

THE



Bombay Government Gazette.

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ART IV.

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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 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 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), 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 Court 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 Regulations;"

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 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.*

THE



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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 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 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), 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 Court 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 Regulations;"

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 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.

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 thereon in a fortnight:—

**Bill No. 22 of 1869.**

*A Bill 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 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 Local Government to appoint a 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 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 he possesses the qualifications 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 Munsif, as the case may be, under the said Act.

3. Nothing in this Act shall authorize the Local Government to increase the number of Subordinate Judgeships and Munsifships 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 landlord 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 necessary.

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.

(Signed) F. R. COCKERELL.

The 17th December 1869.

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



# Bombay Government Gazette.

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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 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 the Governor General of India in Council and the Local Governments to make rules relating to quarantine; It is hereby enacted as follows:—

1. It shall be lawful for the Governor General of India in Council and 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 *Gazette of India*, and deemed rules under section 271 of Penal Code, and shall thereupon be 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

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. of 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

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 Local Government to appoint a person to the office of additional 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 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 he possesses the qualifications 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 Munsif, as the case may be, under the said Act.

3. Nothing in this Act shall authorize the Local Government to increase the number of Subordinate Judgeships and Munsifships 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 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 from the jurisdiction 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:—

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

2. The Ordinance of the fourth day of October, 1869, "to remove the Agror 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 of Hazára, Attok, and Ráwal Pindj, 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 is hereby removed from the 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.

5. The administration of civil and criminal justice within the said territory, and the superintendence of the collection of revenue, 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.

6. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea, 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 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 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 the said territory, such Questions of disputed 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,

*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.

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 the Governor General of India in Council and the Local Governments to make rules relating to quarantine; It is hereby enacted as follows:—

1. It shall be lawful for the Governor General of India in Council and the Local Governments (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 *Gazette of India*, and deemed rules under section 271 of Penal Code. also in the local Gazette; and shall thereupon be 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.*

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. of 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 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 Local Government to appoint a person to the office of Subordinate Judge or Munsif in addition to the Subordi-
- 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:

Provided that no person shall be so nominated to the office of Munsif unless he possesses the qualifications 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 Munsif, as the case may be, under the said Act.

3. Nothing in this Act shall authorize the Local Government to increase the number of Subordinate Judgeships and Munsifships 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 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 from the jurisdiction 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:—

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

**2. The Ordinance of the fourth day of October, 1869, "to remove the Agror 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 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 is hereby removed from the jurisdiction of the Courts of Civil and Criminal Jurisdiction, 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.

**5. The administration of civil and criminal justice within the said territory, and the superintendence of the 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.

**6. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea, 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 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;**

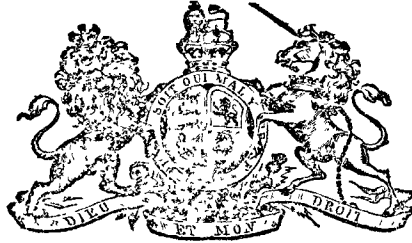
and may, on making such extension, direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

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

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

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### 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.*

WHEREAS it is expedient to empower expressly the Governor General of India in Council and the Local Governments to make rules relating to quarantine; It is hereby enacted as follows:—

1. It shall be lawful for the Governor General of India in Council and the Local Governments (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 *Gazette of India*, and deemed rules under section 271 of Penal Code. and shall thereupon be 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.*

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. of 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 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 Local Government to appoint a person to the office of Subordinate Judge or Munsif in addition to the Subordi-

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:

Provided that no person shall be so nominated to the office of Munsif unless he possesses the qualifications 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 Munsif, as the case may be, under the said Act.

3. Nothing in this Act shall authorize the Local Government to increase the number of Subordinate Judgeships and Munsifships 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 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 from the jurisdiction 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:—

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

2. The Ordinance of the fourth day of October, 1869, "to remove the Agror 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 of Hazára, Attok, and Ráwál 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 is hereby removed from the jurisdiction of the Courts of Civil and Criminal Jurisdiction, 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.

5. The administration of civil and criminal justice within the said territory, and the superintendence of the 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.

6. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea 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 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 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 the said territory, such 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,

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

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 10TH FEBRUARY 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 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 Kágra District with certain appellate powers.*

WHEREAS it is expedient to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kágra District with certain appellate powers in civil cases; It is hereby enacted as follows:—

1. Notwithstanding anything contained in Act No. XIX. of 1865 (to define the jurisdiction of the Courts of Judicature of the Panjáb and its Dependencies) the Assistant Commissioner or other officer for the time being in charge of the parganas of Kullu, Sebááj, Lahoul, and Spítí, commonly called the Kullu Sub-division of the Kágra District, may hear appeals in civil cases from the decisions and orders of the Tahsildár of

Sultánpur, the Tahsildár of Plach, the Négi of Lahoul, and the Nono of Spítí.

2. An appeal shall lie from the decisions and orders of such Assistant Commissioner or other officer as aforesaid, to the 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 first day of March 1870, 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,

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

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 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

Preamble.

*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 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,

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

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 17TH FEBRUARY 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 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 Kangra District with certain appellate powers.*

WHEREAS it is expedient to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kangra District with certain appellate powers in civil cases; It is hereby enacted as follows:—

1. Notwithstanding anything contained in Act No. XIX. of 1865 (to define the jurisdiction of the Courts of Judicature of the Panjáb, and its Dependencics) the Assistant Commissioner or other officer for the time being in charge of the parganas of Kullu, Seoráj, Lahoul, and Spiti, commonly called the Kullu Sub-division of the Kangra District, may hear appeals in civil cases from the decisions and orders of the Tahsildár of

Sultánpur, the Tahsildár of Plach, the Négi of Lahoul, and the Nono of Spiti.

2. An appeal shall lie from the decisions and orders of such Assistant Commissioner or other officer as aforesaid, to the 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 first day of March 1870, in regard to all cases pending or liable to appeal in the Courts of the Tahsildár of Sultánpur, 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.

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 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 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 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 where 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 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,

*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 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 Kangra District with certain appellate powers.*

WHEREAS it is expedient to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kangra District with certain appellate powers in civil cases; It is hereby enacted as follows:—

1. Notwithstanding anything contained in Act No. XIX. of 1865 (to define the jurisdiction of the Courts of Judicature of 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 Spiti, commonly called the Kullu Sub-division of the Kangra District, may hear appeals in civil cases from the decisions and orders of the Tahsildár of

Sultánpur, the Tahsildár of Plach, the Négi of Lahoul, and the Nono of Spiti.

2. An appeal shall lie from the decisions and orders of such Assistant Commissioner or other officer as aforesaid, to the 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 first day of March 1870, in regard to all cases pending or liable to appeal in the Courts of the Tahsildár of Sultánpur, 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.

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 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  
 Preamble. Fort William, Madras, and  
 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 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 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,  
 Secretary to the Council of the Governor General  
 for making Laws and Regulations.

THE



# Bombay Government Gazette.

Published by Authority.

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 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 India*, increase any fee payable under section 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.*

[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 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 India*; increase any fee payable under section 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.*

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 31st 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 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 committed 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 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 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 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 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 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 it shall have been confirmed 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 any 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 published as aforesaid, shall prevent any person from being prosecuted 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 that any person to whom the notification mentioned in section one applies, neglects to make proper provision for the maintenance 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 only to the North-Western Provinces, 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 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



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 7TH APRIL 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 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 the Elphinstone Land and Press Company Limited, should be transferred to the Secretary of State for India in Council for public purposes: And whereas negotiations 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 Company when duly appointed shall have power and authority to sell for four per cent. stock of the Government of India, and 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 ninety-three rupees of such purchase-money.

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 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.

Receipt of Liquidators  
to discharge Secretary of  
State from liability.

3. Upon the execution by the said Voluntary 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.

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 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 committed 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 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 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 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 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 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 it shall have been confirmed 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 any 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 published as aforesaid, shall prevent any person from being prosecuted 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 that any person to whom the notification mentioned in section one applies, neglects to make proper provision for the maintenance 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 only to the North-Western Provinces, 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 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.

appointed to grant certificates under this Act; or, at any Port or place where there is no such officer, the Chief Officer of Customs.

Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such 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 Railways belonging to, or worked by, Government.

1. Act No. XVIII. of 1854 (relating to Railways 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 mentioned, the said Act shall apply to all Railways 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 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 Company," "officer or servant of the Company," "servant or officer of the Company," and "such officer or servant" shall mean an officer or servant employed on such Railway:

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the expressions "the premises of any such Railway 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" 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, 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 Railway Company," "the Company" and "they" (when referring to a Company) shall mean the officer for the time being entrusted with the control 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 entrusted 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.**

*A Bill 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 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:

Enactments in schedule repealed.

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 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. lxi.	An Act for establishing certain regulations for the better management of the affairs of the East India Company, 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. 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, intitled, An 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 imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying 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 inclusive), sections nineteen to twenty-six (both inclusive).
33 Geo. III. 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.	Sections sixty-one, one hundred and 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. cxli.	An Act for the better administration of justice at Calcutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive), section thirty.
39 & 40 Geo. III. cap. lxxix.	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.

## 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 government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen, one hundred and twenty-two.
54 Geo. III. cap. cv.	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.	The whole.
55 Geo. III. cap. lxxxiv.	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 persons dying intestate within the several Presidencies in the East Indies to the Registrar of the Ecclesiastical 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.	The whole Act, except section one.
4 Geo. IV. cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His 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.	Sections eight, nine, ten, and fourteen.
5 Geo. IV. cap. cviii.	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.	Section two.
6 Geo. IV. cap. lxxxv.	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 providing for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.
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 Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole Act, except as to the 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 Madras.	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 administration 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.	The whole Act so far as it relates to 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.	Section nine, so far as it relates to British India.

## PART II.—ACTS.

Number and year.	Title.	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 (Cuttack)	Section two.

## SCHEDULE—continued.

Number and year.	Title	Extent of repeal.
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 1837" and in section two the words "from the said day."
XI. of 1838	Amfus, Bengal	Section one and in section two 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 modification 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, Bengal	Section one.
XXXII. of 1838	Justices of the Peace	Sections two and three.
VII. of 1839	Tahsildars, Madras	Section one.
XXIV. of 1839	Ganjam and Vizagapatam	Section one.
XXVI. of 1840	An Act concerning the management of convicts transported to places within the territories of the East India Company.	Section four.
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.	The first twenty-one words in section one, and section eighteen.
XII. of 1841	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	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.	Section three down to and including the words "are repealed, and"
XVII. of 1842	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one, and in sections two and three the words "and it is hereby enacted that"
XI. of 1843	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.
XVI. of 1844	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.	Sections one, three and five.
XVIII. of 1844	An Act for the better control and management of gaols within the Bengal Presidency.	Section one, and in section two the words "And it is hereby enacted that"
XX. of 1844	An Act to amend the law relating to advances <i>bonâ fide</i> made to Agents entrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 & 6 Victoria, c. 59, as altered by this Act.	Section nine.
XV. of 1845	An Act for declaring and enacting the privilege of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	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 to Hissar, Saharanpore, Moozuffer-nuggur, Meerut, Bulundshuhur, Allypore, Bijnore, Budaon, Bareilly, Shahjehanpore, Furruckabad, Allahabad, Goruckpore and Aizinguh.
I. 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 figures "under Act IV. of 1840."

## SCHEDULE—continued.

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 within the Provinces of Bengal, Behar and Orissa.	Section eight.
X. of 1847 . . . . .	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV. of 1848 . . . . .	An Act for regulating Coroner's Juries. . . . .	In section two the words and figures "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 superannuation 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, Madras, and Bombay.	Section seven. In section seventeen the words 'by action of debt or on the case.'
XI. of 1850 . . . . .	An Act to amend Act X., 1841 . . . . .	Section one.
XII. 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., 1845.	Section 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 Putnee Tenures 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 Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.	Section one.
VI. of 1851 . . . . .	Respecting certain land in Bombay called Forn Land. .	The whole.
VIII. of 1851. . . . .	An Act for enabling Government to levy tolls on public roads and bridges.	Section one.
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, intitled "An Act for Marriages in India."	Section twenty-six.
XV. of 1852 . . . . .	An Act to amend the Law of Evidence. . . . .	Section fourteen.
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 ten and twenty-seven.
XIX. of 1852. . . . .	An Act for securing the Abkaree revenue of Madras . .	Section one.

## SCHEDULE—continued.

Number and year.	Title.	Extent of repeal.
XXIII. of 1852 .....	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and section one.
XXIX. of 1852 .....	An Act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.	Section one.
XL. of 1853 .....	An Act to facilitate the removal of Nuisances and encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven the words "the East India Company as trustees 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 1854 .....	An Act to amend Act No. V. of 1838, relating to the Bengal Bonded 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 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 jurisdiction of the authorities issuing them.	Section twenty-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.	Section one.
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-nine.
XXIV. of 1854 .....	An Act to prohibit the possession of certain offensive weapons in Malabar.	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 Bengal.	Section one.
XXX. of 1854 .....	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve.
XXXI. of 1854 .....	An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.	Section one.
II. of 1855.....	An Act for the further improvement of the Law of Evidence.	Section seventeen.
XXII. of 1855 .....	An Act for the regulation of Ports and Port-dues .....	Section one, and in section thirty-five the words "or of the Honourable East India Company," section forty-three.
XXIV. of 1855 .....	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section sixteen.

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 of 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.
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.	Section six.
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 European 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 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 Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca.	Section one from the beginning down to and including the words "operation, and" And the schedule.
XX. of 1856 . . . . .	An Act to make better provision for the appointment and maintenance of Police Chowkeydais in Cities, Towns, Stations, Suburbs, and Bazaars in the Presidency of Fort William in Bengal.	Section one from the beginning down to and including the words "provided that"
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"
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.
XXX. of 1857 . . . . .	An Act for the levy of Port-dues and fees in the Port 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 Port of Bombay.	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 Bur.	Section one.



## SCHEDULE—continued.

Number and year.	Title.	Extent of repeal.
XXXV. of 1857. . . . .	An Act for the levy of Port-dues in the ports of Moulmein, Rangoon, Kyook Phyoo, Akyab and Chittagong.	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 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 detention 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."
XV. 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 Merchant Seamen.	Section one.
III. of 1859 . . . . .	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven the words "or who shall be appointed Register of Deeds," and the words "and Registers 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" 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 revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII. of 1859 . . . . .	An Act to make better provision for the trial of Pilots 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 nineteen, the proviso.
XVII. of 1859 . . . . .	An Act to amend the law for the realization of revenue from Abkatee in the Island of Bombay.	Section one.
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.

## 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 schedule 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 1860 . . . . .	An Act for regulating the establishment and management 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 boundary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	Sections one and thirty-three
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
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.	Section one.
XLVIII. 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 Malacca).	Section one, from the beginning down to and including the words "repealed and"
L. 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.
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 Rohilcund 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.
XVII. 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 "hereinafter provided"
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 Bengal, Madras and Bombay, up to the said 1st day of March 1862, and"

## 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.
XIII. of 1862 . . . . .	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XX. of 1862 . . . . .	An Act to provide for the levy of Fees and Stamp Duties 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.	Sections seven, eleven, and twelve.
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.
I. 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.	Sections one and twenty-eight.
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 acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII. of 1863 . . . . .	An Act to bring the Puggannahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation 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.	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 Endowments.	Section one.
XXIV. of 1863 . . . . .	An Act to amend Act I. of 1863 (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)	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.
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 Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII. of 1864 . . . . .	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and schedule A.
XVII. of 1864 . . . . .	An Act to constitute an Office of Official Trustee . . . . .	Section two.

## 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 Districts under the Government of the Lieutenant Governor 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 control of the Lieutenant Governor of the Panjáb.	Section three.
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.	Section two, from the beginning down to and including the words "Provided that" And from and including the words "and all suits" down to the end of the section.
XIII. of 1865 . . . . .	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 Presidency Towns	In section nine the words "From 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,"
XIV. of 1865 . . . . .	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Sections forty-five and forty-six Section twenty-four.
XV. of 1865 . . . . .	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In section seven the words "who may be the Registrar appointed under Act XVI. of 1864 (to provide for the registration of assurances.)" 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 Judicature 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 of Judicature in the Panjáb 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 Commercial Law of British India.	In 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 hundred and twenty-one, and two hundred and twenty-two, and the third schedule
XI. 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.
XIV. of 1866 . . . . .	The Indian Post Office Act, 1866 . . . . .	In section one the words "shall come into operation on the first day of May, 1866," And section three.
XX. of 1866 . . . . .	The Indian Registration Act, 1866 . . . . .	Section three, and section ninety-eight from the beginning down to and including "notwithstanding" Section one hundred and two.

## 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 Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province	Section two.
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	Section one.
XII. of 1867 . . . . .	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay.	Section two and the schedule.
XVIII. of 1867 . . . . .	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhānsi 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 Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections two and twenty-three.
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 Panjāb.	The whole.
III. of 1868 . . . . .	An Act to authorize the Local Government of the Panjāb to invest any person with the powers of an Assistant Commissioner or Tahsildār.	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 jurisdiction 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 Munsifs 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 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 Abkārī Rules in British 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 enforced under the same authority." And section two.

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 tenancy 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 Native 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 Procedure.	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 Presidencies of Fort St. George and Bombay.	Section two.
XIV. 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.
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 Volunteer Corps, and to invest them with certain powers.	Section three.
XXII. of 1869 . . . . .	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections two and three.
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 Presidency 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 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. 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 follows:—

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1. In section four of the said Act the words 'who may be the Master of the Mint at Calcutta' 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 if for the words 'four crores' the words 'six crores' were substituted.

WHITLEY STOKES,

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



"Company" means an Association carrying on business in British India whose stock or funds 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." "Firm" includes a Hindū 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 Association 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 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 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.

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-one rupees, ten annas, eight pie per mensem, shall be chargeable under this Part.

Exemption of incomes less than Rs. 41-10-8 per mensem.

8. In the case of every person holding any paid office, employment or commission under Her Majesty or under the Government 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 employment under or receiving any annuity or 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 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 making such deductions, pay to the credit of the Government 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 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.

Every Company, public Body or Association, 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 Company and public Body 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 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 this Act in April 1870 is not deducted at the time of payment in that month 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.

Difference between duty under this Act for April 1870 and duty under Act IX of 1869.



## PART III.

## COMPANIES.

11. The Treasurer, Secretary or principal Agent or Manager, in India of every Company shall in the case of a Shipping Company trading between British India and any other country, pay to Government 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 Government in respect of 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, deliver to the Collector, 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 in this section have been 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 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 first schedule to this Act charged under Part II. or 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 committee of any infant, married woman subject to the law of England, lunatic or idiot, 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 married 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, whether a subject of Her Majesty or not, being in receipt, through an agent, Non-residents charged in names of their agents.

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, committee or agent shall, when required by the 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, married 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 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.

16. When any trustee, guardian, curator, or committee, or agent is assessed under this Act in 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 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 pursuance of this Act.

17. In the case of every person chargeable under this Part whose 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, 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 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 notice in the form to be prescribed by the said Governor 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 dwelling-house 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 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 respectively 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 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 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 chargeable under this Part 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 Collector, who shall grant a receipt 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 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,

24. Every such receipt 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 which he is assessed, or denying his liabilities to 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 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 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 this Act annexed, or as 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 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 under section twenty-six 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 be accompanied by a copy of the petition to the 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 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 summon any person whom he thinks able to give evidence 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.

29. Whenever the Collector has reason to believe 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 Agent or Manager failing to make any payment or 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 statements or declarations 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 not within the period 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.

32. Whoever makes a statement in any declaration or list, made or 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 thirty, section thirty-one, or section thirty-two, except at the instance of the Collector.

34. All fines imposed under this Act may be 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 Act regulating the Police of such towns in force for the time being.

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 shall grant him a receipt without any further payment.

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.

35. 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.

