bombay Government Gazette" of the 22nd December 1870.]

# PART IV.

#### ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 1st October 1870, and the assent of His Excellency the Governor General on the 26th November 1870. and is published for general information :--

#### BOMBAY.

# Act No. II. of 1870.

An Act to enable the Government of Bombay to prescribe the Official Seals of the Magistrates.

WHEREAS it is expedient that Govern-Preamble. ment should be empowered from time to time to direct what official Scals shall be used by Magistrates of Police and other Magistrates of whatever designation exercising all or any of the powers of a Magistrate, it is enacted as follows :-- I. Clause 2 Section III. of Regulation Repeal XII. of 1827 is hereby repealed.

II. It shall be lawful for Government Government empower ed to prescribe Seals. Gazette what official Seals shall be used by the several Magistrates of Police and other Magistrates of whatever designation exercising all or any of the powers of a Magistrate within the Presidency of Bombay.

III. This Act shall come into force on such date as Government may hereafter order by notification in the Government Gazette.

By order of the Right Honourable the Governor in Council,

#### JOHN JARDINE,

Acting Under-Secretary to Government.

Bombay Castle, 3rd December 1870.

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# Bombay Government Gazette.

Published by Juthority.

THURSDAY, STH DECEMBER 1870.

**WF** Separate paging is given to this Part, in order that it may be filed as a separate compilation.

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 1st October 1870, and the assent of His Excellency the Governor General on the 1st December 1870, and is published for general information :--

#### BOMBAY.

#### Act No. III. of 1870.

An Act to secure the payment to Government of certain sums of money by the Corporation of the Justices of the Peace for the City of Bombay.

WHEREAS the Government of India has Preamble. advanced the Corporation of the Justices of the Peace for the City of Bombay a sum of Fifteen Lakhs of Rupees; and whereas it is necessary to make certain p 'visions for the repayment of the same, and for further securing the payments to the credit of the Secretary of State for India in Council of certain sums of money by the Corporation of the Justices of the Peace for the City of Bombay in preference to, and with priority over, all incumbrances and claims to such moneys other than those created under the provisions of this Act; It is enacted as follows :---

I. The whole of such Loan of Fifteen Period for repayment. Lakhs of Rupees shall be repaid with interest at five per cent. within ten years from the 1st August 1869.

II. To secure the repayment of such loan with interest as, Mode of repayment.

Mode of repayment. aforesaid, the Municipal Commissioner, on behalf of the said Justices, on the first day of every month after the passing of this Act until the whole of such loan be liquidated, shall pay into Her Majesty's Treasury or into the account of Her Majesty's Treasury in any Bank as may now or hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay, the sum of Rupees sixteen thousand; and notice of such payment having been made shall be forth with published by the Municipal Commissioner in two English daily newspapers, and one Veinacular daily' newspaper published in Bombay, and in the next Government Gazette.

III. To secure the payment of the sums payable by the said Corporation to Government on account of the Vehar

Water Works, under Section VII. of the Bombay Municipal Act of 1865, the Municipal Commissioner, on behalf of the said Justices, on the first day of every month after the passing of this Act until the whole of the debt to Government in respect thereof be liquidated, shall pay to the account of Her Majesty's Treasury as aforesaid the sum of fourteen thousand and six hundred Rupees, and notice of such payment having been made, shall be forthwith published by the Municipal Commissioner in two English daily newspapers, and one Vernacular newspaper published in Bombay, and in the next Government Gazette.

IV. If the Municipal Commissioner shall neglect to make any of the payments specified in this Act at the times mentioned, the Controller of Municipal Accounts shall within fortyeight hours report the fact to the Chief Secretary to Government or other officer acting in that capacity, who shall have power to direct any Government Officer, not being an Officer holding a Municipal appointment under Bombay Act II. of 1865, to detain in his hauds, to the extent of any payment or payments then in arrear, any moneys due to or accruing for the benefit of the Corporation of the Justices of the Peace for the City of Bombay which he may then or thereafter have in his custody or control, and such Officer shall be bound to detain the moneys as directed, 1 and to pay the same into Her Majesty's Treasury or into any Bank as aforesaid to the credit of the Secretary of State for India in Council, in preference to, and with priority over, all incumbrances and claims to such moneys other than those created under the provisions of this Act.

V. The Municipal Commissioner shall

Account of balances due to Government to be published in January in each year.

in the month of January in each year publish in the Government Gazette, an account showing the

balances due by the Corporation of the Justices of the Peace for the City of Bombay on the 31st December preceding, on the several accounts hereinbefore specified.