36. No person shall be proceeded against for any offence under section thirty, section thirty-one, or section thirty-two, except at the instance of the Collector.

37. All fines imposed under this Act may be 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 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.

38. In sections one hundred and ninety-three and two hundred and twenty-eight of the Indian Penal Code to apply to proceedings under this Act, the words "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 nine, shall be payable on the fifth day of April 1870.

Provided that the amount so payable may be 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 instalment, or first and second instalments, or 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, or first and second instalments, or first, second, and third instalments, and in any of the quarters respectively ending on the days last aforesaid dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, 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 liable to pay the said second 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 Calcutta, Madras or 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 paid to the credit of the Government of India, or as such Government shall from time to time direct.

## PART VII.

### MISCELLANEOUS.

41. All or any of the powers and duties conferred 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 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.

43. When any Company or firm has several 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 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 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 be, shall from time to time appoint in this behalf.

44. The Governor General of India in Council 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 General of India in Council may from time to time make rules consistent with 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.

## SCHEDULE I.

Persons whose annual income or profits shall be assessed at not less than	Rs.	500 but at less than	Rs.	750 shall pay	Rs.	19	8	0
Ditto ditto ... "	750	"	"	"	1,000	"	"	27 0 0
Ditto ditto ... "	1,000	"	"	"	1,500	"	"	39 0 0
Ditto ditto ... "	1,500	"	"	"	2,000	"	"	54 0 0
Ditto ditto ... "	2,000	...	...	...	...	...	...	six pies in the rupee.

## SCHEDULE II.

Form of Petition under Section 25.

Stamp eight annas.
-----------------------

To THE COLLECTOR OF

The

day of

187

The petition of A. B. of

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 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 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 belief.

(Signed) A. B.

## SCHEDULE III.

Enactments Repealed.

Number and Year.	Title of Act.	Extent of Repeal.
Act No. IX. of 1869 ....	The Indian Income Tax .....	The whole.
Act No. XXIII. of 1869 ..	An Act to enhance the duties leviable 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,

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 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 Customs Duties' Act, 1870."

2. Act No. XVII. of 1867 (to amend the Law relating to Customs Duties) 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 port in British India, the duties specified in the two Schedules annexed to this Act; and all articles, other than those specified in the said Schedules respectively, shall be duty-free:

Duties specified in Schedules to be levied.—

Port in British India, the duties specified in the two Schedules annexed to this Act; and all articles, other than those specified in the said Schedules respectively, shall be duty-free:

Provided that nothing herein contained shall be taken to affect Act No. XX. of 1867 (to authorise 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 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 assessed.	Rate of Duty.
1.	APPAREL, INCLUDING HABERDASHERY, MILLINERY, &C.....	Rs. A. Ad valorem.	Seven and a-half per cent.
2.	ARMS, AMMUNITION, AND MILITARY STORES—		Seven and a-half per cent., except as regards Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service, which are free.
	Gunpowder, common .....	0 5 per lb.	
	" sporting .....	1 0 "	
	Fire-Arms and parts of ditto .....	Ad valorem.	
	All other sorts, including Military Accoutrements, Uniforms, &c. ....	Ad valorem.	
	BEADS AND FALSE PEARLS—		
	Beads—China .....	30 0 per cwt.	
	" Common .....	28 0 "	
	" Ruby of all sizes .....	0 12 per lb.	
	" Seed .....	0 10 "	
	" Small, Scarlet and Red .....	0 10 "	
	" Coral (false) Moorzun .....	0 8 per corgo of 2,000 beads.	
	All other sorts of false Corals and Beads ..	Ad valorem.	
	Pearls, false, Bajeria .....	5 0 per lakh.	Seven and a-half per cent.
	" Boria .....	1 0 per thousand.	
	" Jouria .....	8 0 per lakh.	
	" Nathia .....	0 6 per thousand.	
	" Tachea .....	0 12 " "	
	" Wattanah .....	10 0 per lakh.	
	All other sorts .....	Ad valorem.	
4.	CABINET-WARE .....	Ad valorem.	

\* Exceeding this length to be charged in proportion.

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
5	CANDLES, WAX, COMPOSITION, AND OTHER KINDS—		
	Candles, Wax .....	1 0 per lb.	
	" Paraffine .....	0 8 "	
	" Spermaceti .....	0 8 "	
	" Composition and other sorts ..	0 5 "	
6	CARRIAGES.....	<i>Ad valorem.</i>	
7	CLOCKS, WATCHES, AND OTHER TIME-KEEPERS .....	<i>Ad valorem.</i>	
8	COFFEE—		
	Persian Gulf and Red Sea.....	30 0 per cwt.	} Seven and a-half per cent.
	Other places .....	20 0 "	
9	CORALS, REAL .....	<i>Ad valorem.</i>	
10	CORKS.....	1 8 per gross.	
11	COTTON—		
	Thread—		
	Sewing Thread, White and Coloured	0 11 per lb.	
	" In reels, or on cards		
	of one hundred		
	yards (and <i>pro rata</i>		
	above and below)*	2 4 per gross reel.	
	" Goa and Country ..	30 0 per cwt.	
	Twist—		
	Mule, under No. 15 .....	0 6 per lb.	
	Nos. 16 to 24.....	0 9 "	
	25 to 32.....	0 10 "	
	33 to 42.....	0 11 "	
	43 to 52.....	0 12 "	
	53 to 60.....	0 14 "	
	No. 70 .....	0 15 "	
	80 .....	1 0 "	
	90 .....	1 1 "	
	100 .....	1 2 "	
	110 .....	1 3 "	
	120 .....	1 4 "	
	and one anna additional		
	for every count of		
	ten above No. 120.		
	Water, No. 20 ..	0 10 "	
	30 .....	0 11 "	
	40 .....	0 13 "	
	50 .....	0 15 "	
	Above 50 .....	1 2 "	
	Turkey Red Twist, all kinds*—	1 6 per lb. }	} Three and a-half per cent. *Duty to be charged on the Grey weight of the Coloured Yarn; when not ascertainable, the actual wharf weight or invoice weight to be taken.
	Twist, Orange, Red and other Colours*....	0 15 " }	
	Piece Goods—		
	Grey—		
	Mulls .....	1 1 per lb.	
	Jaconets exceeding 10 × 10 to the		
	quarter inch .....	0 13 "	
	Other Jaconets .....	0 11 "	
	Shittings, Mydapollams and Prints	0 11 "	
	Long Cloths, Jeans, Domestics.		
	Sheetings, Drills and T. Cloth ..	0 9 "	
	Other sorts .....	<i>Ad valorem.</i>	
	Cotton Rope.....	25 0 per cwt.	
	Cotton Goods—other kinds .....	<i>Ad valorem.</i>	
			} Five per cent.

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
12	<b>DRUGS AND MEDICINES—</b>		
	Acid, Sulphuric .....	0 3 per lb.	
	Alkali, Country (Sajee Khar) .....	2 0 per cwt.	
	Aloes, Black .....	10 0 "	
	" Socotra .....	25 0 "	
	Alum .....	3 8 "	
	Arsenic .....	25 0 "	
	" China Munseel .....	8 0 "	
	Assafetida (Hing) .....	55 0 "	
	" Coarse (Hingra) .....	10 0 "	
	Brimstone, Flour .....	7 0 "	
	" Roll .....	6 0 "	
	" Rough .....	4 8 "	
	Camphor, Bhimsing (Barras) .....	50 0 per lb.	
	" Refined cake .....	65 0 per cwt.	
	" Crude in powder .....	50 0 "	
	Casia Ligna .....	38 0 "	
	Coova, red .....	<i>Ad valorem.</i>	
	Copperas, green .....	2 8 per cwt.	
	Quinine .....	<i>Ad valorem.</i>	
	Sal Ammoniac .....	22 0 per cwt.	
	Salep .....	60 0 "	
	Senna Leaves .....	6 0 "	
	All other sorts .....	<i>Ad valorem.</i>	Seven and a half per cent.
13	<b>DYEING AND COLOURING MATERIALS—</b>		
	Cochineal .....	1 12 per lb.	
	Gallnuts, Country, Myrabolam .....	3 0 per cwt.	
	" Persian .....	35 0 "	
	Gamboge Wood .....	20 0 "	
	Madder or Munjeet .....	10 0 "	
	Orchilla Weed .....	8 0 "	
	Saffron, Europe .....	16 0 per lb.	
	" Meadow, Soorunjum .....	10 0 per cwt.	
	" Persian .....	12 0 per lb.	
	" In caketts or lumps .....	5 0 "	
	Sapan Wood and Root .....	3 8 per cwt.	
	Aniline Dyes .....	0 8 per oz.	
	All other sorts .....	<i>Ad valorem.</i>	
14	<b>FIREWORKS—</b>		
	China .....	30 0 per box of 133½ lbs.	
	Other sorts .....	<i>Ad valorem.</i>	
15	<b>FLAX, MANUFACTURES OF—</b>		
	Piece Goods .....	<i>Ad valorem.</i>	5 per cent.
	Other sorts including linen thread .....	<i>Ad valorem.</i>	
16	<b>FRUITS AND VEGETABLES—</b>		
	Almonds without shell .....	25 0 per cwt.	
	" with shell .....	10 0 "	
	Cajoo kernels .....	10 0 "	
	Cocoanuts .....	30 0 per thousand	
	" kernel (Copra) .....	9 8 per cwt.	
	Currants, Europe .....	35 0 "	
	" Persian .....	12 0 "	
	Dates, dry, in bags .....	4 0 "	
	" wet, in bags .....	3 0 "	
	" " in pots .....	6 0 "	
	Figs, Europe .....	42 0 "	
	" Persian, dried .....	6 0 "	
	Garlic .....	4 0 "	
	Pistachio Nuts .....	14 0 "	
	Prunes, Bussorah .....	12 0 "	Seven and a half per cent.



No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	<b>FRUITS AND VEGETABLES—(continued.)</b>	<b>Rs. A.</b>	
	Raisins, Black, Persian Gulf, Red Sea, and Khismis .....	12 0 "	
	" Monocka, Persian Gulf and Red Sea .....	7 0 "	
	" Malaga and Bloom .....	0 10 per lb.	
	" Other sorts .....	<i>Ad valorem.</i>	
	Walnuts, Akroot .....	5 0 per cwt.	
	Mangoes, dried .....	<i>Ad valorem.</i>	
	Prunes, Europe .....	<i>Ad valorem.</i>	
	Other sorts, except Bidmiskh, and Buzarbuttoo Nuts, which are free .....	<i>Ad valorem.</i>	
17	<b>GLASS AND GLASS-WARE—</b>		
	Bangles, Glass, China, Gilt .....	10 0 per 100 pairs.	
	" " not Gilt .....	5 0 "	
	Glass—Broken .....	5 0 per cwt.	
	" China, of all colours .....	32 0 per 133½ lbs.	
	" Crown, coloured .....	32 0 per 100 suppl. feet.	
	" " of sizes .....	5 0 per 100 suppl. feet.	
	Glass and Glass-ware of all other sorts, except Bottles, which are free .....	<i>Ad valorem.</i>	
18	<b>GUMS—</b>		
	Gum, Ammoniac .....	10 0 per cwt.	
	" Arabic .....	16 0 "	
	" Bdellium, common Gum .....	5 0 "	
	" Benjamin .....	33 0 "	
	" Bysabole, coarse Myrrh .....	12 0 "	
	" Copal .....	65 0 "	
	" Frankincense or Olebanum .....	9 0 "	
	" Gambier (or Kino) .....	8 0 "	
	" Myrrh .....	24 0 "	
	" Persian (false) .....	3 0 "	
	" Rosin .....	12 0 "	
	All other sorts .....	<i>Ad valorem.</i>	
19	<b>GROCERIES NOT OTHERWISE DESCRIBED.</b>	<i>Ad valorem.</i>	
20	<b>HIDES AND SKINS—</b>		
	Border Hides, prepared .....	30 0 each.	
	Buffalo Hides, Country, Tanned .....	80 0 per score.	
	Calf Skins .....	40 0 per dozen.	
	Chamois Skins .....	6 0 "	
	Cow Hides, Country, Tanned .....	60 0 per score.	
	Rhinoceros Leather .....	40 0 per cwt.	
	Other sorts .....	<i>Ad valorem.</i>	
21	<b>INSTRUMENTS, Musical.</b>	<i>Ad valorem.</i>	
22	<b>IVORY AND IVORY-WARE—</b>		
	Elephants' Grinders .....	16 0 per cwt.	
	Tusks above 20 lbs. .....	300 0 "	
	Tusks 10 lbs. and not exceeding 20 lbs. .....	225 0 "	
	Tusks under 10 lbs. .....	125 0 "	
	Sea Cow or Moye Teeth, 3 lbs. and upwards .....	225 0 "	
	Sea Cow or Moye Teeth, under 3 lbs. .....	75 0 "	
	Ivory, Manufactures of .....	<i>Ad valorem.</i>	
23	<b>JEWELLERY, INCLUDING PLATE—</b>		
	Silver-ware, plain .....	1 6 per tolah.	
	" " embossed .....	2 0 "	
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are free .....	<i>Ad valorem.</i>	

Seven and a half per cent.



No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.	
		Rs. A.		
	<i>METALS, &amp;c.,—continued.</i>			
	Iron Hoop, Plate and Sheet .....	100 0 per ton.	} One per cent.	
	" Nails, Rivets and Washers .....	10 0 per cwt.		
	" Nail, Rod .....	90 0 per ton.		
	" Old .....	2 8 per cwt.		
	" Pig .....	40 0 per ton.		
	" Rod, round, British, under half inch diameter .....	105 0 "		
	" Rod, Round, British, exceeding half inch diameter .....	80 0 "		
	" Swedish, flat and square .....	120 0 "		
	" Rice Bowls .....	3 0 per set of 10.		
	" " .....	1 8 per set of 6.		
	" Galvanised .....	<i>Ad valorem.</i>	} Seven and a half per cent.	
	" Other sorts, except Anchors, Cables and Kentledge, which are free ..	<i>Ad valorem.</i>		
	Lametta, Double reels .....	4 8 per score.		
	" Single " .....	2 4 "		
	Lead, Pig .....	10 0 per cwt.		
	" Pipes .....	13 8 "		
	" " tinned .....	16 0 "		
	" Sheets (other than thin sheets for Tea Canisters, which are free) ..	12 0 "		
	Ore Galena .....	13 0 "		
	Gold leaf, Europe .....	4 0 per 100 leaves.		
	Mack Gold Leaf .....	5 0 per 20 books.	} Seven and a half per cent.	
	Orsidue or Brass Leaves, foreign Europe .....	1 4 per lb.		
	" " China .....	0 12 "		
	Patent or Yellow Metals, Sheathing and Sheets and Bolts .....	35 0 per cwt.		
	" ditto old .....	30 0 "		
	Quicksilver .....	1 0 per lb.		
	Shot, Bird .....	15 0 per cwt.		
	Spelter Nails .....	17 8 "		
	" Plate and other shapes .....	11 0 "		
	" Sheet or Zinc Sheathing .....	15 0 "		
	Steel, blistered .....	9 0 "	} Five per cent.	
	Steel, British .....	9 0 "		
	" Cast .....	25 0 "		
	" Spring .....	10 0 "		
	" Swedish .....	10 0 "		
	Tin Block .....	45 0 "		
	" Plates .....	12 8 "		
	Wire, Brass .....	0 8 per lb.		
	" Common Iron, Nos. 1 to 40 .....	0 8 per cwt.		
	" Copper .....	0 10 per lb.		
	Other sorts, including Hardware, Ironmongery, and Cutlery, but excluding Machinery, the component parts thereof, and Agricultural Implements, which are free .....	<i>Ad valorem.</i>	} Seven and a half per cent.	
29	<i>NAVAL STORES—</i>			
	Cables, coir, tarred .....	10 0 per cwt.		} Five per cent.
	Canvas, Country, Cotton .....	50 0 "		
	" Europe Sail, not exceeding forty yards .....	15 0 per bolt.		
	Coir Rope, Maldiva and Laccadive .....	10 0 per cwt.		} Seven and a half per cent.
	" Yarn of all kinds .....	9 0 "		
	Cordage, Hemp, Europe .....	18 0 "		
	" " Manilla .....	20 0 "		
	Dammer " .....	5 0 "		

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.	
<b>NAVAL STORES—continued.</b>		Rs. A.		
	Pitch, American and Europe .....	13 0	} per barrel not exceed- ing 3 cwt.	
	" Coal .....	4 8		} and <i>pro rata</i> above and below.
	Tar, American .....	13 0	} Ditto ditto	
	" Coal .....	6 8		} Ditto ditto
	" Swedish and Archangel .....	14 0		
	Twine, Europe, Sail .....	0 8	} per lb.	
	All other sorts, except Oakum which is free .....	<i>Ad valorem.</i>		
30	<b>OILS—</b>			
	Cardamom .....	10 0	} per lb.	
	Cassia .....	4 0	} "	
	Cinnamon, Ceylon .....	10 0	} "	
	Cocoanut .....	20 0	} per cwt.	
	Earth .....	10 0	} "	
	Grass .....	2 0	} per lb.	
	Jingele or Teel .....	20 0	} per cwt.	
	Kerosine, Paraffine, Petroleum, Rock and Shale Oils of all descriptions .....	1 12	} per Impl. gal.	
	Linseed, Country .....	18 0	} per cwt.	
	" Europe .....	2 4	} per Impl. gal.	
	Naphtha .....	30 0	} per cwt.	
	Otto, of sorts .....	20 0	} per ounce.	
	Sandalwood .....	8 0	} per lb.	
	Sorrel .....	20 0	} per cwt.	
	Turpentine .....	2 0	} per Impl. gal.	
	Whale and Fish .....	15 0	} per cwt.	
	Wood .....	15 0	} "	
	All other sorts, except Cocum and Slush Fat, which are free .....	<i>Ad valorem.</i>		
31	<b>OIL AND FLOOR CLOTH</b> .....	<i>Ad valorem.</i>	} Five per cent.	
32	<b>PAINTS, COLOURS, AND PAINTERS' MATERIALS—</b>			
	Ochre, all Colours .....	3 0	} per cwt.	
	Paints of sorts .....	12 0	} "	
	Composition Paint and Patent Driers ..	30 0	} "	
	Prussian Blue, China .....	0 8	} per lb.	
	" " Europe .....	1 8	} "	
	Red Lead .....	14 0	} per cwt.	
	Turpentine .....	2 0	} per Impl. gal.	
	Verdigris .....	75 0	} per cwt.	
	Vermillion, Canton .....	80 0	} per box of	
	" Macao .....	30 0	} 90 bundles.	
	White Lead .....	12 0	} per cwt.	
	All other sorts, including Brushes .....	<i>Ad valorem.</i>	} Seven and a half per cent.	
33	<b>PERFUMERY—</b>			
	Atary, Persian .....	15 0	} per cwt.	
	Rose flowers, dried .....	10 0	} "	
	Rose water .....	1 12	} per Impl. gal.	
	All other sorts .....	<i>Ad valorem.</i>		
34	<b>PHOTOGRAPHIC APPARATUS AND MATERIALS</b> .....	<i>Ad valorem.</i>		
35	<b>PIECE GOODS, NOT OTHERWISE DESCRIBED</b> ..	<i>Ad valorem.</i>	} Five per cent.	
36	<b>PORCELAIN AND EARTHEN-WARE</b> .....	<i>Ad valorem.</i>		
37	<b>PROVISIONS AND OILMAN'S STORES—</b>			
	Bacon in Canisters, Jowls and Cheeks ..	0 9	} per lb. [cwt.	
	Beef .....	{ 60 0	} per tierce of 3	
		{ 40 0	} per brl. of 2 cwt.]	

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
	Cheese .....	0 10 per lb.	
	Fish Maws .....	50 0 per cwt.	
	"    Sozille and Singally, small .....	6 0	
	Flour .....	25 0 per barrel or sack of 200 lbs.	
	Ghee .....	36 0 per cwt.	
	Hams .....	0 8 per lb.	
	Pork .....	50 0 per tierce of 3 cwt. and 34 0 per barrel of 2 cwt.	Seven and a half per cent.
	Shark fins .....	20 0 per cwt.	
	Tongues, salted .....	10 0 per keg of six.	
	Vinegar in wood, Europe .....	1 8 per Impl. gal.	
	Vinegar in wood, Persian .....	0 12	
	Vinegar in wood, Country .....	0 6	
	All other sorts, except Bichè de mer, Butter and salted Fish which are free	<i>Ad valorem.</i>	
38	<b>RAILWAY MATERIALS—</b>		
	Of Iron .....	<i>Ad valorem.</i>	One per cent.
	Steel rails .....	<i>Ad valorem.</i>	One per cent.
	Other sorts .....	<i>Ad valorem.</i>	Seven and a half per cent.
39	<b>RATTANS AND CANES—</b>		
	Canes, Malacca .....	1 0 per dozen.	
	Rattans .....	7 0 per cwt.	
	All other sorts .....	<i>Ad valorem.</i>	
40	<b>SEEDS—</b>		
	Anchuchuck .....	10 0 per cwt.	
	Anise, Europe .....	28 0	
	Assalia .....	7 0	
	Cajoo .....	3 0	
	Castor .....	4 8	
	Cummin .....	12 0	
	"    Black .....	5 0	
	Esubgool .....	5 0	
	Linseed .....	5 0	
	Methee .....	5 0	
	Mustard .....	4 8	
	Quince Seed or Badana .....	50 0	
	Rape or Sursee .....	4 8	
	Sawjeerah .....	25 0	
	Tookmeria .....	7 0	
	All other sorts, excepting Seeds imported by any Public Society for gratuitous distribution which are free	<i>Ad valorem.</i>	Seven and a half per cent.
41	<b>SHELLS—</b>		
	Chanks, "large shells," for Cameos	10 0 per hundred.	
	"    White, live .....	6 0	
	"    "    dead .....	3 0	
	Cowdas, Mozambique and Zanzibar	3 0	
	"    from other places .....	0 8	
	<b>Cowries—</b>		
	Bazar, common .....	4 0 per cwt.	
	Maldive .....	16 0	
	Sunkley .....	40 0	
	Yellow, superior quality .....	8 0	
	Mother o' Pearl .....	8 0	
	Tortoise Shell .....	6 0 per lb.	
	"    Nuck .....	1 0	
	Nuckla and other sorts .....	<i>Ad valorem.</i>	

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rb. A.	
42	SILK—		
	Floss .....	8 0 per lb.	} Seven and a half per cent.
	Raw, Charon and Cochin-China .....	4 0 "	
	" Mathow .....	1 12 "	
	" other kinds of China .....	7 0 "	
	" Persian .....	5 0 "	
	" Punjum and Cutchra .....	1 12 "	
	" Siam .....	4 0 "	
	Sewing Thread, China .....	8 0 "	
	Other sorts .....	<i>Ad valorem.</i>	
	Silk Piece Goods of sorts .....	<i>Ad valorem.</i>	
43	SOAP .....	<i>Ad valorem.</i>	} Seven and a half per cent.
44	SPICES—		
	Aloe Wood .....	3 0 per lb.	
	Aniseed Star .....	40 0 per cwt.	
	Betelnut, White, Sheverdhun .....	18 0 "	
	" all other kinds .....	7 0 per cwt.	
	" in husk .....	2 0 per thousand.	
	Cassia Buds, Nagkessur, China .....	0 8 per lb.	
	Chillies, dried .....	8 0 per cwt.	
	Cloves .....	12 0 "	
	" in Seeds, Nurlavung .....	8 0 "	
	Mace .....	0 9 per lb.	
	" false .....	10 0 per cwt.	
	Nutmegs .....	0 10 per lb.	
	" in shell .....	0 6 "	
	" wild .....	12 0 per cwt.	
	Pepper, Black and long .....	14 0 "	
	" White .....	25 0 "	
	All other kinds .....	<i>Ad valorem.</i>	
45	STATIONERY OTHER THAN PAPER .....	<i>Ad valorem.</i>	
46	SUGAR AND SUGAR-CANDY—		
	Sugar-Candy, China .....	20 0 per cwt.	
	" Loaf .....	23 0 "	
	" Soft .....	12 0 "	
	All other sorts of Saccharine produce ..	<i>Ad valorem.</i>	
47	TEA .....	1 0 per lb.	
48	TIMBER AND WOODS—		
	Manufactures of, including also Pipes, Stave and Casks .....	<i>Ad valorem.</i>	
49	TOBACCO—		
	Manufactured .....	<i>Ad valorem.</i>	} Ten per cent.
	Unmanufactured .....	<i>Ad valorem.</i>	
	Articles such as pipes, &c., used in con- sumption of .....	<i>Ad valorem.</i>	
50	TOYS AND REQUISITES FOR ALL GAMES .....	<i>Ad valorem.</i>	
51	UMBRELLAS—		} Seven and a half per cent.
	Cotton, Steel Ribs .....	0 13 each.	
	" Cane Ribs .....	0 11 "	
	" China Paper Kettisals .....	45 0 per box of 110	
	All other sorts .....	<i>Ad valorem.</i>	
52	WOOLLEN GOODS—		} Seven and a half per cent.
	Piece Goods .....	<i>Ad valorem.</i>	
	Blank .....	} <i>Ad valorem.</i>	
	Other sorts .....		

SCHEDULE B.  
EXPORT TARIFF.

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
1	INDIGO .....	.....	Three Rupees per maund.
2	GRAIN OF ALL SORTS .....	.....	Three Annas per maund.
3	LAC—		
	Button .....	28 0 per cwt.	} Four per cent.
	Dye .....	45 0   "	
	Seed .....	20 0   "	
	Shell .....	28 0   "	
	Stick .....	16 0   "	
	Other sorts .....	<i>Ad valorem.</i>	
4	OILS—		
	Castor .....	16 0 per cwt.	} Three per cent.
	Cocoanut .....	20 0   "	
	Fish .....	15 0   "	
	Grass .....	2 0 per lb.	
	Jingeely or Teel .....	20 0 per cwt.	
	Linseed .....	18 0   "	
	Mhowa .....	12 0   "	
	Mustard .....	16 0   "	
	Poppy .....	20 0   "	
	Rape or Sursee .....	16 0   "	
	Sandalwood .....	8 0 per lb.	
	Other sorts .....	<i>Ad valorem.</i>	
5	SEEDS—		
	Castor Seed (Erundee) .....	4 8 per cwt.	} Three per cent.
	Coriander Seed .....	4 0   "	
	Cummin Seed .....	12 0   "	
	" Black (Caleejeera) .....	5 0   "	
	Ground Nuts, with shell .....	5 0   "	
	"           without shell .....	6 0   "	
	Jingeely or Teel Seed .....	6 0   "	
	Linseed .....	5 0   "	
	Methee Seed .....	5 0   "	
	Mustard Seed .....	4 8   "	
	Poppy Seed .....	5 8   "	
	Rape or Sursee Seed .....	4 8   "	
	Other sorts .....	<i>Ad valorem.</i>	
6	COTTON GOODS—		
	Piece Goods—		
	Battahs .....	30 0 per score.	} Three per cent.
	Gurrah .....	20 0   "	
	Kharwah .....	25 0   "	
	Mamoodie .....	32 0   "	
	Mizapore Chintz .....	15 0   "	
	Patna .....	30 0   "	
	Shans .....	40 0   "	
	Tunjceb, Oudh .....	26 0   "	
	Other sorts .....	<i>Ad valorem.</i>	
	Twist, Country, No. 10 .....	0 7 per lb.	
	"           "   No. 20 .....	0 9   "	
	"           "   No. 30 .....	0 10   "	
	"   Hand Spun .....	0 5   "	
	All other kinds of Cotton Goods .....	<i>Ad valorem.</i>	
7	HIDES AND SKINS, TANNED—		
	Hides—		
	Buffaloe, Country, tanned .....	70 0 per score.	} Three per cent.
	Cow .....	50 0   "	

EXPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty
	HIDES AND SKINS, TANNED— <i>continued.</i> . . .	Rs. A.	
	Skins—		
	Goat and sheep . . . . .	10 0 per score.	} Three per cent.
	Lamb . . . . .	5 0 "	
	Any other sorts of Hides and Skins . . . . .	<i>Ad valorem.</i>	
8	SPICES—		
	Aloe Wood . . . . .	3 0 per lb.	
	Betelnut, in husk . . . . .	2 0 per 1,000.	
	Cardamoms . . . . .	200 0 per cwt.	
	" large bastard . . . . .	40 0 "	
	Chillies, dried . . . . .	8 0 "	
	Ginger, dry (rough) Malabar . . . . .	10 0 "	
	" " " Bengal . . . . .	7 0 "	
	" (scraped) . . . . .	15 0 "	
	Pepper . . . . .	15 0 "	
	Turmeric . . . . .	5 0 "	
	All other sorts . . . . .	<i>Ad valorem.</i>	

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 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 committed 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 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 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 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 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 or any of the inhabitants of such

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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 it shall have been confirmed 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 any 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 published as aforesaid, shall prevent any person from being prosecuted 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 that any person to whom the notification mentioned in section one applies, neglects to make proper provision for the maintenance 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 only to the North-Western Provinces, 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 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 the Elphinstone Land and Press Company, Limited, should be transferred to the Secretary of State for India in Council for public purposes: And whereas negotiations 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 Company when duly appointed shall have power and 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 ninety-three rupees of such purchase-money.

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 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 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.

WHITLEY STOKES,  
*Secretary to the Council of the Governor General  
for making Laws and Regulations.*

[Published with the Bombay Government Gazette of the 21st April 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 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 the Elphinstone Land and Press Company, Limited, should be transferred to the Secretary of State for India in Council for public purposes: And whereas negotiations 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 Company when duly appointed shall have power and 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 ninety-three rupees of such purchase-money.

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 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 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.

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* on the 2nd April 1870:—

**Act No. X. of 1870.**

**THE LAND-ACQUISITION ACT, 1870.**

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*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 acquisition of land needed 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 I.

## PRELIMINARY.

1. This Act may be called "The Land Acquisition Act, 1870:"

It extends to the whole of British India;

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

2. On and from such day Act No. VI. of 1857 (for the acquisition of land for public purposes), Act No. II. of 1861 (to amend Act No. VI. of 1857), and Act No. XXII. of 1863 (to 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.

3. In this Act—

The expression "land" includes benefits to 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 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:

The expression "Court" means in the Regulation Provinces, British Burmah and Sind, a principal 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 Indian 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 persons "entitled to act" as 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 unmarried 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 locality is likely to be needed for any public purpose, a notification to that effect shall be published 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 intended line of the work,

(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 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 enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving 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 tender payment for all 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 appears to the Local Government that any particular 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 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 needed for a public purpose 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 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 (unless it has been already marked out under section four) to be marked out. He shall also cause it to be measured, 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 places 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 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 any) of such land and on all such persons known or believed to be inter-

ested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized 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 require any such person to deliver to him a

Power to require statements as to names and interests.

statement containing, so far as may be practicable, the name of every other person possessing any interest in the land or any part 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.*

11. On the day so fixed, the Collector shall

Enquiry into value and amount of compensation.

proceed to enquire summarily into the value of the land and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such

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 witnesses.

shall have power to summon 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 Code of Civil Procedure.

12. The Collector may, if no claimant attends

Postponement of enquiry.

pursuant to the notice, or 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 the amount of compensation

Matters to be considered and matters to be neglected.

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

Award in case of agreement as to compensation.

agree as to the amount of 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

Award to be filed and to be evidence

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

15. When the Collector proceeds to make the

Referenced where no claimant attends, or if Collector and persons interested cannot agree.

enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which it may have been postponed,

if no claimant attends,

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 respecting 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

Power to take possession.

under section fourteen or a reference to the Court 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

Power to take possession in cases of urgency.

Government so directs, the Collector (though no 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 III.

#### REFERENCE TO COURT AND PROCEDURE THEREON.

18. In making a reference under section fifteen,

Collector's statement on reference to Court.

the Collector shall state for the information of the Court, in writing under 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 shall thereupon cause to be served on each of the 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 nominated 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.

20. In case of failure to nominate either of such assessors within the time so specified, the Judge shall himself appoint an assessor in his stead.

21. 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 desires to be discharged, or refuses or neglects, or 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 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 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.

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24. In determining the amount of compensation to be awarded for land acquired under this 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 immovable, in any other manner, or his earnings ; and

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

25. But the Judge or assessors shall not take 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 therefor under this Act :

26. Where the person interested has made a claim to compensation, pursuant to any notice mentioned in section nine 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 recorded in writing by the Judge.

Record of assessors' opinions.



28. In case of a difference of opinion between the Judge and the assessors or any of them upon a question of law or practice or usage having the force of law, the opinion of the Judge shall prevail, and there shall be no appeal therefrom.

29. In case the Judge and one or both of the assessors agree as to the amount of compensation, their decision thereon shall be final.

30. In case of difference of opinion between the Judge and both of the assessors as to the amount of compensation, the decision 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 Government, shall receive such fee for his services as the Judge shall direct, provided that such fee shall not exceed five hundred rupees.

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

32. The costs of all proceedings taken under 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 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 the Judge and the assessors or assessor concurring therein, and shall specify the amount awarded under the first clause of section 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 this Part and by what persons and in what proportions they are to be paid.

The costs (if any) payable by the person interested and not deducted 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.

35. If the Judge differs from both the assessors as to the amount of 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.

Provisions of Code of Civil Procedure made applicable. 36. The following provisions of the Code of Civil Procedure:—

- (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,
  - (e) as to examination of parties and witnesses,
  - (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 the apportionment of the compensation, the particulars 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 been settled under section fourteen, if any dispute 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, and there is any dispute 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 lie 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 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 person who may receive 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

fourteen, if the persons interested shall so desire, 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

II. or Part III. of this Act, 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, 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

the Court under Part III. or Part IV. of this Act is 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 appears to the Local Government that the temporary 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 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 possession. 44. On payment of 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

shall make or tender to the persons interested compensation for the damage (if any) done 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 interested differ as to the condition of the land at the 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

General of India in Council may from time to time prescribe in this behalf, the Local Government may authorize any officer of any Company desiring to acquire land for its purposes to exercise the powers conferred 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

forty-five (both inclusive) shall not be put in force in order to acquire land for any Company, unless with the previous consent of the Local Government, and unless the Company shall have executed the agreement hereinafter mentioned.

48. Such consent shall not be given unless the

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 the enquiry, and if the 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 an agreement with the Secretary of State for India in Council providing to the satisfaction of the Local Government, for the following 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 maintained; 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 execution, be published in the *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 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 or carries on business.

52. Whoever wilfully obstructs any person in doing any of the acts authorized 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 imprisonment 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 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 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 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 Government declines to complete any such acquisition, the Collector shall determine the amount of compensation due for the

Compensation when acquisition is not completed.

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.

55. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, manufactory or other building, if the owner desire that the whole of such house, manufactory or building, shall be so acquired.

56. Where the provisions of this Act are put in force for the purpose of acquiring land at the cost of any Municipal Fund, 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 Act shall be chargeable with stamp-duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

58. No suit shall be brought to set aside an award under this Act.

And no suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act without giving to such person a month's previous 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.

Limitation of suits for anything done in pursuance of Act.

59. The Local Government shall have power to make rules consistent 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 Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

Publication of rules.

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 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 ultimate adoption of an uniform system of Weights and Measures throughout British India; It is hereby enacted as follows:—

*I.—Preliminary.*

1. This Act may be called "The Indian Weights and Measures Act, 1870," and extends to the whole of British India,

*II.—Standards.*

2. The primary standard of Weight shall be called a Ser, and shall be a Weight of metal in the 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 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 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 Measures to be authorized. notification in the *Gazette 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 Districts how defined. notification 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 Sub-districts how defined. notification in the official Gazette, define the limits of sub-districts for the purposes of this Act.

7. The Governor General in Council shall provide, in such manner and for such districts as the 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 sub-districts as the Local 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 considers that proper standard Weights and Measures have been made available for the verification 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 therein, 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 the previous assent of the Governor General in Council, may, by notification 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;

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 under section nine or section ten, all dealings and 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 persons.

IV.—Wardens.

12. The Governor General in Council (as regards the said primary standards and sets of 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 servants of Railway Companies and persons engaged in business or 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 under section twenty-seven) shall verify, and shall, if requested so to do, correct all Weights, Weighing Machines, and Measures 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 verify, correct, or mark anything so brought, which appears to him unfit for verification or correction.

16. All prosecutions under this Act shall be instituted and conducted by a Warden, or by such person as in each case the Warden may appoint in this behalf.

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 inspecting or searching for Weights, Weighing Machines, 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 Balance, 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 exercised and performed by any other officer whom the Local Government may, from time to time, appoint.

*V.—Penalties.*

19. The Governor General in Council, or the Local Government with the previous assent of the Governor General in 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 except in so far as they shall have so come into force.

20. Whoever sells any Weight, Weighing Machine or Measure, purporting to indicate any Weight or Measure authorized 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 trade 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, Machine, Measure or Balance being correct and in conformity 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 has in his possession, for purposes of business or trade,

any Weight or Measure other 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 to have in possession for purposes of business or trade any Weight or

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 twenty-one or section twenty-two unless the Warden shall have proved that Weights or Measures verified under this Act, and suitable for the purposes 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.

24. Whoever fails to submit for verification under section thirteen any Weight, Weighing Machine or Measure used by him under the provisions of section nine or section ten, or any Balance used by him in his dealings, shall be liable 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-one, twenty-two or twenty-four of this Act, or under chapter XIII. of 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 incapable of use.

26. Whoever knowingly counterfeits any mark used by a Warden under section fourteen, shall be punished with imprisonment 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 rules consistent with this Act for regulating the following matters:—

- (a) The appointment of Wardens;
- (b) The guidance of Wardens in all matters connected with the performance of their duties;—
- (c) The provision, replacement, custody and use of the standards;
- (d) The method of verifying Local Standards, and Weights, Weighing Machines, and Measures authorized under this Act, and Balances, and of certifying such verification;
- (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 denominations;
- (h) The conditions under which Government Offices, Municipal Bodies, Railway Companies, and persons engaged in businesses or trades, shall

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.

Publication of rules. 28. Such rules shall be published in the *Gazette of India*.

And the Governor-General in Council, or the Commencement of rules Local Government with 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 or sub-district, 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 recovered, if for offences 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.

Recovery of fines and fees. All fees payable under this Act shall be recoverable as though they were fines.

30. The Local Government may, from time to time, prepare tables of the equivalents of Weights and Measures 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.

Tables of equivalents. time, prepare tables of the equivalents of Weights and Measures 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 Excellency 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.**

1. Short title.
2. Extent of Act.  
Act not to apply to Ships-of-War, &c.,  
Or to sea-going Steam Vessels conveying public mails.
3. Repeal of Act.
4. Interpretation-clause.

**CHAPTER II.—Rules as to Native Passenger Ships.**

**SECTION.**

5. Native Passenger Ship to sail only from Ports appointed by Government.
6. Not to sail without obtaining a certificate.
7. Penalty.
8. Appointment of officers.
9. Master to give notice of day of sailing, &c.
10. Power to enter and inspect ship.
11. Ship may be surveyed.
12. Officer to be satisfied before giving certificate—
  - (1). That the ship is sea-worthy.
  - (2). That the space between-decks for passengers is sufficient.
  - (3). That the space on the upper deck is sufficient.
  - (4). That there is a due supply of provisions.
13. Number of passengers.
14. List of passengers.
15. Ship taking additional passengers and touching at intermediate Port.
16. Penalty for fraudulent alteration in ship after certificate obtained.
17. Information to be transmitted to Ports of embarkation.
18. Report of Consul, &c., to be admissible in evidence.
19. Depositions to be received in evidence when witnesses cannot be produced.
20. Length of voyage to be fixed by proclamation.
21. Quantity of provisions and water to be shipped.
22. Contract by passengers for supply of their own provisions.
23. Penalty on ships bringing excessive number of passengers from certain Foreign Ports to Indian Ports.
24. Bond when ship clears for a Port in Red Sea.
25. Ships sailing to or from a port in Red Sea to touch at Aden.
26. Bill of health.