VI. Nothing in this Act shall affect Rights and remedies of Government for the recovery of the loan not affected by this Act. shall have independently of this Act for the recovery of the said loan of 15 lakhs or any part thereof, or the remedies which independently of this Act exist for the recovery of the sum payable by the said Corporation to Government on account of the Vehar Water Works.

By order of the Right Honourable the Governor in Council, .

## JOHN JARDINE,

Acting Under-Secretary to Government.

Bombay Castle, 7th December 1870.

# ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 1st October 1870, and the assent of His Excellency the Governor General on the 26th November 1870, and is published for general information :-

# BOMBAY.

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# Act No. II. of 1870.

An Act to enable the Government of Bombay to prescribe the Official Seals of the Magistrates.

WHEREAS it is expedient that Govern-Preamble. ment should be empowered from time to time to direct what official Seals shall be used by Magistrates of Police and other Magistrates of whatever designation exercising all or any of the powers of a Magistrate, it is enacted as follows :-- I. Clause 2 Section III. of Regulation Repeal. XII. of 1827 is hereby repealed.

II. It shall be lawful for Government Government empowered to prescribe Seals. Gazette what official Seals shall be used by the several Magistrates of Police and other Magistrates of whatever designation exercising all or any of the powers of a Magistrate within the Presidency of Bombay.

III. This Act shall come into force on Act to come into force. such date as Government may hereafter order by notification in the Government Gazette.

By order of the Right Honourable the Governor in Council,

# JOHN JARDINE,

Acting Under-Secretary to Government.

Bombay Castle, 3rd December 1870.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 1st October 1870, and the assent of His Excellency the Governor General on the 1st December 1870, and is published for general information :----

## BOMBAY.

# Act No. III. of 1870.

An Act to secure the payment to Go. vernment of certain sums of money by the Corporation of the Justices of the Peace for the City of. Bombay.

WHEREAS the Government of India has advanced the Corpo-Preamble. ration of the Justices of the Peace for the City of Bombay a sum of Fifteen Lakhs of Rupees; and whereas it is necessary to make certain provisions for the repayment of the same, and for further securing the payments to the credit of the Secretary of State for India in Council of certain sums of money by the Corporation of the Justices of the Peace for the City of Bombay in preference to, and with priority over, all incumbrances and claims to such moneys other than those created under the provisions of this Act; It is enacted as follows :---

I. The whole of such Loan of Fifteen Lakbs of Rupees shall Period for repayment. be repaid with interest at five per cent. within ten years from the 1st August 1869.

II. To secure the repayment of such loan with interest as Mode of repayment. aforesaid, the Municipal Commissioner, on behalf of the said Justices, on the first day of every month after the passing of this Act until the whole of such loan be liquidated, shall pay into Her Majesty's Treasury or into the account of Her Majesty's Treasury in any Bank as may now or hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay, the sum of Rupees sixteen thousand; and notice of such payment having been made shall be forthwith published by the Municipal Com-

missioner in two English daily newspapers, and one Vernacular daily newspaper pub. lished in Bombay, and in the next Government Gazette.

III. To secure the payment of the sums payable by the Payment of the sums said Corporation to payable on account of Vehar Water Works. Government on account of the Vehar

Water Works, under Section VII. of the Bombay Municipal Act of 1865, the Municipal Commissioner, on behalf of the said Justices, on the first day of every month after the passing of this Act until the whole of the debt to Government in respect thereof be liquidated, shall pay to the account of Her Majesty's Treasury as aforesaid the sum of fourteen thousand and six hundred Rupees, and notice of such payment having been made, shall be forthwith published by the Municipal Commissioner in two English daily newspapers, and one Vernacular newspaper published in Bombay, and in the next Government Gazette.

IV. If the Municipal Commissioner shall neglect to make Course to be pursued any of the payments specified in this Act in case of non-payment. at the times mentioned, the Controller of Municipal Accounts shall within fortyeight hours report the fact to the Chief Secretary to Government or other officer acting in that capacity, who shall have power to direct any Government Officer, not being an Officer holding a Municipal appointment under Bombay Act II. of 1865, to detain in his hands, to the extent of any payment or payments then in arrear, any moneys due to or accruing for the benefit of the Corporation of the Justices of the Peace for the City of Bombay which he may then or thereafter, have in his custody or control, and such Officer shall be bound to detain the moneys as directed, and to pay the same into Her Majesty's Treasury or into any Bank as aforesaid to the credit of the Secretary of State for India in Council, in preference to, and with priority over, all incumbrances and claims to such moneys other than those created under the provisions of this Act.