**CHAPTER III.—Coasting Steamers.**

27. Certificates to be furnished to Coasting Steam Vessels intended to carry passengers.
28. Certificates to Coasting Steam Vessels how to be granted, &c.
29. Copy of certificate to be placed in conspicuous part of ship.

IV.—88 g

30. Penalty for excess of number specified in certificate.
31. Penalty for proceeding without certificate.
32. Grant or revocation of certificate to be subject to control of Government.

**CHAPTER IV.—Miscellaneous.**

33. Penalty on landing passenger at a place other than that at which he has contracted to land.
34. Passenger's right of action preserved.
35. Adjudication of offences.  
Fines leviable by distress on ship.
36. Jurisdiction,
37. By whom proceedings for penalties to be instituted.
38. Application of fines.

*An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages;*

**WHEREAS** abuses have occurred in the over-crowding of Ships conveying Native Passengers between Ports and places in India, and Ports and 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 Ports and places situate east of the Cape of Good Hope, and Ports and places in the Red Sea or Persian Gulf; and whereas it is expedient to prevent such abuses, and to provide for the regulation of all such Ships as aforesaid which shall depart from or arrive at any of the said Ports or places in India, and also for the regulation of Steam Vessels intended to carry passengers on coasting voyages; It is hereby enacted as follows:—

**CHAPTER I.—Preliminary.**

1. This Act may be called "The Native Passenger Ships Act, 1870."
2. This Act extends to all subjects of Her Majesty whether within British India or within 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 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 contract with the Government of any European State, or to any sea-going Steam Vessel employed in the conveyance of the public mails under a contract.**

3. Act No. XXI. of 1858 (*for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages*) 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 1858," the words and figures "The Native Passenger Ships Act, 1870," were substituted.



4. In this Act—

The word "Magistrate" means a person exercising powers not inferior to those of a Subordinate Magistrate of the first class, and includes a Justice of the Peace, and, at the Port of Aden, the Political Resident and his Assistants:

The words "Local Government" mean the person or persons for the time being immediately administering the Executive Government of the territories where the Port or place in question is situate:

The word "Master" includes every person having command or charge of a Vessel:

The words "Native Passenger Ship" mean a vessel carrying more than thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a Port or place in British India or in 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:

5. No Native Passenger Ship shall depart or proceed upon any voyage 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 or 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 from any Port or place within British India or the said dominions,

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, or to both;

and the Ship, if found within two years in any place 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 shall appoint such persons 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 place appointed under this Act shall give notice of 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 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 rupees 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, cause the Ship to be surveyed 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 aforesaid shall not give his certificate, unless he shall be satisfied—

(1). That the Ship is sea-worthy and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

(2). That the space appropriated to the passengers in the between-decks contains at the least twelve superficial and seventy-two 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.

(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 quality, properly packed, and sufficient to supply

the passengers on board during the declared duration of the intended voyage, according to the scale hereinafter contained.

13. No such Ship shall carry any greater Number of passengers than, 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 departing or proceeding on 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 last-mentioned 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 liable 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 voyage, any additional passengers are taken on board at a Port or place 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 herebefore 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.

16. If any Master of a ship, after having obtained a certificate under section six or section fifteen of this Act, shall 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 (if any) appointed under this Act, at any Port or place within British India at which the Ship shall touch or arrive, shall, with adavance 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 incurred under this Act, any document purporting to be a report 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 received in evidence, if the same appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

19. Whenever, in the course of any legal proceeding 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 Government may, by any proclamation to be from time to time issued for that purpose and published in the Government Gazette (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 Port or place at which passengers shall be embarked under this Act, shall have on board good and wholesome provisions for the use and consumption of the passengers, 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 voyage for every passenger on board, such water being carried in tanks or sweet casks, and a supply of rice, 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 filling up her water-casks, 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 deemed 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 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.

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 proportion 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, be 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 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 British India shall, by a joint and several bond, have become bound unto the Secretary of State for India in Council in the penal sum of rupees five thousand, conditioned to be void if the said Ship touches at Aden on her outward 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 of Asia or Africa, and sailing from any port east of the Cape of Good Hope to any Port 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 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 on coasting voyages from or to any Port or place within British India shall, before proceeding on such voyages, be furnished with certificates granted in manner hereinafter provided.

28. Every such certificate shall be granted at 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 Vessel 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 Owner 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.

30. If such Steam Vessel has on board thereof any number of passengers which, having regard to the time of the year and 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 any such voyage without such certificate as aforesaid, the Owner or Master shall be liable to a fine not exceeding five hundred rupees, 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 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 be landed at any Port or place other than the Port or place at which he may have contracted to land, 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 away or abridge any right of action preserved. Passenger's right of action preserved. to any Native passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the Ship or his Agent.

35. All offences against this Act shall be punishable in a summary manner by a Magistrate.

If the person on whom any fine is imposed under this Act is the Master or Owner of a 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 apparel.

36. For the purpose of the adjudication of penalties under this Act, every offence hereunder 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 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.

38. Any Magistrate imposing any fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such 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 Railways belonging to, or worked by, Government.*

1. Act No. XVIII. of 1854 (relating to Railways 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 mentioned, the said Act shall apply to all Railways 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 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 Company," "officer or servant of the Company," "servant 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 Railway 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" 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, 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 Railway Company," "the Company" and "they" (when referring to a Company) shall mean the officer for the time being entrusted with the control 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 entrusted 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 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:

Enactments in schedule repealed.

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 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 Company, 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. 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, intitled, An 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 imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature; and also for indemnifying 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 inclusive), sections nineteen to twenty-six (both inclusive).
33 Geo. III. 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.	Sections sixty-one, one hundred and 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. cxli.	An Act for the better administration of justice at Calcutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive), section thirty.
39 & 40 Geo. III. cap. lxxix.	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.

## 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 government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen, one hundred and twenty-two.
54 Geo. III. cap. cv.	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.	The whole.
55 Geo. III. cap. lxxxiv.	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 persons dying intestate within the several Presidencies in the East Indies to the Registrar of the Ecclesiastical 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.	The whole Act, except section one.
4 Geo. IV. cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His 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.	Sections eight, nine, ten, and fourteen.
5 Geo. IV. cap. cviii.	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.	Section two.
6 Geo. IV. cap. lxxxv.	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 providing for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.
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 Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole Act, except as to the estates of persons 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 Madras.	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 administration 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.	The whole Act so far as it relates to 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.	Section nine, so far as it relates to British India.

## PART II.—ACTS.

Number and year.	Title.	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 (Cutlack)	Section two.

## SCHEDULE—continued.

Number and year.	Title.	Extent of repeal.
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 1837," and in section two the words "from the said day"
XI. of 1838 . . . . .	Amfns, Bengal . . . . .	Section one and in section two 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 modification 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, Bengal . . . . .	Section one.
XXXII. of 1838 . . . . .	Justices of the Peace . . . . .	Sections two and three.
VII. of 1839 . . . . .	Tahsildars, Madras . . . . .	Section one.
XXIV. of 1839 . . . . .	Ganjam and Vizagapatam . . . . .	Section one.
XVI. of 1840 . . . . .	An Act concerning the management of convicts transported to places within the territories of the East India Company.	Section four.
XL. 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.	The first twenty-one words in section one, and section eighteen.
XII. of 1841 . . . . .	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	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.	Section three down to and including the words 'are repealed, and'
XVII. of 1842 . . . . .	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one, and in sections two and three the words 'and it is hereby enacted that'
XI. of 1843 . . . . .	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 Wilham in Bengal.	The whole.
XVI. of 1844 . . . . .	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay	Sections one, three and five.
XVIII. of 1844 . . . . .	An Act for the better control and management of gaols within the Bengal Presidency.	Section one, and in section two the words 'And it is hereby enacted that'
XX. of 1844 . . . . .	An Act to amend the law relating to advances <i>bonâ fide</i> 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 Statute 5 & 6 Victoria, c. 39, as altered by this Act.	Section nine.
XV. of 1845 . . . . .	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	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 to Hissar, Saharanpore, Moozuffernuggur, Meerut, Bulundshuhur, Allyghur, Bijnore, Budaon, Bareilly, Shajehanpore, Furruckabad, Allahabad, Goruckpore and Azimgurh.
I. 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 figures "under Act IV. of 1840."



## SCHEDULE—continued.

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 within the Provinces of Bengal, Behar and Orissa.	Section eight.
XX. of 1847 . . . . .	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV. of 1848 . . . . .	An Act for regulating Coroner's Juries. . . . .	In section two the words and figures "according to the provisions of Act No. II. 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 superannuation 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, Madras, and Bombay.	Section seven. In section seventeen the words 'by action of debt or on the case.'
XI. of 1850 . . . . .	An Act to amend Act X., 1841 . . . . .	Section one.
XII. 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., 1846.	Section 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 Putnee Tenures 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 Opium, and the Sadder 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 tolls on public roads and bridges.	Section one.
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.
XV. of 1852 . . . . .	An Act to amend the Law of Evidence. . . . .	Section fourteen.
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 ten and twenty-seven.
XIX. of 1852. . . . .	An Act for securing the Abkaree revenue of Madras . .	Section one.

## SCHEDULE—continued.

Number and year.	Title.	Extent of repeal.
XXIII. of 1852 .....	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and section one.
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 encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven the words "the East India Company as trustees 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 1854 .....	An Act to amend Act No. V. of 1838, relating to the Bengal Bonded 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 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 jurisdiction of the authorities issuing them.	Section twenty-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.	Section one.
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-nine
XXIV. of 1854 .....	An Act to prohibit the possession of certain offensive weapons in Malabar.	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 Bengal.	Section one.
XXX. of 1854 .....	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve.
XXXI. of 1854.....	An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.	Section one.
II. of 1855 .....	An Act for the further improvement of the Law of Evidence.	Section seventeen.
XXII. of 1855 .....	An Act for the regulation of Ports and Port-dues .....	Section one, and in section thirty-five the words "or of the Honourable East India Company," section forty-three.
XXIV. of 1855 .....	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section sixteen.

## 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 of 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.
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.	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 European 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 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 Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca.	Section one from the beginning down to and including the words "operation, and" And the schedule.
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 Presidency of Fort William in Bengal.	Section one from the beginning down to and including the words "provided that"
XXI. of 1856	An Act to consolidate and amend the law relating to the Ablaree 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"
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.
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 Port of Bombay.	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.

## SCHEDULE—continued.

Number and year.	Title.	Extent of repeal.
XXXV. of 1857.....	An Act for the levy of Port-dues in the ports of Moulmein, Rangoon, Kyouk Phyou, Akyab and Chittagong.	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 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 detention 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."
XV. 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 Merchant Seamen.	Section one.
III. of 1859.....	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven the words "or who shall be appointed Register of Deeds," and the words "and Registers 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" 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 revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII. of 1859.....	An Act to make better provision for the trial of Pilots 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 nineteen, 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.
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.

## 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 schedule 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 1860 . . . . .	An Act for regulating the establishment and management 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 boundary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	Sections one and thirty-three.
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.
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.	Section one.
XLVIII. 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 Malacca).	Section one, from the beginning down to and including the words "repealed and"
L. 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.
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 Rohilcund 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.
XVII. 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 "hereinafter provided"
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 Bengal, Madras and Bombay, up to the said 1st day of March 1862, and"

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.
XIII. of 1862 . . . . .	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XX. of 1862 . . . . .	An Act to provide for the levy of Fees and Stamp Duties 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.	Sections seven, eleven, and twelve
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.
I. 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.	Sections one and twenty-eight.
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 acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII. of 1863 . . . . .	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation 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.	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 Endowments.	Section one.
XXIV. of 1863 . . . . .	An Act to amend Act I. of 1863 (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).	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.
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 Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII. of 1864 . . . . .	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and schedule A.
XVII. of 1864 . . . . .	An Act to constitute an Office of Official Trustee . . . .	Section two.

## 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 Districts under the Government of the Lieutenant Governor 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 control of the Lieutenant Governor of the Panjáb.	Section three.
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.	Section two, from the beginning down to and including the words "Provided that" And from and including the words "and all suits" down to the end of the section.
XIII of 1865 . . . . .	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 Presidency Towns	In section nine the words "From 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.
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 Marriage and Divorce among the Parsees.	In section seven the words "who may be the Registrar appointed under Act XVI. of 1864 (to provide for the registration of assurances.)" 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 Judicature 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 of Judicature in the Panjáb 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 Commercial Law of British India.	In 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 hundred and twenty-one, and two hundred and twenty-two, and the third schedule.
XI. 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.
XIV. of 1866. . . . .	The Indian Post Office Act, 1866 . . . . .	In section one the words "shall come into operation on the first day of May 1866,"
XX. of 1866 . . . . .	The Indian Registration Act, 1866 . . . . .	And section three. Section three, and section ninety-eight from the beginning down to and including "notwithstanding." Section one hundred and two.

## 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 Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section two.
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.	Section one.
XII. of 1867 . . . . .	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay.	Section two and the schedule.
XVIII. of 1867 . . . . .	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhānsi 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 Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections two and twenty-three.
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 Panjāb.	The whole.
III of 1868 . . . . .	An Act to authorize the Local Government of the Panjāb to invest any person with the powers of an Assistant Commissioner or Tahsildār.	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 jurisdiction 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 Munsifs 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.
IX. of 1868 . . . . .	An Act to consolidate and amend the law relating to rent in Oudh.	Section two.
X. of 1868 . . . . .	An Act to give validity to the levy of certain duties in Lucknow.	The whole.
XIII of 1868 . . . . .	An Act to give validity to certain Abkārī Rules in British 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 enforced under the same authority." And section two.



## 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 tenancy 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 Native labourers.	Sections ten and eleven.
VII. of 1869 .....	An Act to give validity to certain Rules relating to Forests in British Burmah.	If 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 Procedure.	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 Presidencies of Fort St. George and Bombay.	Section two.
XIV. 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.
XVIII. of 1869 ..	An Act for imposing Stamp Duties on certain Instruments	Section two and the third schedule.
XX. of 1869 .....	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section three.
XXII of 1869 .....	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections two and three.
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 Presidency 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 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. 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 'who may be the Master  
 No. XIX. of 1861, Section 4. of the Mint at Calcutta'  
 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 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 6th 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 offices, property, professions and trades; it is hereby enacted as follows:

**PART I.**

**PRELIMINARY.**

1. This Act may be called "The Indian Income Tax Act":

Short title. It extends to the whole of British India:

Extent of Act.

It shall be deemed to have come into operation on the first day of April 1870, and it shall cease to be in force on the thirty-first day of March, 1871, except as to taxes and penalties then due and incurred thereunder.

Commencement and continuance of Act.

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 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 there be something repugnant in the subject or context—

"Magistrate" means any person exercising the 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 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 undivided family:

"Person" includes a firm:

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

In the case of any Company or Municipal or other public Body or Association 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 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 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.

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 OFFICERS.

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-one rupees, ten annas, eight pie per mensem, shall be chargeable under this Part.

8. In the case of every person holding any paid office, employment or commission under Her Majesty or under the Government 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 employment under or receiving any annuity or 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 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 making such deductions, pay to the credit of the Government 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.

Every Company, public Body or Association, 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 Company and public Body 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 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 this Act in April 1870 is not deducted at the time of payment in that month 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 III.

## COMPANIES.

11. The Treasurer, Secretary or principal Agent or Manager in India of every Company shall in the case of a Shipping Company trading between British India and any other country, pay to Government 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 Government in respect of 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, deliver to the Collector 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 in this section have been 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 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 first schedule to this Act charged under Part II. or 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 committee of any infant, married woman subject to the law of England, lunatic or idiot, 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 married 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, whether a subject of Her Majesty or not, being 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, committee or agent shall, when required by the 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, married 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 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.

16. When any trustee, guardian, curator, committee, or agent is assessed under this Act in 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 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 pursuance of this Act.

17. In the case of every person chargeable under this Part whose 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, 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 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 notice in the form to be prescribed by the said Governor 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 dwelling-house 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 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 respectively 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 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 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 chargeable under this Part 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 Collector, who shall grant a receipt 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 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.

Contents of receipt. 24. Every such receipt 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 which he is assessed, or denying his liabilities to 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 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 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 this Act annexed, or as 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 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 under section twenty-six may, within fifteen days from the date thereof, on appeal from order 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 copy of the petition to the 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 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 summon any person whom he thinks able to give evidence 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.

29. Whenever the Collector has reason to believe 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 Agent or Manager failing to make any payment or 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 deliver statements or declarations, or agent failing to deliver any statements or declaration 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 not within the period 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 convicted, the Collector shall grant him a receipt without any further payment.

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 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 thirty, section thirty-one, or section thirty-two, except at the instance of the Collector.

34. All fines imposed under this Act may be 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 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 twenty-eight of the Indian Penal Code, the words "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 nine, shall be payable on the fifth day of April 1870.

*Installments.*

Provided that the amount so payable may be paid 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 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 instalment, or first and second instalments, or 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, or first and second instalments, or first, second, and third instalments, and in any of the quarters respectively ending on the days last aforesaid dissolves partnership, or takes the benefit of any Act for the relief of insolvent 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 liable to pay the said second 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 Calcutta, Madras or 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 area 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 paid to the credit of the Government of India, or as such Government shall from time to time direct.

## PART VII.

### MISCELLANEOUS.

41. All or any of the powers and duties conferred 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 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.

43. When any Company or firm has several 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 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 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 be, shall from time to time appoint in this behalf.

44. The Governor General of India in Council 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 General of India in Council may from time to time make rules consistent with 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.



SCHEDULE I.

Persons whose annual income or profits shall be assessed at not less than	Rs.	500 but at less than	Rs.	750 shall pay	Rs.	19 8 0
Ditto ditto .. "	750	" "	"	1,000	" "	27 0 0
Ditto ditto ... "	1,000	" "	"	1,500	" "	39 0 0
Ditto ditto ... "	1,500	" "	"	2,000	" "	54 0 0
Ditto ditto ... "	2,000	...	...	...	...	six pies in the rupee.

SCHEDULE II.

Form of Petition under Section 25.

Stamp  
eight annas.

To THE COLLECTOR OF

The

day of

187

The petition of A. B. of

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 \_\_\_\_\_ 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 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 belief.

(Signed) A. B.

SCHEDULE III.

Enactments Repealed.

Number and Year.	Title of Act.	Extent of Repeal.
Act No. IX. of 1869 . . . . .	The Indian Income Tax . . . . .	The whole.
Act No. XXIII. of 1869 . . . . .	An Act to enhance the duties leviable 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 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 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 Customs Duties' Act, 1870."
2. Act No. XVII. of 1867 (to amend the Law relating to Customs Duties) 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 port in British India, the duties specified in the two Schedules annexed to this Act; and all articles, other than those specified in the said Schedules respectively, shall be duty-free:

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 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 classessse.	Rate of Duty
		Rs. A.	
1	APPAREL, INCLUDING HABERDASHERY, MILLINERY, &C.....	<i>Ad valorem.</i>	Seven and a-half per cent.
2	ARMS, AMMUNITION, AND MILITARY STORES—		Seven and a-half per cent., except as regards Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service, which are free.
	Gunpowder, common.....	0 5 per lb.	
	" sporting .....	1 0 "	
	Fire-Arms and parts of ditto.....	<i>Ad valorem.</i>	
	All other sorts, including Military Accoutrements, Uniforms, &c. ....	<i>Ad valorem.</i>	
	BEADS AND FALSE PEARLS—		Seven and a-half per cent.
	Beads—China.....	30 0 per cwt.	
	" Common .....	28 0 "	
	" Ruby of all sizes .....	0 12 per lb.	
	" Seed .....	0 10 "	
	" Small, Scarlet and Red .....	0 10 "	
	" Coral (false) Moorzun .....	0 8 " corgie of 2,000 beads.	
	All other sorts of false Corals and Beads ..	<i>Ad valorem.</i>	
	Pearls, false, Bajeria .....	5 0 per lakh.	
	" Boria .....	1 0 per thousand.	
	" Jouria.....	8 0 per lakh.	
	" Nathia .....	0 6 per thousand.	
	" Tachea .....	0 12 " "	
	" Wattannah .....	10 0 per lakh.	
	All other sorts.....	<i>Ad valorem.</i>	
4	CABINET-WARE .....	<i>Ad valorem.</i>	

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
5	CANDLES, WAX, COMPOSITION, AND OTHER KINDS—		
	Candles, Wax .....	1 0 per lb.	
	" Paraffine .....	0 8 "	
	" Spermaceti .....	0 8 "	
	" Composition and other sorts ..	0 5 "	
6	CARRIAGES.....	<i>Ad valorem.</i>	
7	CLOCKS, WATCHES, AND OTHER TIME-KEEPERS .....	<i>Ad valorem.</i>	
8	COFFEE—		
	Persian Gulf and Red Sea.....	30 0 per cwt.	} Seven and a-half per cent.
	Other places .....	20 0 "	
9	CORALS, BEAL .....	<i>Ad valorem.</i>	
10	CORKS.....	1 8 per gross.	
11	COTTON—		
	Thread—		
	Sewing Thread, White and Coloured	0 11 per lb.	
	" In reels, or on cards		
	of one hundred		
	yards (and <i>pro rata</i>		
	above and below)*	2 4 per gross reel.	
	" Goa and Country ..	30 0 per cwt.	
	Twist—		
	Mule, under No. 15 .....	0 6 per lb.	
	Nos. 16 to 24.....	0 9 "	
	25 to 32.....	0 10 "	
	33 to 42.....	0 11 "	
	43 to 52.....	0 12 "	
	53 to 60.....	0 14 "	
	No. 70 .....	0 15 "	
	80 .....	1 0 "	
	90 .....	1 1 "	
	100 .....	1 2 "	
	110 .....	1 3 "	
	120 .....	1 4 "	
	and one anna additional		
	for every count of		
	ten above No. 120.		
	Water, No. 20 ..	0 10 "	
	30 .....	0 11 "	
	40 .....	0 13 "	
	50 .....	0 15 "	
	Above 50 .....	1 2 "	
	Turkey Red Twist, all kinds*—	1 6 per lb. }	} Three and a-half per cent.
	Twist, Orange, Red and other Colours*....	0 15 " }	
	Piece Goods—		
	Grey—		
	Mulls .....	1 1 per lb.	
	Jaconets exceeding 10 × 10 to the		
	quarter inch.....	0 13 "	
	Other Jaconets .....	0 11 "	
	Shuttings, Mydapollams and Prints	0 11 "	
	Long Cloths, Jeans, Domestics.		
	Sheetings, Drills and T. Cloth ..	0 9 "	
	Other sorts .....	<i>Ad valorem.</i>	
	Cotton Rope.....	25 0 per cwt.	
	Cotton Goods—other kinds .....	<i>Ad valorem.</i>	
			} Five per cent.

Exceeding this length to be charged in proportion.

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
12	<b>DRUGS AND MEDICINES—</b>		
	Acid, Sulphuric .....	0 3 per lb.	
	Alkali, Country (Sajee Khar) .....	2 0 per cwt.	
	Aloes, Black .....	10 0 "	
	„ Socotra .....	25 0 "	
	Alum .....	3 8 "	
	Arsenic .....	25 0 "	
	„ China Munseel .....	8 0 "	
	Assafoetida (Hing) .....	55 0 "	
	„ Coarse (Hingra) .....	10 0 "	
	Brimstone, Flour .....	7 0 "	
	„ Roll .....	6 0 "	
	„ Rough .....	4 8 "	
	Camphor, Bhimsing (Barras) .....	50 0 per lb.	
	„ Refined cake .....	65 0 per cwt.	
	„ Crude in powder .....	50 0 "	
	Casia Lignea .....	38 0 "	
	Coova, red .....	<i>Ad valorem.</i>	
	Copperas, green .....	2 8 per cwt.	
	Quinine .....	<i>Ad valorem.</i>	
	Sal Ammoniac .....	22 0 per cwt.	
	Salep .....	60 0 "	
	Senna Leaves .....	6 0 "	
	All other sorts .....	<i>Ad valorem.</i>	Seven and a-half per cent.
13	<b>DYEING AND COLOURING MATERIALS—</b>		
	Cochineal .....	1 12 per lb.	
	Gallnuts, Country, Myrabolam .....	3 0 per cwt.	
	„ Persian .....	35 0 "	
	Gamboge Wood .....	20 0 "	
	Madder or Munjeet .....	10 0 "	
	Orchilla Weed .....	8 0 "	
	Saffron, Europe .....	16 0 per lb.	
	„ Meadow, Soorunjun .....	10 0 per cwt.	
	„ Persian .....	12 0 per lb.	
	„ In cakes or lumps .....	5 0 "	
	Sapan Wood and Root .....	3 8 per cwt.	
	Aniline Dyes .....	0 8 per oz.	
	All other sorts .....	<i>Ad valorem.</i>	
14	<b>FIREWORKS—</b>		
	China .....	30 0 per box of 133½ lbs.	
	Other sorts .....	<i>Ad valorem.</i>	
15	<b>FLAX, MANUFACTURES OF—</b>		
	Piece Goods .....	<i>Ad valorem.</i>	5 per cent.
	Other sorts including linen thread .....	<i>Ad valorem.</i>	
16	<b>FRUITS AND VEGETABLES—</b>		
	Almonds without shell .....	25 0 per cwt.	
	„ with shell .....	10 0 "	
	Cajoo kernels .....	10 0 "	
	Cocoanuts .....	30 0 per thousand	
	„ kernel (Copra) .....	9 8 per cwt.	
	Currants, Europe .....	35 0 "	
	„ Persian .....	12 0 "	
	Dates, dry, in bags .....	4 0 "	
	„ wet, in bags .....	3 0 "	
	„ „ in pots .....	6 0 "	
	Figs, Europe .....	42 0 "	
	„ Persian, dried .....	6 0 "	
	Garlic .....	4 0 "	
	Pistachio Nuts .....	14 0 "	
	Prunes, Bussorah .....	12 0 "	Seven and a-half per cent.

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	<b>FRUITS AND VEGETABLES—(continued.)</b>	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.	
	" Other sorts .....	<i>Ad valorem.</i>	
	Walnuts, Akroot .....	5 0 per cwt.	
	Mangoes, dried .....	<i>Ad valorem.</i>	
	Prunes, Europe .....	<i>Ad valorem.</i>	
	Other sorts, except Bidmiskh, and Buzarbuttoo Nuts, which are free.....	<i>Ad valorem.</i>	
17	<b>GLASS AND GLASS-WARE—</b>		
	Bangles, Glass, China, Gilt .....	10 0 per 100 pairs.	
	" " not Gilt .....	5 0 "	
	Glass—Broken .....	5 0 per cwt.	
	" China, of all colours .....	32 0 per 133½ lbs.	
	" Crown, coloured .....	32 0 per 100 suppl. feet.	
	" " of sizes .....	5 0 per 100 suppl. feet.	
	Glass and Glass-ware of all other sorts, except Bottles, which are free .....	<i>Ad valorem.</i>	
18	<b>GUMS—</b>		
	Gum, Ammoniac .....	10 0 per cwt.	
	" Arabic .....	16 0 "	
	" Bdellium, common Gum.....	5 0 "	
	" Benjamin .....	33 0 "	
	" Bysabole, coarse Myrrh .....	12 0 "	
	" Copal .....	65 0 "	
	" Frankincense or Olebanum.....	9 0 "	
	" Gambier (or Kino) .....	8 0 "	
	" Myrrh .....	24 0 "	
	" Persian (false) .....	3 0 "	
	" Rosin .....	12 0 "	
	All other sorts .....	<i>Ad valorem.</i>	
			Seven and a-half per cent.
19	<b>GROCERIES NOT OTHERWISE DESCRIBED.</b>	<i>Ad valorem.</i>	
20	<b>HIDES AND SKINS—</b>		
	Border Hides, prepared .....	30 0 each.	
	Buffalo Hides, Country, Tanned .....	80 0 per score.	
	Calf Skins .....	40 0 per dozen.	
	Chamois Skins .....	6 0 "	
	Cow Hides, Country, Tanned .....	60 0 per score.	
	Rhinoceros Leather.....	40 0 per cwt.	
	Other sorts .....	<i>Ad valorem.</i>	
21	<b>INSTRUMENTS, Musical</b> .....	<i>Ad valorem.</i>	
22	<b>IVORY AND IVORY-WARE—</b>		
	Elephants' Grinders .....	16 0 per cwt.	
	Tusks above 20 lbs. ....	300 0 "	
	Tusks 10 lbs. and not exceeding 20 lbs.	225 0 "	
	Tusks under 10 lbs.....	125 0 "	
	Sea Cow or Moye Teeth, 3 lbs. and upwards .....	225 0 "	
	Sea Cow or Moye Teeth, under 3 lbs ..	75 0 "	
	Ivory, Manufactures of .....	<i>Ad valorem.</i>	
23	<b>JEWELLERY, INCLUDING PLATE—</b>		
	Silver-ware, plain .....	1 6 per tolah.	
	" embossed .....	2 0 "	
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are free .....	<i>Ad valorem.</i>	

No.	Description of Article.	Value on which Duty is Assessed.	Rate of duty.
24	LEATHER AND MANUFACTURES OF—	Rs. A.	
	Leather ..... } Boots and Shoes..... } Harness and Saddlery ..... } Other sorts ..... }	<i>Ad valorem.</i>	Seven and a-half per cent.
25	LIQUOR—		
	Ale, Beer and Porter..... } Cider and other fermented Liquors .. } Spirits .....	.....	{ One anna per Imperial Gallon.
	*Wines—		Three Rupees the Imperial Gallon and the duty to be rateably increased as the strength exceeds London Proof.
	Champagnes, Sparkling Wines and Liqueurs .....	.....	Provided that ten per cent. <i>ad valorem</i> shall be charged on all spirits used exclusively in Arts and Manufactures, or in Chemistry, subject to such Rules as the Local Governments shall from time to time prescribe, for ascertaining that such spirits are unfit for use as a beverage and incapable of being converted to that purpose. And the officer in charge of the Custom House, subject to the general instructions of the Local Government, shall decide what spirits fall within the proviso, and his decision thereon shall be final in law.
	All other sorts.....	.....	1-8 per Impl. Gal. or 6 Qt. Bottles.
			1-0 per ditto.
26	MATCHES—		
	Lucifer and all other sorts .....	<i>Ad valorem.</i>	
27	MATS, FLOOR MATTING, CHINA, OF ALL SORTS .....	50 0 per hundred.	
28	METALS, UNWROUGHT, WROUGHT, AND MANUFACTURES OF—		
	Brass Beads, Googree, China .....	0 12 thousand.	
	" Old.....	35 0 per cwt.	
	" Sheets, rolls, very thin .....	80 0 "	
	Copper, Australian Cake .....	41 0 "	
	" Bolt .....	43 0 "	} Seven and a-half per cent.
	" Brazier's .....	43 0 "	
	" China Cash.....	28 0 "	
	" Japan .....	41 0 "	
	" Nails and Composition Nails.....	43 0 "	
	" Old .....	40 0 "	
	" Pigs and Slabs, foreign .....	38 0 "	
	" Sheet, Sheathing and Plate.....	43 0 "	
	" Tiles, Ingots, Cakes and Bricks.....	40 0 "	
	" China, White Copper-ware .....	1 4 per lb.	
	" Foil, Dauk-pana, China.....	3 0 per book of 100 leaves.	
	" " " Europe .....	4 0 "	
	All other kinds .....	<i>Ad valorem.</i>	
	Iron, Angle and T Iron.....	<i>Ad valorem.</i>	
	" Beams, Pillars, Girders and Bridge-work .....	<i>Ad valorem.</i>	} One per cent.
	" Flat, Square and Bolt, including Scotch .....	80 0 per ton.	

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
<i>METALS, &amp;c.,—continued.</i>			
	Iron, Hoop, Plate and Sheet.....	100 0 per ton.	} One per cent.
	" Nails, Rivets and Washers .....	10 0 per cwt.	
	" Nail Rod .....	90 0 per ton.	
	" Old.....	2 8 per cwt.	
	" Pig.....	40 0 per ton.	
	" Rod, round, British, under half inch diameter.....	105 0 "	
	" Rod, Round, British, exceeding half inch diameter .....	80 0 "	
	" Swedish, flat and square .....	120 0 "	
	" Rice Bowls .....	3 0 per set of 10.	
	" ".....	1 8 per set of 6.	
	" Galvanised.....	<i>Ad valorem.</i>	
	" Other sorts, except Anchors, Cables and Kentledge, which are free..	<i>Ad valorem.</i>	
	Lametta, Double reels .....	4 8 per score.	
	" Single " .....	2 4 "	
	Lead, Pig.....	10 0 per cwt.	
	" Pipes .....	13 8 "	
	" tinned .....	16 0 "	
	" Sheets (other than thin sheets for Tea Canisters, which are free) ..	12 0 "	
	Ore Galena .....	13 0 "	
	Gold leaf, Europe .....	4 0 per 100 leaves.	
	Mock Gold Leaf .....	5 0 per 20 books.	
	Orsidue or Brass Leaves, foreign		
	Europe.....	1 4 per lb.	
	China .....	0 12 "	
	Patent or Yellow Metals, Sheathing and Sheets and Bolts .....	35 0 per cwt.	
	" ditto old .....	30 0 "	
	Quicksilver .....	1 0 per lb.	
	Shot, Bird .....	15 0 per cwt.	
	Spelter Nails .....	17 8 "	
	" Plate and other shapes .....	11 0 "	
	" Sheet or Zinc Sheathing .....	15 0 "	
	Steel, blistered .....	9 0 "	
	" British .....	9 0 "	
	" Cast .....	25 0 "	
	" Spring .....	10 0 "	
	" Swedish .....	10 0 "	
	Tin Block .....	45 0 "	
	" Plates .....	12 8 "	
	Wire, Brass.....	0 8 per lb.	
	" Common Iron, Nos. 1 to 40 .....	9 8 per cwt.	
	" Copper .....	0 10 per lb.	
	Other sorts, including Hardware, Ironmongery, and Cutlery, but excluding Machinery, the component parts thereof, and Agricultural Implements, which are free .....	<i>Ad valorem.</i>	
29 NAVAL STORES—			
	Cables, coir, tarred .....	10 0 per cwt.	} Five per cent.
	Canvas, Country, Cotton .....	50 0 "	
	" Europe Sail, not exceeding forty yards .....	15 0 per bolt.	
	Coir Rope, Maldiva and Laccadive .....	10 0 per cwt.	} Seven and a-half per cent.
	" Yarn of all kinds .....	9 0 "	
	Cordage, Hemp, Europe .....	18 0 "	
	" Manilla .....	20 0 "	
	Dammer .....	5 0 "	

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
	<b>NAVAL STORES—continued.</b>	Rs. A.	
	Pitch, American and Europe .....	13 0	} per barrel not exceed- ing 3 cwt. and <i>pro rata</i> above and below.
	" Coal .....	4 8	
	Tar, American .....	13 0	} Ditto ditto
	" Coal .....	6 8	
	" Swedish and Archangel .....	14 0	
	Twine, Europe, Sail .....	0 8	per lb.
	All other sorts, except Oakum, which is free .....	<i>Ad valorem.</i>	
30	<b>OILS—</b>		
	Cardamom .....	10 0	per lb.
	Cassia .....	4 0	"
	Cinnamon, Ceylon .....	10 0	"
	Cocconut .....	20 0	per cwt.
	Earth .....	10 0	"
	Grass .....	2 0	per lb.
	Jingelee or Teel .....	20 0	per cwt.
	Kerosine, Paraffine, Petroleum, Rock and Shale Oils of all descriptions .....	1 12	per Impl. gal.
	Linseed, Country .....	18 0	per cwt.
	" Europe .....	2 4	per Impl. gal.
	Naphtha .....	30 0	per cwt.
	Otto, of sorts .....	20 0	per ounce.
	Sandalwood .....	8 0	per lb.
	Sorrel .....	20 0	per cwt.
	Turpentine .....	2 0	per Impl. gal.
	Whale and Fish .....	15 0	per cwt.
	Wood .....	15 0	"
	All other sorts, except Cocum and Slush Fat, which are free .....	<i>Ad valorem.</i>	
31	<b>OIL AND FLOOR CLOTH .....</b>	<i>Ad valorem.</i>	Five per cent.
32	<b>PAINTS, COLOURS, AND PAINTERS' MATERIALS—</b>		
	Ochre, all Colours .....	3 0	per cwt.
	Paints of sorts .....	12 0	"
	Composition Paint and Patent Driers ..	30 0	"
	Prussian Blue, China .....	0 8	per lb.
	" " Europe .....	1 8	"
	Red Lead .....	14 0	per cwt.
	Turpentine .....	2 0	per Impl. gal.
	Verdigris .....	75 0	per cwt.
	Vermillion, Canton .....	80 0	per box of
	" Macao .....	30 0	90 bundles.
	White Lead .....	12 0	per cwt.
	All other sorts, including Brushes .....	<i>Ad valorem.</i>	
33	<b>PERFUMERY—</b>		
	Atary, Persian .....	15 0	per cwt.
	Rose flowers, dried .....	10 0	"
	Rose water .....	1 12	per Impl. gal.
	All other sorts .....	<i>Ad valorem.</i>	
34	<b>PHOTOGRAPHIC APPARATUS AND MATERIALS .....</b>	<i>Ad valorem.</i>	
35	<b>PIECE GOODS, NOT OTHERWISE DESCRIBED ..</b>	<i>Ad valorem.</i>	Five per cent.
36	<b>PORCELAIN AND EARTHEN-WARE .....</b>	<i>Ad valorem.</i>	
37	<b>PROVISIONS AND OILMAN'S STORES—</b>		
	Bacon in Canisters, Jowls and Cheeks ..	0 9	per lb. [cwt
	Beef .....	{ 60 0	per tierce of 3
		{ 40 0	per brl. of 2 cwt.

Seven and a-half per cent.

Five per cent.

Seven and a-half per cent.

Five per cent.

Seven and a-half per cent.