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V. The Municipal Commissioner shall Account of balances due to Government to be published in January in each year. January in each year publish in the Government Gazette, an account showing the

account showing the balances due by the Corporation of the Justices of the Peace for the City of Bombay on the 31st December preceding, on the several accounts hereinbefore specified. VI. Nothing in this Act shall affect Rights and remedies of Government for the recovery of the loan not affected by this Act. which the Government of India have or shall have independently of this Act for the recovery of the said loan of 15 lakhs or any part thereof, or the remedies which independently of this Act exist for the recovery of the sum payable by the said Corporation to Government on account of the Vehar Water Works.

## By order of the Right Honourable the Governor in Council,

# JOHN JARDINE,

#### Acting Under-Secretary to Government.

Bombay Castle, 7th December 1870.

The following Act of the Governor of Bombay in Council received the assent of the Right Honourable the Governor of Bombay on the 1st October 1870, and the assent of His Excellency the Governor General on the 1st December 1870, and is published for general information :-

#### BOMBAY.

#### Act No. III. of 1870.

An Act to secure the payment to Go. vernment of certain sums of money by the Corporation of the Justices of the Peace for the City of Bombay.

WHEREAS the Government of India has advanced the Corpo-Preamble. ration of the Justices of the Peace for the City of Bombay a sum of Fifteen Lakhs of Rupees; and whereas it is necessary to make certain provisions for the repayment of the same, and for further securing the payments to the credit of the Secretary of State for India in Council of certain sums of money by the Corporation of the Justices of the Peace for the City of Bombay in preference to, and with priority over, all incumbrances and claims to such moneys other than those created under the provisions of this Act; It is enacted as follows :--

The whole of such Loan of Fifteen L. Lakhs of Rupees shall \* Period for repayment. be repaid with interest at five per cent. within ten years from the 1st August 1869.

II. To secure the repayment of such loan with interest as Mode of repayment. aforesaid, the Municipal Commissioner, on behalf of the said Justices, on the first day of every month after the passing of this Act until the whole of such loan be inquidated, shall pay into Her Majesty's Treasury or into the account of Her Majesty's Treasury in any Bank as may now or hereafter be appointed to conduct the business of Her Majesty's Treasury in Bombay, the sum of Rupees sixteen thousand; and notice of such payment having been made shall be forthwith published by the Municipal Com-1v.-103 e

missioner in two English daily newspapers, and one Vernacular daily newspaper published in Bombay, and in the next Government Gazette.

III. To secure the payment of the Payment of the sums payable on account of Vehar Water Works

sums payable by the said Corporation to Government on account of the Vehar

Water Works, under Section VII of the Bombay Municipal Act of 1865, the Municipal Commissioner, on behalf of the said Justices, on the first day of every month after the passing of this Act until the whole of the debt to Government in respect thereof be liquidated, shall pay to the account of Her Majesty's Treasury as aforesaid the sum of fourteen thousand and six hundred Rupees, and notice of such payment having been made, shall be forthwith published by the Municipal Commissioner in two English daily newspapers, and one Vernacular newspaper published in Bombay, and in the next Government Gazette.

IV. If the Municipal Commissioner shall neglect to make Course to be pursued any of the payments m case of non-payment. specified in this Act at the times mentioned, the Controller of Municipal Accounts shall within forty-eight hours report the fact to the Chief Secretary to Government or other officer acting in that capacity, who shall have power to direct any Government Officer, not being an Officer holding a Municipal appointment under Bombay Act II. of 1865, to detain in his hands, to the extent of any payment or pryments then in arrear, any moneys due to or accruing for the benefit of the Corporation of the Justices of the Peace for the (ity of Bombay which he may then or thereafter have in his custody or control, and such Officer shall be bound to detain the moneys as directed, and to pay the same into Hei Majesty's Treasury or into any Bank as aforesaid to the credit of the Secretary of State for India in Council, in preference to, and with priority over, all incumbrances and claims to such moneys other than those created under the provisions of this Act.

V. The Municipal Commissioner shall Account of balances due to Government to be published in January in each year. January in each year publish in the Government Gazetle, an account showing the

balances due by the Corporation of the Justices of the Peace for the City of . Bombay on the 31st December preceding, on the several accounts hereinbefore specified. VI. Nothing in this Act shall affect Rights and remedies of Government for the recovery of the loan not affected by this Act. dently of this Act for the recovery of the said loan of 15 lakhs or any part thereof, or the remedies which independently of this Act exist for the recovery of the sum payable by the said Corporation to Government on account of the Vehar Water Works.