No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty	
	<b>PROVISIONS AND OILMAN'S STORES—contd.</b>	<b>Rs. A.</b>		
	Cheese .....	0 10 per lb.	} Seven and a-half per cent.	
	Fish Maws .....	50 0 per cwt.		
	„ Sozille and Singally, small .....	6 0 „		
	Flour .....	25 0 per barrel or sack of 200 lbs.		
	Ghee .....	36 0 per cwt.		
	Hams .....	0 8 per lb.		
	Pork .....	50 0 per tierce of 3 cwt. and 34 0 per barrel of 2 cwt.		
	Shark Fins .....	20 0 per cwt.		
	Tongues, salted .....	10 0 per keg of six.		
	Vinegar in wood, Europe .....	1 8 per Impl. gal.		
	Vinegar in wood, Persian .....	0 12 „		
	Vinegar in wood, Country .....	0 6 „		
	All other sorts, except Biche de mer, Butter and salted Fish, which are free	<i>Ad valorem.</i>		
38	<b>RAILWAY MATERIALS—</b>			
	Of Iron .....	<i>Ad valorem.</i>		One per cent.
	Steel rails .....	<i>Ad valorem.</i>	One per cent.	
	Other sorts .....	<i>Ad valorem.</i>	Seven and a-half per cent.	
39	<b>RATTANS AND CANES—</b>			
	Canes, Malacca .....	1 0 per dozen.	} Seven and a-half per cent.	
	Rattans .....	7 0 per cwt.		
	All other sorts .....	<i>Ad valorem.</i>		
40	<b>SEEDS—</b>			
	Anchuchuck .....	10 0 per cwt.	} Seven and a-half per cent.	
	Anise, Europe .....	28 0 „		
	Assalia .....	7 0 „		
	Cajoo .....	3 0 „		
	Castor .....	4 8 „		
	Cummin .....	12 0 „		
	„ Black .....	5 0 „		
	Esubgool .....	5 0 „		
	Linseed .....	5 0 „		
	Methee .....	5 0 „		
	Mustard .....	4 8 „		
	Quince Seed or Badana .....	50 0 „		
	Rape or Sursee .....	4 8 „		
	Sawjeerah .....	25 0 „		
	Tookmeria .....	7 0 „		
	All other sorts, excepting Seeds imported by any Public Society for gratuitous distribution, which are free	<i>Ad valorem.</i>		
41	<b>SHELLS—</b>			
	Chanks, "large shells," for Cameos	10 0 per hundred.		} Seven and a-half per cent.
	„ White, live .....	6 0 „		
	„ „ dead .....	3 0 „		
	Cowdas, Mozambique and Zanzibar	3 0 „		
	„ from other places .....	0 8 „		
	<b>Cowries—</b>			
	Bazaar, common .....	4 0 per cwt.		
	Maldivie .....	16 0 „		
	Sunkley .....	40 0 „		
	Yellow, superior quality .....	8 0 „		
	Mother o' Pearl .....	8 0 „		
	Tortoise Shell .....	6 0 per lb.		
	„ Nuck .....	1 0 „		
	Nuckla and other sorts .....	<i>Ad valorem.</i>		

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
42	SILK—		
	Floss .....	8 0 per lb.	} Seven and a-half per cent.
	Raw, Chaton and Cochin-China .....	4 0 "	
	" Mathow .....	1 12 "	
	" other kinds of China .....	7 0 "	
	" Persian .....	5 0 "	
	" Punjum and Cutchra .....	1 12 "	
	" Siam .....	4 0 "	
	Sewing Thread, China .....	8 0 "	} Five per cent.
	Other sorts .....	<i>Ad valorem.</i>	
	Silk Piece Goods of sorts .....	<i>Ad valorem.</i>	
43	SOAP .....	<i>Ad valorem.</i>	
44	SPICES—		
	Aloe Wood .....	3 0 per lb.	} Seven and a-half per cent.
	Aniseed Star .....	40 0 per cwt.	
	Betelnut, White, Sheverdhun .....	18 0 "	
	" all other kinds .....	7 0 per cwt.	
	" in husk .....	2 0 per thousand.	
	Cassia Buds, Nagkessur, China .....	0 8 per lb.	
	Chillies, dried .....	8 0 per cwt.	
	Cloves .....	12 0 "	
	" in Seeds, Nurlavung .....	8 0 "	
	Mace .....	0 9 per lb.	
	" false .....	10 0 per cwt.	
	Nutmegs .....	0 10 per lb.	
	" in shell .....	0 6 "	
	" wild .....	12 0 per cwt.	
	Pepper, Black and long .....	14 0 "	
	" White .....	25 0 "	
	All other kinds .....	<i>Ad valorem.</i>	
45	STATIONERY OTHER THAN PAPER .....	<i>Ad valorem.</i>	
46	SUGAR AND SUGAR-CANDY—		
	Sugar-Candy, China .....	20 0 per cwt.	} Ten per cent.
	" Loaf .....	23 0 "	
	" Soft .....	12 0 "	
	All other sorts of Saccharine producé ..	<i>Ad valorem.</i>	
47	TEA .....	1 0 per lb.	
48	TIMBER AND WOODS—		
	Manufactures of, including also Pipes, Stave and Casks .....	<i>Ad valorem.</i>	
49	TOBACCO—		
	Manufactured .....	<i>Ad valorem.</i>	} Ten per cent.
	Unmanufactured .....	<i>Ad valorem.</i>	
	Articles such as pipes, &c., used in consumption of .....	<i>Ad valorem.</i>	
50	TOYS AND REQUISITES FOR ALL GAMES .....	<i>Ad valorem.</i>	
51	UMBRELLAS—		
	Cotton, Steel Ribs .....	0 13 each.	} Seven and a-half per cent.
	" Cane Ribs .....	0 11 "	
	" China Paper Kettisals .....	45 0 per box of 110	
	All other sorts .....	<i>Ad valorem.</i>	
52	WOOLLEN GOODS—		
	Piece Goods .....	<i>Ad valorem.</i>	} Five per cent.
	Braid .....	<i>Ad valorem.</i>	} Seven and a-half per cent.
	Other sorts .....		

## SCHEDULE B. EXPORT TARIFF.

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.	
		Rs. A.		
1	INDIGO .....		Three Rupees per maund.	
2	GRAIN OF ALL SORTS .....		Three Annas per maund.	
3	LAC—			
	Button .....	28 0 per cwt.	} Four per cent.	
	Dye .....	45 0   "		
	Seed .....	20 0   "		
	Shell .....	28 0   "		
	Stick .....	16 0   "		
	Other sorts .....	<i>Ad valorem.</i>		
4	OILS—			
	Castor .....	16 0 per cwt.	} Three per cent.	
	Cocoanut .....	20 0   "		
	Fish .....	15 0   "		
	Grass .....	2 0 per lb.		
	Jingeely or Teel .....	20 0 per cwt.		
	Linseed .....	18 0   "		
	Mhowa .....	12 0   "		
	Mustard .....	16 0   "		
	Poppy .....	20 0   "		
	Rape or Sursee .....	16 0   "		
	Sandalwood .....	8 0 per lb.		
	Other sorts .....	<i>Ad valorem.</i>		
5	SEEDS—			
	Castor Seed (Erundee) .....	4 8 per cwt.	} Three per cent.	
	Coriander Seed .....	4 0   "		
	Cummin Seed .....	12 0   "		
	" Black (Caleejeera) .....	5 0   "		
	Ground Nuts, with shell .....	5 0   "		
	"   " without shell .....	6 0   "		
	Jingeely or Teel Seed .....	6 0   "		
	Linseed .....	5 0   "		
	Methee Seed .....	5 0   "		
	Mustard Seed .....	4 8   "		
	Poppy Seed .....	5 8   "		
	Rape or Sursee Seed .....	4 8   "		
	Other sorts .....	<i>Ad valorem.</i>		
6	COTTON GOODS—			
	Piece Goods—			
	Baffahs .....	30 0 per score.	} Three per cent.	
	Gurrah .....	20 0   "		
	Kharwah .....	25 0   "		
	Mamoodie .....	32 0   "		
	Mizapore Chintz .....	15 0   "		
	Patna .....	30 0   "		
	Shans .....	40 0   "		
	Tunjeeb, Oudh .....	26 0   "		
	Other sorts .....	<i>Ad valorem.</i>		
	Twist, Country, No. 10 .....	0 7 per lb.		
	"   "   No. 20 .....	0 9   "		
	"   "   No. 30 .....	0 10   "		
	"   Hard Spun .....	0 5   "		
	All other kinds of Cotton Goods .....	<i>Ad valorem.</i>		
7	HIDES AND SKINS, TANNED—			
	Hides—			
	Buffaloe, Country, tanned .....	70 0 per score.		} Three per cent.
	Cow   "   " .....	50 0   "		

EXPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
	HIDES AND SKINS, TANNED— <i>continued.</i> ....	Rs. A.	
	Skins—		
	Goat and sheep .....	10 0 per score.	} Three per cent.
	Lamb .....	5 0 "	
	Any other sorts of Hides and Skins .....	<i>Ad valorem.</i>	
8	SPICES—		
	Aloe Wood .....	3 0 per lb.	
	Betelnut, in husk .....	2 0 per 1,000.	
	Cardamoms .....	200 0 per cwt.	
	" large bastard .....	40 0 "	
	Chillies, dried .....	8 0 "	
	Ginger, dry (rough) Malabar .....	10 0 "	
	" " Bengal .....	7 0 "	
	" (scraped) .....	15 0 "	
	Pepper .....	15 0 "	
	Turmeric .....	5 0 "	
	All other sorts .....	<i>Ad valorem.</i>	

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 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 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:

Enactments in schedule repealed.

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 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 Company, 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. 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, intituled An 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 imprisoned at Calcutta in Bengal, under a judgment of the Supreme Court of Judicature, and also for indemnifying 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 inclusive), sections nineteen to twenty-six (both inclusive).
33 Geo. III. cap. liii.	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.	Sections sixty-one, one hundred and 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 Calcutta, Madras and Bombay; and for preventing British subjects from being concerned in loans to the Native Princes in India.	Sections four to eight (both inclusive), sections fifteen, seventeen to twenty-six (both inclusive), section thirty.
39 & 40 Geo. III. cap. lxxix.	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.

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 government of the said territories, and the better administration of justice within the same; and for regulating the trade to and from the places within the limits of the said Company's Charter.	Sections ninety-eight, ninety-nine, one hundred and one, one hundred and four, one hundred and eight, one hundred and nine, one hundred and thirteen, one hundred and twenty-two.
54 Geo. III. cap. cv.	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.	The whole.
55 Geo. III. cap. lxxxiv.	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 persons dying intestate within the several Presidencies in the East Indies to the Registrar of the Ecclesiastical 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.	The whole Act, except section one.
4 Geo IV cap. lxxi.	An Act for defraying the charge of retiring pay, pensions and other expenses of that nature, of His 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.	Sections eight, nine, ten, and fourteen.
5 Geo IV. cap. cviii.	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.	Section two.
6 Geo. IV cap lxxv.	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 providing for the administration of Justice in Singapore and Malacca, and certain Colonies on the Coast of Coromandel.	Section six.
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 Courts in India, as assets in the hands of executors and administrators, to the payment of the debts of their deceased owners.	The whole Act, except as to the estates of persons 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 Madras.	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 administration 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.	The whole Act so far as it relates to 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.	Section nine, so far as it relates to British India.

## PART II.—ACTS.

Number and year.	Title.	Extent of repeal.
X of 1836	Indigo contracts	Section one.
XX. of 1835	Revenue Sale Law	Sections one and four.
VI. of 1837	Laud Revenue (Cutlack)	Section two.

SCHEDULE—*continued.*

Number and year.	Title.	Extent of repeal.
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 1837," and in section two the words "from the said day."
XI. of 1838	Amins, Bengal	Section one and in section two 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 modification 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, Bengal	Section one.
XXXII. of 1838	Justices of the Peace	Sections two and three.
VII. of 1839	Tahsildars, Madras	Section one.
XXIV. of 1839	Ganjam and Vizagapatam	Section one.
XVI. of 1840	An Act concerning the management of convicts transported to places within the territories of the East India Company.	Section four;
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.	The first twenty-one words in section one, and section eighteen.
XII. of 1841	An Act for amending the Bengal Code in regard to sales of land for arrears of revenue.	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.	Section three down to and including the words "are repealed, and"
XVII. of 1842	An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.	Section one, and in sections two and three the words "and it is hereby enacted that"
XI. of 1843	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.
XVI. of 1844	An Act for increasing the Excise and Import Duties heretofore payable to the Government on salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.	Sections one, three and five.
XVIII. of 1844	An Act for the better control and management of gaols within the Bengal Presidency.	Section one, and in section two the words "And it is hereby enacted that"
XX. of 1844	An Act to amend the law relating to advances <i>bond fide</i> 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 Statute 5 & 6 Victoria, c. 39, as altered by this Act.	Section nine.
XV. of 1845	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of judicial and revenue proceedings.	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 to Hissar, Saharanpore, Moozuffernuggur, Meerut, Bulundshuhur, Allyghur, Bijnore, Budaon, Bareilly, Shahjahanpore, Furruckabad, Allahabad, Goruckpore and Azimgurh.
I. 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 figures "under Act IV. of 1840."

SCHEDULE—*continued.*

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 within the Provinces of Bengal, Behar and Orissa.	Section eight.
XX. of 1847	An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section seventeen.
IV. of 1848	An Act for regulating Coroner's Juries.	In section two the words and figures "according to the provisions of Act No. II. 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 superannuation 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, Madras, and Bombay.	Section seven. In section seventeen the words "by action of debt or on the case."
XI. of 1850	An Act to amend Act X., 1841	Section one.
XII. 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., 1846.	Section 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 Putnee Tenures in Bengal.	Sections two and three.
XXXVII. of 1850	For regulating inquiries into the behaviour of public servants.	Section one.
XI. V. 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.
VIII. of 1851	An Act for enabling Government to levy tolls on public roads and bridges.	Section one.
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.
XV. of 1852	An Act to amend the Law of Evidence	Section fourteen.
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 ten and twenty-seven.
XIX. of 1852	An Act for securing the Abkaree revenue of Madras	Section one.



SCHEDULE—*continued.*

Number and year.	Title.	Extent of repeal.
XXIII. of 1852 . . . . .	To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.	The preamble and section one.
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 encroachments below High-water Mark in the Islands of Bombay and Colaba.	In section seven the words "the East India Company as trustees 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 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 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 jurisdiction of the authorities issuing them.	Section twenty-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.	Section one.
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-nine
XXIV. of 1854 . . . . .	An Act to prohibit the possession of certain offensive weapons in Malabar.	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 Bengal.	Section one.
XXX. of 1854 . . . . .	An Act to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.	Sections one and twelve.
XXXI. of 1854 . . . . .	An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.	Section one.
II. of 1855 . . . . .	An Act for the further improvement of the Law of Evidence.	Section seventeen.
XXII. of 1855 . . . . .	An Act for the regulation of Ports and Port-dues . . . . .	Section one, and in section thirty-five the words "or of the Honorable East India Company," section forty-three.
XXIV. of 1855 . . . . .	An Act to substitute penal servitude for the punishment of Transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts.	Section sixteen.

## 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 of 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.
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.	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 European 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 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 Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore and Malacca.	Section one from the beginning down to and including the words "operation, and" And the schedule.
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 Presidency of Fort William in Bengal.	Section one from the beginning down to and including the words "provided that"
XXI. of 1856.....	An Act to consolidate and amend the law relating to the Alkaree 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"
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.
XXX. of 1857 .....	An Act for the levy of Port-dues and fees in the Port 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 Port of Bombay.	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.

SCHEDULE—*continued.*

Number and year.	Title.	Extent of repeal.
XXXV. of 1857.....	An Act for the levy of Port-dues in the ports of Moulmein, Rangoon, Kyook Phyoo, Akyab and Chittagong.	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 Cattaek.	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 detention 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."
XV. 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 Merchant Seamen.	Section one.
III. of 1859.....	An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.	In section eleven the words "or who shall be appointed Register of Deeds," and the words "and Registers 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" 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 revenue in the Lower Provinces under the Bengal Presidency.	Section one.
XII. of 1859.....	An Act to make better provision for the trial of Pilots 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 nineteen, 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.
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.

## 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 schedule 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 1860 . . . . .	An Act for regulating the establishment and management 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 boundary marks and for facilitating the settlement of boundary disputes in the Presidency of Fort Saint George.	Sections one and thirty-three.
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.
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.	Section one.
XLVIII. 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 Malacca).	Section one, from the beginning down to and including the words "repealed and"
I. 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.
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 Robilcund 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.
XVII. of 1861 . . . . .	An Act to amend Act XIV. of 1843 (for regulating the Customs duties in the North-Western Provinces).	Section three.
XIX. of 1861 . . . . .	An Act to provide for a Government Paper Currency . .	In the preamble from and including the words "and whereas due notice" down to and including the words "hereinafter provided" Section one. In section two the words 'After the passing of this Act,' and the words "except the Banks of Bengal, Madras and Bombay, up to the said 1st day of March 1862, and"

SCHEDULE <sup>11</sup> 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.
XIII. of 1862 . . . . .	An Act to provide for a new Silver and a new Copper Coinage.	Section one.
XX. of 1862 . . . . .	An Act to provide for the levy of Fees and Stamp Duties 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.	Sections seven, eleven, and twelve
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.
I. 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.	Sections one and twenty eight.
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 acting under the authority of Her Majesty, and by certain other Courts, and of prisoners convicted of offences in Native States.	Section one.
XII. of 1863 . . . . .	An Act to bring the Pergunnahs of Mahoba and Jeitpore, in the District of Humeerpore, under the operation 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.	Section one, and the first eight words 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 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).	Sections four and five
VII. of 1864 . . . . .	An Act for regulating the importation and manufacture of elementary 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 Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah).	Section two.
XIII. of 1864. . . . .	An Act to consolidate and amend the laws relating to the emigration of Native labourers.	Sections one and eighty-four, and schedule A.
XVII. of 1864 . . . . .	An Act to constitute an Office of Official Trustee . . . . .	Section two.

## 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 Districts under the Government of the Lieutenant Governor 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 control of the Lieutenant Governor of the Panjáb.	Section three.
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.	Section two, from the beginning down to and including the words "Provided that" And from and including the words "and all suits" down to the end of the section.
XIII. of 1865 . . . . .	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 Presidency Towns.	In section nine the words "From 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,"
XIV. of 1865 . . . . .	An Act to define the jurisdiction of the Courts of Civil Judicature in the Central Provinces.	Sections forty-five and forty-six. Section twenty-four.
XV. of 1865 . . . . .	An Act to define and amend the law relating to Marriage and Divorce among the Parsees.	In section seven the words "who may be the Registrar appointed under Act XVI. of 1864 (to provide for the registration of assurances.)" 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 Judicature 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 of Judicature in the Panjáb 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 Commercial Law of British India.	In 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 hundred and twenty-one, and two hundred and twenty-two, and the third schedule.
XI. 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.
XIV. of 1866 . . . . .	The Indian Post Office Act, 1866 . . . . .	In section one the words "shall come into operation on the first day of May 1866,"
XX. of 1866 . . . . .	The Indian Registration Act, 1866 . . . . .	And section three. Section three, and section ninety-eight from the beginning down to and including "notwithstanding." Section one hundred and two.

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 Commissioner of Oudh for the better determination of certain claims of subordinate proprietors in that Province.	Section two.
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.	Section one.
XII. of 1867 . . . . .	An Act to amend the law relating to the custody of prisoners within the local limits of the original jurisdiction of Her Majesty's High Courts of Judicature at Fort William in Bengal, Madras, and Bombay.	Section two and the schedule.
XVIII. of 1867 . . . . .	An Act to define the jurisdiction of the Courts of Civil Judicature in the Jhānsi 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 Newspapers, for the preservation of copies of books printed in British India, and for the registration of such books.	Sections two and twenty-three.
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 Panjāb.	The whole.
III. of 1868 . . . . .	An Act to authorize the Local Government of the Panjāb to invest any person with the powers of an Assistant Commissioner or Tahsildār.	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 jurisdiction 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 Munsifs 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 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 Abkārī Rules in British 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 enforced under the same authority." And section two.

## 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 Panjáb.	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.
of 1869 . . . . .	The Indian Articles of War . . . . .	Part I, clause (c), paragraphs one, 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 to indemnify the officers and other persons who have acted under them;" Section two.
I. of 1869 . . . . .	An Act further to amend the Code of Criminal Procedure.	Section two, paragraph one.
of 1869 . . . . .	An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.	Section two.
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.
XVIII. of 1869 . . . . .	An Act for imposing Stamp Duties on certain Instruments.	Section two and the third schedule.
XX. of 1869 . . . . .	An Act to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.	Section three.
XXII. of 1869 . . . . .	An Act to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts, and for other purposes.	Sections two and three.
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 Presidency 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 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. 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 'who may be the Master  
No. XIX. of 1861, Section 4 of the Mint at Calcutta'  
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 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* 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 offices, property, professions and trades; it is hereby enacted as follows

**PART I.**

**PRELIMINARY.**

1. This Act may be called "The Indian Income Tax Act":  
Short title. It extends to the whole of British India:  
Extent of Act. It shall be deemed to have come into operation on the first day of April 1870, and it shall cease to be in force on the thirty-first day of March, 1871, except as to taxes and penalties then due and incurred thereunder.  
Commencement and continuance of Act. and 1870, the Acts mentioned in the third schedule here- 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.
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 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 there be something repugnant in the subject or context—  
"Magistrate" means any person exercising the 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 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." "Firm" includes a Hindu undivided family:

"Person." "Person" includes a firm:

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

In the case of any Company or Municipal or other public Body or Association 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 immovable 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 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.

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-one rupees, ten annas, eight pie per mensem, shall be chargeable under this Part.

Exemption of incomes less than Ra. 41-10-8 per mensem.

8. In the case of every paid office, employment or commission under Her Majesty or under the Government 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 employment under or receiving any annuity or 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 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 making such deductions, pay to the credit of the Government 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.

Every Company, public Body or Association, 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 Company and public Body 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 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 this Act in April 1870 is not deducted at the time of payment in that month 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.

Difference between duty under this Act for April 1870 and duty under Act IX. of 1869.

PART III.

COMPANIES.

11. The Treasurer, Secretary or principal Agent or Manager in India of every Company shall in the case of a Shipping Company trading between British India and any other country, pay to Government 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 Government in respect of 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, deliver to the Collector 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 in this section have been 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 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 first schedule to this Act charged under Part II. or 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 committee of any infant, married woman subject to the law of England, lunatic or idiot, 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 married 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, whether a subject of Her Majesty or not, being in receipt, through an agent,

Non-residents charged in names of their agents.

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, committee or agent shall, when required by the 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, married 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 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.

16. When any trustee, guardian, curator, or committee, or agent 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 pursuance of this Act

17. In the case of every person chargeable under this Part whose 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, 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 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.

Notice requiring returns

Indemnity

Return how made

19. Every person, when required so to do by a notice in the form to be prescribed by the said Governor 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 dwelling-house 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 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 respectively 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 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 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 chargeable under this Part 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 Collector, who shall grant a receipt 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 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.

24. Every 'such' receipt 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 accrue or arise; and shall be admissible as *prima facie* proof of all matters contained therein.

25. Any person objecting to the amount at which he is assessed, or denying his liabilities to 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 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 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 this Act annexed, or as 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 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 under section twenty-six 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 be accompanied by a copy of the petition to the 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 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 summon any person whom he thinks able to give evidence 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.

29. Whenever the Collector has reason to believe 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 Agent or Manager failing to make any payment or 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 deliver statements or declarations, or agent failing to deliver any statements or declarations 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 not within the period 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 shall grant him a receipt without any further payment.

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 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 thirty, section thirty-one, or section thirty-two, except at the instance of the Collector.

34. All fines imposed under this Act may be 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 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 and two hundred and twenty-eight of the Indian Penal Code, the words "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 nine, shall be payable on the fifth day of April 1870.

Instalments.

Provided that the amount so payable may be paid 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 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 instalment, or first and second instalments, or 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, or first and second instalments, or first, second, and third instalments, and in any of the quarters respectively ending on the days last aforesaid dissolves partnership, or takes the benefit of any Act for the relief of insolvent 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 liable to pay the said second 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 Calcutta, Madras or 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 paid to the credit of the Government of India, or as such Government shall from time to time direct.

PART VII.

MISCELLANEOUS.

41. All or any of the powers and duties conferred 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 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.

43. When any Company or firm has several 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 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 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 be, shall from time to time appoint in this behalf.

44. The Governor General of India in Council 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 General of India in Council may from time to time make rules consistent with 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.

## SCHEDULE I.

Persons whose annual income  
or profits shall be assessed at  
not less than

	Rs.	500 but at less than	Rs.	750 shall pay Rs.	19 8 0
Ditto	ditto	...	750	1,000	27 0 0
Ditto	ditto	...	1,000	1,500	39 0 0
Ditto	ditto	...	1,500	2,000	54 0 0
Ditto	ditto	...	2,000	...	six pies in the rupee.

## SCHEDULE II.

*Form of Petition under Section 25.*

Stamp  
 eight annas.

To THE COLLECTOR OF

*The*

*day of*

187

The petition of A. B. of

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 rupees .

as will appear from the documents marked presented here-  
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.*]

(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 belief.

(Signed) A. B.

## SCHEDULE III.

*Enactments Repealed.*

Number and Year.	Title of Act.	Extent of Repeal
Act No. IX. of 1869 . . . . .	The Indian Income Tax . . . . .	The whole.
Act No. XXIII. of 1869 . . . . .	An Act to enhance the duties leviable 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 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 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 Customs Duties' Act, 1870."
2. Act No. XVII. of 1867 (to amend the Law relating to Customs Duties) 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 port in British India, the duties specified in the two Schedules annexed to this Act; and all articles, other than those specified in the said Schedules respectively, shall be duty-free:

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 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 assessed.	Rate of Duty
		Rs. A.	
1	APPAREL, INCLUDING HABERDASHERY, MILLINERY, &c.....	<i>Ad valorem.</i>	Seven and a-half per cent.
2	ARMS, AMMUNITION, AND MILITARY STORES—		Seven and a-half per cent., except as regards Military and other Regulation Uniforms and Accoutrements when imported for private use by persons in the Public Service, which are free.
	Gunpowder, common.....	0 5 per lb.	
	" sporting.....	1 0 "	
	Fire-Arms and parts of ditto.....	<i>Ad valorem.</i>	
	All other sorts, including Military Accoutrements, Uniforms, &c. ....	<i>Ad valorem.</i>	
	BEADS AND FALSE PEARLS—		
	Beads—China.....	30 0 per cwt.	Seven and a-half per cent.
	" Common.....	28 0 "	
	" Ruby of all sizes.....	0 12 per lb.	
	" Seed.....	0 10 "	
	" Small, Scarlet and Red.....	0 10 "	
	" Coral (false) Moorzun.....	0 8 per corgie of 2,000 beads.	
	All other sorts of false Corals and Beads ..	<i>Ad valorem.</i>	
	Pearls, false, Bajeria.....	5 0 per lakh.	
	" Boria.....	1 0 per thousand.	
	" Jouria.....	8 0 per lakh.	
	" Nathia.....	0 6 per thousand.	
	" Tachea.....	0 12 " "	
	" Wattanah.....	10 0 per lakh.	
	All other sorts.....	<i>Ad valorem.</i>	
	CABINET-WARE.....	<i>Ad valorem.</i>	

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
		Rs. A.	
5	CANDLES, WAX, COMPOSITION, AND OTHER KINDS—		
	Candles, Wax .....	1 0 per lb.	
	"    Paraffine .....	0 8 "	
	"    Spermaceti .....	0 8 "	
	"    Composition and other sorts ..	0 5 "	
6	CARRIAGES.....	Ad valorem.	
7	CLOCKS, WATCHES, AND OTHER TIME-KEEPERS .....	Ad valorem.	
8	COFFEE—		
	Persian Gulf and Red Sea.....	30 0 per cwt.	} Seven and a-half per cent.
	Other places .....	20 0 "	
9	CORALS, REAL .....	Ad valorem.	
10	CORKS.....	1 8 per gross.	
11	COTTON—		
	Thread—		
	Sewing Thread, White and Coloured	0 11 per lb.	
	"    In reels, or on cards		
	of one hundred		
	yards (and <i>pro rata</i>		
	above and below)*	2 4 per gross reel.	
	"    Goa and Country ..	30 0 per cwt.	
	Twist—		
	Mule, under No. 15 .....	0 6 per lb.	
	Nos. 16 to 24.....	0 9 "	
	25 to 32.....	0 10 "	
	33 to 42.....	0 11 "	
	43 to 52.....	0 12 "	
	53 to 60.....	0 14 "	
	No. 70 .....	0 15 "	
	80 .....	1 0 "	
	90 .....	1 1 "	
	100 .....	1 2 "	
	110 .....	1 3 "	
	120 .....	1 4 "	
	and one anna additional		
	for every count of		
	ten above No. 120.		
	Water, No. 20 ..	0 10 "	
	30 .....	0 11 "	
	40 .....	0 13 "	
	50 .....	0 15 "	
	Above 50 .....	1 2 "	
	Turkey Red Twist, all kinds*—	1 6 per lb. }	} Three and a-half per cent.
	Twist, Orange, Red and other Colours*....	0 15 " }	
	Piece Goods—		
	Grey—		
	Mulls .....	1 1 per lb.	
	Jaconets exceeding 10 × 10 to the		
	quarter inch.....	0 13 "	
	Other Jaconets .....	0 11 "	
	Shirtings, Mydapollams and Prints	0 11 "	
	Long Cloths, Jeans, Domestics,		
	Sheetings, Drills and T. Cloth ..	0 9 "	
	Other sorts .....	Ad valorem.	
	Cotton Rope.....	25 0 per cwt.	
	Cotton Goods—other kinds .....	Ad valorem.	
			} Five per cent.

\* Exceeding this length to be charged in proportion.

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.	
	Alkali, Country (Sajee Khar) .....	2 0 per cwt.	
	Aloes, Black .....	10 0 "	
	" Socotra .....	25 0 "	
	Alum .....	3 8 "	
	Arsenic .....	25 0 "	
	" China Munseel .....	8 0 "	
	Assafetida (Hing) .....	55 0 "	
	" Coarse (Hingra) .....	10 0 "	
	Brimstone, Flour .....	7 0 "	
	" Roll .....	6 0 "	
	" Rough .....	4 8 "	
	Camphor, Bhimsing (Barras) .....	50 0 per lb.	
	" Refined cake .....	65 0 per cwt.	
	" Crude in powder .....	50 0 "	
	Casia Lignea .....	38 0 "	
	Coova, red .....	<i>Ad valorem.</i>	
	Copperas, green .....	2 8 per cwt.	
	Quinine .....	<i>Ad valorem.</i>	
	Sal Ammoniac .....	22 0 per cwt.	
	Salep .....	60 0 "	
	Senna Leaves .....	6 0 "	
	All other sorts .....	<i>Ad valorem.</i>	Seven and a-half per cent.
13	DYEING AND COLOURING MATERIALS—		
	Cochineal .....	1 12 per lb.	
	Gallnuts, Country, Myrabolam, .....	3 0 per cwt.	
	" Persian .....	35 0 "	
	Gamboge Wood .....	20 0 "	
	Madder or Munjeet .....	10 0 "	
	Orchilla Weed .....	8 0 "	
	Saffron, Europe .....	16 0 per lb.	
	" Meadow, Soorunjun .....	10 0 per cwt.	
	" Persian .....	12 0 per lb.	
	" In cakes or lumps .....	5 0 "	
	Sapan Wood and Root .....	3 8 per cwt.	
	Aniline Dyes .....	0 8 per oz.	
	All other sorts .....	<i>Ad valorem.</i>	
14	FIREWORKS—		
	China .....	30 0 per box of 133½ lbs.	
	Other sorts .....	<i>Ad valorem.</i>	
15	FLAX, MANUFACTURES OF—		
	Piece Goods .....	<i>Ad valorem.</i>	5 per cent
	Other sorts, including linen thread .....	<i>Ad valorem.</i>	
16	FRUITS AND VEGETABLES—		
	Almonds without shell .....	25 0 per cwt.	
	" with shell .....	10 0 "	
	Cajoo kernels .....	10 0 "	
	Cocoanuts .....	30 0 per thousand	
	" kernel (Copra) .....	9 8 per cwt.	
	Currants, Europe .....	35 0 "	
	" Persian .....	12 0 "	
	Dates, dry, in bags .....	4 0 "	
	" wet, in bags .....	3 0 "	
	" " in pots .....	6 0 "	
	Figs, Europe .....	42 0 "	
	" Persian, dried .....	6 0 "	
	Garlic .....	4 0 "	
	Pistachio Nuts .....	14 0 "	
	Prunes, Bussorah .....	12 0 "	Seven and a-half per cent.

No.	Description of Article.	Value on which Duty is assessed.	Rate of Duty.
	<b>FRUITS AND VEGETABLES—(continued.)</b>	<b>Rs. A.</b>	
	Raisins, Black, Persian Gulf, Red Sea, and Khismis .....	12 0 per cwt.	
	" Monocks, Persian Gulf and Red Sea .....	7 0 "	
	" Malaga and Bloom .....	0 10 per lb.	
	" Other sorts .....	<i>Ad valorem.</i>	
	Walnuts, Akroot .....	5 0 per cwt.	
	Mangoes, dried .....	<i>Ad valorem.</i>	
	Prunes, Europe .....	<i>Ad valorem.</i>	
	Other sorts, except Bidmiskh and Buzarbuttoo Nuts, which are free.....	<i>Ad valorem.</i>	
17	<b>GLASS AND GLASS-WARE—</b>		
	Bangles, Glass, China, Gilt .....	10 0 per 100 pairs.	
	" " not Gilt .....	5 0 "	
	Glass—Broken .....	5 0 per cwt.	
	" China, of all colours .....	32 0 per 133½ lbs.	
	" Crown, coloured .....	32 0 per 100 supl. feet.	
	" " of sizes .....	5 0 per 100 supl. feet.	
	Glass and Glass-ware of all other sorts, except Bottles, which are free .....	<i>Ad valorem.</i>	
18	<b>GUMS—</b>		
	Gum, Ammoniac .....	10 0 per cwt.	
	" Arabic .....	16 0 "	
	" Bdellium, common Gum.....	5 0 "	
	" Benjamin .....	33 0 "	
	" Bysabole, coarse Myrrh .....	12 0 "	
	" Copal .....	65 0 "	
	" Frankincense, or Olebanum .....	9 0 "	
	" Gambier (or Kino) .....	8 0 "	
	" Myrrh .....	24 0 "	
	" Persian (false) .....	3 0 "	
	" Rosin .....	12 0 "	
	All other sorts .....	<i>Ad valorem.</i>	
19	<b>GROCERIES NOT OTHERWISE DESCRIBED.</b>	<i>Ad valorem.</i>	
20	<b>HIDES AND SKINS—</b>		
	Border Hides, prepared .....	30 0 each.	
	Buffalo Hides, Country, Tanned .....	80 0 per score.	
	Calf Skins .....	40 0 per dozen.	
	Chamois Skins .....	6 0 "	
	Cow Hides, Country, Tanned .....	60 0 per score.	
	Rhinoceros Leather .....	40 0 per cwt.	
	Other sorts .....	<i>Ad valorem.</i>	
21	<b>INSTRUMENTS, Musical</b> .....	<i>Ad valorem.</i>	
22	<b>IVORY AND IVORY-WARE —</b>		
	Elephants' Grinders .....	16 0 per cwt.	
	Tusks above 20 lbs. .....	300 0 "	
	Tusks 10 lbs. and not exceeding 20 lbs. .....	225 0 "	
	Tusks under 10 lbs. .....	125 0 "	
	Sea Cow or Moya Teeth, 3 lbs. and upwards .....	225 0 "	
	Sea Cow or Moya Teeth, under 3 lbs .....	75 0 "	
	Ivory, Manufactures of .....	<i>Ad valorem.</i>	
23	<b>JEWELLERY, INCLUDING PLATE—</b>		
	Silver-ware, plain .....	1 6 per tolah.	
	" " embossed .....	2 0 "	
	Jewellery and Plate of all other kinds, excepting Precious Stones and Pearls, which are free .....	<i>Ad valorem.</i>	

Seven and a-half per cent.

No	Description of Article.	Value on which Duty is Assessed.	Rate of duty.
24	LEATHER AND MANUFACTURES OF—	Rs. A.	
	Leather ..... } Boots and Shoes..... } Harness and Saddlery ..... } Other sorts ..... }	<i>Ad valorem.</i>	Seven and a-half per cent.
25	LIQUOR—		
	Ale, Beer and Porter..... } Cider and other fermented Liquors .. } Spirits ..... }	....	{ One anna per Imperial Gallon.
	Wines—		Three Rupees the Imperial Gallon and the duty to be rateably increas- ed as the strength exceeds London Proof.
	Champagnes, Sparkling Wines and Li- queurs .....	....	Provided that ten per cent. <i>ad valo-            rem</i> 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- scribe, 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.
	All other sorts.....	....	1-8 per Impl. Gal. or 6 Qt. Bottles. 1-0 per ditto.
26	MATCHES—		
	Lucifer and all other sorts .....	<i>Ad valorem.</i>	
27	MATS, FLOOR MATTING, CHINA, OF ALL SORTS .....	50. 0 per hundred.	
28	METALS, UNWROUGHT, WROUGHT, AND MANUFACTURES OF—		
	Brass Beads, Goognee, China .....	0 12 per thousand.	
	" Old.....	35 0 per cwt.	
	" Sheets, rolls, very thin .....	80 0 "	
	Copper, Australian Cake .....	41. 0 "	
	" Bolt .....	43 0 "	} Seven and a-half per cent.
	" Brazier's .....	43 0 "	
	" China Cash.....	28 0 "	
	" Japan .....	41 0 "	
	" Nails and Composition Nails....	43 0 "	
	" Old .....	40 0 "	
	" Pigs and Slabs, foreign .....	38 0 "	
	" Sheet, Sheathing and Plate ....	43 0 "	
	" Tiles, Ingots, Cakes and Bricks.	40 0 "	
	" China, White Copper-ware ....	1 4 per lb.	
	" Foil, Dauk-pana, China.....	3 0 per book of 100 leaves.	
	" " " Europe .....	4 0 "	
	All other kinds .....	<i>Ad valorem.</i>	
	Iron, Angle and T Iron .....	<i>Ad valorem.</i>	
	" Beams, Pillars, Girders and Bridge- work .....	<i>Ad valorem.</i>	} One per cent.
	" Flat, Square and Bolt, including Scotch .....	80 0 per ton.	