# By order of the Right Honourable the Governor in Council,

# JOHN JARDINE,

# Acting Under-Secretary to Government.

Bombay Castle, 7th December 1870.



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 22nd DECEMBER 1870.

us Separate paging is given to this Part, in order that it may be filed as a separate compilation

# PART IV.

#### ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1870, and was promulgated for general information in the *Gazette of India* on the 17th December 1870:-

#### Act No XXVIII of 1870

An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

WHEREAS Act No. XXI of 1863 (to constitute Preamble Recorders' Courts for the Towns of Akyab, Rangoon,

and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns), section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and trued by, the Recorder at Maulman; And whereas the Andaman Islands form part of the said Provinces, And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transfeired to the High Court of Judicature at Fort William, It is hereby enacted as follows —

1. Every European British subject charged in

European British subject chaiged in the Andamans with certain offences to be committed to the High Court, Fort William the Andaman Islands with any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for commuting

find court, Fort winning arounds for committing him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary.original criminal Jurisdiction.

2. Act No. XXI of 1863, section forty-one, Act XXI of 1863, secton forty-one, repealed as to the Andaman Islands, is hereby repealed.

> WHITLEY STOKES, Secretary to the Government of India.

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[Published with the "Bombay Government Gazette" of the 29th December 1870.]

# PART IV.

## ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1870, and was promulgated for general information in the Gazette of India on the 17th December 1870 :--

#### Act No. XXVIII. of 1870.

An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

WHEREAS Act No. XXI. of 1863 (to constitute Recorders' Courts for the Preamble. Towns of Akyab, Rangoon, and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns), section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain; And whereas the Andaman Islands form part of the said

Provinces; And whereas it is expedient that the jurisdiction so given to the Recorder at Maulmain should, so far as regards the said Islands, be transferred to the High Court of Judicature at Fort William; It is hereby enacted as follows :-

European British sub-ject charged in the Anda-mans with certain offences to be committed to the High Court, Fort William.

1. Every European British subject charged in the Andaman Islands with any offence which a Jus-tice of the Peace is not competent to punish, shall,

to be committed to the completence painshifting, High Court, Fort William. if there be sufficient grounds for committing him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary original criminal Jurisdiction.

2. Act No. XXI. of 1863, section forty-one, Act XXI. of 1863, sec- so far as it relates to the Andaman Islands, is heretion forty-one, repealed as to the Andamans. by repealed.

> WHITLEY STOKES, Secretary to the Government of India.

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[Published with the "Bombay Government Gazette" of the 29th December 1870.]

# PART IV.

# ACTS PASSED BY THE COVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1870, and was promulgated for general information in the Gazette of India on the 17th December 1870:-

#### Act No. XXVIII. of 1870.

An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

WHEBRAS Act No. XXI. of 1863 (to constitute Preamble. And Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns), section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and trued by, the Recorder at Maulmain; And whereas the Andaman Islands form part of the said

1. Every European British subject charged in

European British subject charged in the Andamans with certain offences to be committed to the High Coart, Fort William.

the Andaman Islands with any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing

him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary original criminal Jarisdiction.

2 Act No. XXI. of 1853, section forty-one, Act XXI. of 1563, section forty-one, repealed as to the Andaman Islands, is hereby repealed.

> WHITLEY STOKES, Secretary to the Government of India.

IV-104 a

[Published with the "Bombay Government Gazette" of the 5th January 1871.]

# PART IV.

# ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th December 1870, and was promulgated for general information in the Gazette of India on the 17th December 1870:-

#### Act No. XXVIII. of 1870.

An Act to authorise the committal of European British subjects by Courts in the Andamans to the High Court at Fort William.

WHEREAS Act No. XXI. of 1863 (to constitute Preamble. and Moulmein in British Burmah, and to establish Courts of Small Causes in the said towns), section forty-one, enacts that European British subjects arrested for, or guilty of, certain offences in the Tenasserim Provinces shall be committed to, and tried by, the Recorder at Maulmain ; And whereas the Andaman Islands form part of the said 1. Every European British subject charged in

European British subject charged in the Andamans with certain offences to be committed to the High Court, Fort William.

the Andaman Islands with any offence which a Justice of the Peace is not competent to punish, shall, if there be sufficient grounds for committing

fing court, Fort without, grounds for committing him for trial, be committed to, and tried by, the said High Court in the exercise of its ordinary original criminal Jurisdiction.

2. Act No. XXI. of 1863, section forty-one, Act XXI. of 1863, section forty-one, repealed as to the Andamans by repealed.

> WHITLEY STOKES, Secretary to the Government of India.

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