No	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
	<i>METALS, &amp;c.,—continued.</i>		
	Iron, Hoop, Plate and Sheet.....	100 0 per ton.	} One per cent.
	" Nails, Rivets and Washers .....	10 0 per cwt.	
	" Nail, Rod .....	90 0 per ton.	
	" Old.....	2 8 per cwt.	
	" Pig.....	40 0 per ton.	
	" Rod, round, British, under half inch diameter.....	105 0 "	
	" Rod, Round, British, exceeding half inch diameter .....	80 0 "	
	" Swedish, flat and square .....	120 0 "	
	" Rice Bowls .....	3 0 per set of 10.	
	" " .....	1 8 per set of 6.	
	" Galvanised.....	<i>Ad valorem.</i>	
	" Other sorts, except Anchors, Cables and Kentledge, which are free. .	<i>Ad valorem.</i>	
	Lametta, Double reels .....	4 8 per score.	
	" Single " .....	2 4 "	
	Lead, Pig.....	10 0 per cwt.	
	" Pipes .....	13 8 "	
	" " tinned .....	16 0 "	
	" Sheets (other than thin sheets for Tea Canisters, which are free) ..	12 0 "	
	Ore Galena .....	13 0 "	
	Gold leaf, Europe .....	4 0 per 100 leaves.	
	Mock Gold Leaf .....	5 0 per 20 books.	
	Osidue of Brass Leaves, foreign		
	Europe....	1 4 per lb.	
	China ....	0 12 "	
	Patent or Yellow Metals, Sheathing and Sheets and Bolts .....	35 0 per cwt. .	
	" ditto old .....	30 0 "	
	Quicksilver .....	1 0 per lb.	
	Shot, Bird .....	15 0 per cwt.	
	Spelter Nails .....	17 8 "	
	" Plate and other shapes .....	11 0 "	
	" Sheet or Zinc Sheathing .....	15 0 "	
	Steel, blistered .....	9 0 "	
	" British .....	9 0 "	
	" Cast .....	25 0 "	
	" Spring .....	10 0 "	
	" Swedish .....	10 0 "	
	Tin Block .....	45 0 "	
	" Plates .....	12 8 "	
	Wire, Brass.....	0 8 per lb.	
	" Common Iron, Nos. 1 to 40 ....	9 8 per cwt.	
	" Copper .....	0 10 per lb.	
	Other sorts, including Hardware, Ironmongery, and Cutlery, but excluding Machinery, the component parts thereof, and Agricultural Implements, which are free .....	<i>Ad valorem.</i>	
29	<i>NAVAL STORES—</i>		
	Cables, coir, tarred.....	10 0 per cwt.	} Five per cent.
	Canvas, Country, Cotton .....	50 0 "	
	" Europe Sail, not exceeding forty yards .....	15 0 per bolt.	
	Coir Rope, Maldiva and Laccadive ....	10 0 per cwt.	
	" Yarn of all kinds .....	9 0 "	
	Cordage, Hemp, Europe .....	18 0 "	} Seven and a-half per cent.
	" Manilla .....	20 0 "	
	Dammer " .....	5 0 "	

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
	<b>NAVAL STORES—continued.</b>	<b>Rs. A.</b>	
	Pitch, American and Europe .....	13 0	} per barrel not exceed- ing 3 cwt. and <i>pro rata</i> above and below.
	" Coal .....	4 8	
	Tar, American .....	13 0	} Ditto ditto
	" Coal .....	6 8	
	" Swedish and Archangel .....	14 0	
	Twine, Europe, Sail .....	0 8 per lb.	
	All other sorts, except Oakum, which is free .....	<i>Ad valorem.</i>	
30	<b>OILS—</b>		
	Cardamom .....	10 0 per lb.	} Seven and a-half per cent.
	Cassia .....	4 0 "	
	Cinnamon, Ceylon .....	10 0 "	
	Cocoonut .....	20 0 per cwt.	
	Earth .....	10 0 "	
	Grass .....	2 0 per lb.	
	Jingele or Teel .....	20 0 per cwt.	
	Kerosine, Paraffine, Petroleum, Rock and Shale Oils of all descriptions .....	1 12 per Impl. gal.	
	Linseed, Country .....	18 0 per cwt.	
	" Europe .....	2 4 per Impl. gal.	
	Naphtha .....	30 0 per cwt.	
	Otto, of sorts .....	20 0 per ounce.	
	Sandalwood .....	8 0 per lb.	
	Sorrel .....	20 0 per cwt.	
	Turpentine .....	2 0 per Impl. gal.	
	Whale and Fish .....	15 0 per cwt.	
	Wood .....	15 0 "	
	All other sorts, except Cocum and Slush Fat, which are free .....	<i>Ad valorem.</i>	
31	<b>OIL AND FLOOR CLOTH .....</b>	<i>Ad valorem.</i>	Five per cent.
32	<b>PAINTS, COLOURS, AND PAINTERS' MATERIALS—</b>		
	Ochre, all Colours .....	3 0 per cwt.	} Seven and a-half per cent.
	Paints of sorts .....	12 0 "	
	Composition Paint and Patent Driers ..	30 0 "	
	Prussian Blue, China .....	0 8 per lb.	
	" " Europe .....	1 8 "	
	Red Lead .....	14 0 per cwt.	
	Turpentine .....	2 0 per Impl. gal.	
	Verdigris .....	75 0 per cwt.	
	Vermillion, Canton .....	80 0 } per box of	
	" Macao .....	30 0 } 90 bundles.	
	White Lead .....	12 0 per cwt.	
	All other sorts, including Brushes .....	<i>Ad valorem.</i>	
33	<b>PERFUMERY—</b>		
	Atary, Persian .....	15 0 per cwt.	} Seven and a-half per cent.
	Rose flowers, dried .....	10 0 "	
	Rose water .....	1 12 per Impl. gal.	
	All other sorts .....	<i>Ad valorem.</i>	
34	<b>PHOTOGRAPHIC APPARATUS AND MATERIALS .....</b>	<i>Ad valorem.</i>	} Five per cent.
35	<b>PIECE GOODS, NOT OTHERWISE DESCRIBED ..</b>	<i>Ad valorem.</i>	
36	<b>PORCELAIN AND EARTHEN-WARE .....</b>	<i>Ad valorem.</i>	
37	<b>PROVISIONS AND OILMAN'S STORES—</b>		
	Bacon in Canisters, Jowls and Checks.	0 9 per lb. [cwt.	} Seven and a-half per cent.
	Beef .....	{ 60 0 per tierce of 3 40 0 per brl. of 2 cwt.	

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.	
	<b>PROVISIONS AND OILMAN'S STORES—contd.</b>	<b>Rs. A.</b>		
	Cheese .....	0 10 per lb.	} Seven and a-half per cent.	
	Fish Maws .....	50 0 per cwt.		
	„ Sozille and Singally, small .....	6 0 „		
	Flour .....	25 0 per barrel or sack of 200 lbs.		
	Ghee .....	36 0 per cwt.		
	Hams .....	0 8 per lb.		
	Pork .....	50 0 per tierce of 3 cwt. and 34 0 per barrel of 2 cwt.		
	Shark Fins .....	20 0 per cwt.		
	Tongues, salted .....	10 0 per keg of six.		
	Vinegar in wood, Europe .....	1 8 per Impl. gal.		
	Vinegar in wood, Persian .....	0 12 „		
	Vinegar in wood, Country .....	0 6 „		
	All other sorts, except Biche de mer Butter and Salted Fish, which are free	<i>Ad valorem.</i>		
38	<b>RAILWAY MATERIALS—</b>			
	Of Iron .....	<i>Ad valorem.</i>		One per cent.
	Steel rails .....	<i>Ad valorem.</i>	One per cent.	
	Other sorts .....	<i>Ad valorem.</i>	Seven and a-half per cent.	
39	<b>RATTANS AND CANES—</b>			
	Canes, Malacca .....	1 0 per dozen.	} Seven and a-half per cent.	
	Rattans .....	7 0 per cwt.		
	All other sorts .....	<i>Ad valorem.</i>		
40	<b>SEEDS—</b>			
	Anchuchuck .....	10 0 per cwt.	} Seven and a-half per cent.	
	Anise, Europe .....	28 0 „		
	Assaba .....	7 0 „		
	Cajoo .....	3 0 „		
	Castor .....	4 8 „		
	Cummin .....	12 0 „		
	„ Black .....	5 0 „		
	Esubgool .....	5 0 „		
	Linseed .....	5 0 „		
	Methee .....	5 0 „		
	Mustard .....	4 8 „		
	Quince Seed or Badana .....	50 0 „		
	Rape or Sursee .....	4 8 „		
	Sawjeerah .....	25 0 „		
	Tookmeria .....	7 0 „		
	All other sorts, excepting Seeds imported by any Public Society for gratuitous distribution, which are free	<i>Ad valorem.</i>		
41	<b>SHELLS—</b>			
	Chanks, "large shells," for Cameos	10 0 per hundred.		} Seven and a-half per cent.
	„ White, live .....	6 0 „		
	„ dead .....	3 0 „		
	Cowdas, Mozambique and Zanzibar	3 0 „		
	„ from other places .....	0 8 „		
	<b>Cowries—</b>			
	Bazaar, common .....	4 0 per cwt.		
	Maldiva .....	16 0 „		
	Sunkley .....	40 0 „		
	Yellow, superior quality .....	3 0 „		
	Mother o' Pearl .....	8 0 „		
	Tortoise Shell .....	6 0 per lb.		
	„ Nuck .....	1 0 „		
	Nuckla and other sorts	<i>Ad valorem.</i>		



No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
42	SILK—		
	Floss .....	8 0 per lb.	} Seven and a-half per cent.
	Raw, Charon and Cochin-China .....	4 0 "	
	" Mathew .....	1 12 "	
	" other kinds of China .....	7 0 "	
	" Persian .....	5 0 "	
	" Punjum and Cutchra .....	1 12 "	
	" Siam .....	4 0 "	
	Sewing Thread, China .....	8 0 "	} Five per cent.
	Other sorts .....	<i>Ad valorem.</i>	
	Silk Piece Goods of sorts .....	<i>Ad valorem.</i>	
43	SOAP .....	<i>Ad valorem.</i>	
44	SPICES—		
	Aloe Wood .....	3 0 per lb.	} Seven and a-half per cent.
	Aniseed Star .....	40 0 per cwt.	
	Betelnut, White, Sheveidhun .....	18 0 "	
	" all other kinds .....	7 0 per cwt.	
	" in husk .....	2 0 per thousand.	
	Cassia Buds, Nagkessur, China .....	0 8 per lb.	
	Chillies, dried .....	8 0 per cwt.	
	Cloves .....	12 0 "	
	" in Seeds, Nurlavung .....	8 0 "	
	Mace .....	0 9 per lb.	
	" false .....	10 0 per cwt.	
	Nutmegs .....	0 10 per lb.	
	" in shell .....	0 6 "	
	" wild .....	12 0 per cwt.	
	Pepper, Black and Long .....	14 0 "	
	" White .....	25 0 "	
	All other kinds .....	<i>Ad valorem.</i>	
45	STATIONERY OTHER THAN PAPER .....	<i>Ad valorem.</i>	
46	SUGAR AND SUGAR-CANDY—		
	Sugar-Candy, China .....	20 0 per cwt.	} Seven and a-half per cent.
	" Loaf .....	23 0 "	
	" Soft .....	12 0 "	
	All other sorts of Saccharine produce ..	<i>Ad valorem.</i>	
47	TEA .....	1 0 per lb.	
48	TIMBER AND WOODS—		
	Manufactures of, including also Pipes, Stave and Casks .....	<i>Ad valorem.</i>	
49	TOBACCO—		
	Manufactured .....	<i>Ad valorem.</i>	} Ten per cent.
	Unmanufactured .....	<i>Ad valorem.</i>	
	Articles such as pipes, &c., used in con- sumption of .....	<i>Ad valorem.</i>	
50	TOYS AND REQUISITES FOR ALL GAMES .....	<i>Ad valorem.</i>	
51	UMBRELLAS—		
	Cotton, Steel Ribs .....	0 12 each.	} Seven and a-half per cent.
	" Cane Ribs .....	0 11 "	
	" China Paper Kettisals .....	45 0 per box of 110	
	All other sorts .....	<i>Ad valorem.</i>	
52	WOOLLEN GOODS—		
	Piece Goods .....	<i>Ad valorem.</i>	Five per cent.
	Braid .....	} <i>Ad valorem.</i>	Seven and a-half per cent.
	Other sorts .....		

## SCHEDULE B. EXPORT TARIFF.

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty.
		Rs. A.	
1	INDIGO .....		Three Rupees per maund.
2	GRAIN OF ALL SORTS.....		Three Annas per maund.
3	LAC—		
	Button .....	28 0 per cwt.	} Four per cent.
	Dye .....	45 0   "	
	Seed.....	20 0   "	
	Shell .....	28 0   "	
	Stick .....	16 0   "	
	Other sorts .....	<i>Ad valorem.</i>	
4	OILS—		
	Castor .....	16 0 per cwt.	} Three per cent.
	Cocoanut .....	20 0   "	
	Fish .....	15 0   "	
	Grass .....	2 0 per lb.	
	Jingeely or Teel.....	20 0 per cwt.	
	Linseed .....	18 0   "	
	Mhowa .....	12 0   "	
	Mustard .....	16 0   "	
	Poppy .....	20 0   "	
	Rape or Sursee .....	16 0   "	
	Sandalwood.....	8 0 per lb.	
	Other sorts .....	<i>Ad valorem.</i>	
5	SEEDS—		
	Castor Seed (Erundee) .....	4 8 per cwt.	} Three per cent.
	Coriander Seed .....	4 0   "	
	Cummin Seed .....	12 0   "	
	" Black (Caleejeera) .....	5 0   "	
	Ground Nuts, with shell .....	5 0   "	
	"           without shell .....	6 0   "	
	Jingeely or Teel Seed .....	6 0   "	
	Linseed .....	5 0   "	
	Methee Seed .....	5 0   "	
	Mustard Seed .....	4 8   "	
	Poppy Seed .....	5 8   "	
	Rape or Sursee Seed .....	4 8   "	
	Other sorts .....	<i>Ad valorem.</i>	
6	COTTON GOODS—		
	Piece Goods—		
	Battahs.....	30 0 per score.	} Three per cent.
	Gurrah .....	20 0   "	
	Khârwah .....	25 0   "	
	Mamoodie .....	32 0   "	
	Mirzapore Chiutz .....	15 0   "	
	Patna .....	30 0   "	
	Shans .....	40 0   "	
	Tunjeeb, Oudh .....	26 0   "	
	Other sorts .....	<i>Ad valorem.</i>	
	Twist, Country, No. 10 .....	0 7 per lb.	
	"           "   No. 20 .....	0 9   "	
	"           "   No. 30 .....	0 10   "	
	"   Hand Spun .....	0 5   "	
	All other kinds of Cotton Goods .....	<i>Ad valorem.</i>	
7	HIDES AND SKINS, TANNED—		
	Hides—		
	Buffaloe, Country, tanned .....	70 0 per score.	} Three per cent.
	Cow .....	50 0   "	

EXPORT TARIFF—*continued.*

No.	Description of Article.	Value on which Duty is Assessed.	Rate of Duty
	HIDES AND SKINS, TANNED— <i>continued.</i> ....	Rs. A.	
	Skins—		
	Goat and Sheep .....	10 0 per score.	} Three per cent.
	Lamb .....	5 0 "	
	Any other sorts of Hides and Skins .....	<i>Ad valorem.</i>	
8	SPICES—		
	Aloe Wood .....	3 0 per lb.	
	Betelnut, in husk .....	2 0 per 1,000.	
	Cardamoms .....	200 0 per cwt.	
	" large bastard .....	40 0 "	
	Chilies, dried .....	8 0 "	
	Ginger, dry (rough) Malabar .....	10 0 "	
	" " Bengal .....	7 0 "	
	" (scraped) .....	15 0 "	
	Pepper .....	15 0 "	
	Turmeric .....	5 0 "	
	All other sorts .....	<i>Ad valorem.</i>	

WHITLEY STOKES,  
 Secretary to the Council of the Governor Général  
 for making Laws and Regulations.

THE



# Bombay Government Gazette.

Published by Authority.

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 making 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 Spiritual 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 the Governorship, or Lieutenant-Governorship, or Chief Commissionership of British India to make regulations for certain parts thereof, be now in existence or may hereafter be established, shall have power to propose to the Governor General in Council drafts of any regulations, 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 thereupon 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.

The Secretary of State for India in Council may from time to time withdraw such power from any Governor, Lieutenant-Governor, or Chief Commissioner, on whom it has been conferred, and may from time to time restore the same as he shall think fit.

2. The Governor General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of this Act; and all laws or regulations hereafter made by the Governor General of India in Council, whether at a meeting for the purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulation in anywise repugnant thereto which shall have been made under the same provisions.

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 placed under the administration of a Lieutenant-Governor or a Chief Commissioner, 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 repealed.

5. Whenever any measure shall be proposed before the Governor General of India in Council whereby 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 General, essentially affected, and he shall be of opinion either that the 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.

6. Whereas it is expedient that additional facilities should be given for the employment of natives of India, of proved merit and ability, in the civil service of Her Majesty in 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, 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 native 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 Council, 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 dominions 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.

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 21<sup>ST</sup> JULY 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 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 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 notification in the *Gazette of India*, exempt any 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 exempt from customs duties. 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 Bank of Bengal to act by a quorum.*

WHEREAS section thirteen of the Act for regulating the Bank of Bengal (No 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 after the words "more than nine shall be deemed invalid by reason only of its having been done by such less number." the words "of whom three shall be a quorum and" were inserted.

2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

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. XX. of 1870.**

*An Act to correct two clerical errors in the Court Fees' Act, 1870.*

For the purpose of correcting two clerical errors in the Court Fees' Act, 1870; It is hereby enacted as follows:—

Preamble.

1. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; 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.*

[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 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 notification in the *Gazette of India*, exempt any 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 exempt from customs duties. 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. 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 after the words "more Directors," the words "of whom three shall be a quorum and" were inserted.

2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

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. XX. of 1870.**

*An Act to correct two clerical errors in the Court Fees' Act, 1870.*

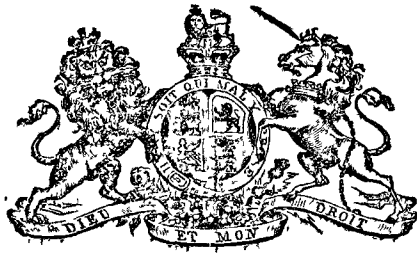
For the purpose of correcting two clerical errors in the Court Fees' Act, 1870; It is hereby enacted as follows:—

Preamble.

1. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; 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.*

THE



# Bombay Government Gazette.

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THURSDAY, 4TH AUGUST 1870.

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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 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, revocation, 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 Hindú Wills Act, 1870."

2. The following portions of the Indian Succession Act, 1865, namely,— sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (both inclusive),

Certain portions of Succession Act extended to wills of Hindús, Jainas, Sikhs and Buddhists.

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, Jainas, 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 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 immovable property situate within those territories or limits:

3. Provided that marriage shall not revoke any 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 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

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 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 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 4th August 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 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 notification in the *Gazette of India*, exempt any 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 exempt from customs duties. 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. 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 after the words "more Directors," the words "of whom three shall be a quorum and" were inserted.

2. No act heretofore done by a number of the said Directors less than nine shall be deemed invalid by reason only of its having been done by such less number.

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. XX. of 1870.**

*An Act to correct two clerical errors in the Court Fees' Act, 1870.*

For the purpose of correcting two clerical errors in the Court Fees' Act, 1870; It is hereby enacted as follows:—

Preamble.

1. Section fifteen of the said Act shall be read as if for the words "plaint or memorandum of appeal," the word "application" were substituted; 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.*

[Published with the "Bombay Government Gazette" of the 11th August 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 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, revocation, 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 Hindú Wills Act, 1870."

2. The following portions of the Indian Succession Act, 1865, namely,—  
sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (both inclusive),

Certain portions of Succession Act extended to wills of Hindús, Jainas, Sikhs and Buddhists.

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 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 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 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 Bengal Regulation V. of 1799 shall be repealed so far as relates to the executors of persons who are not 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 rights, duties, and privileges of the Administrator General of Bengal, 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 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 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 11th August 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 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, revocation, 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 Hindú Wills Act, 1870."
 

Short title.                      Act, 1870."
2. The following portions of the Indian Succession Act, 1865, namely,—
 

sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (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, Jainas, 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 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:
 

Providisos.                      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, 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 Bengal Regulation V. of 1799 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.
 

Partial repeal of Bengal Regulation V. of 1799, section 2.                      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 privileges of the Administrators General of Bengal, Madras, and Bombay, respectively.
 

Saving of rights of Administrator General.                      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 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:—
 

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 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 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 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, Jaines, 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, revocation, revival, interpretation and probate of the wills of Hindús, Jaines, 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 Hindú Wills Act, 1870."

2. The following portions of the Indian Succession Act, 1865, namely,—

Certain portions of Succession Act extended to wills of Hindús, Jaines, Sikhs and Buddhists.

sections forty-six, forty-eight, forty-nine, fifty, fifty-one, fifty-five and fifty-seven to seventy-seven (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 Buddhist on or after the first

day of September one thousand eight hundred and seventy, within the said territories or the local

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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 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 Bengal Regulation V. of 1799 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 privileges of the Administrators General of Bengal, 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 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 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.*

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 25<sup>TH</sup> AUGUST 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 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 Spiritual 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, parliamentary, 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 may divest themselves of their status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such 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 in 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 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 declaration 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.

How British-born subject may cease to be such.

5. From and after the passing of this Act, an alien shall not be entitled to be tried by a jury *de medietate lingue*, but shall be triable in the same manner as if he were a natural-born subject.

Alien not entitled to jury *de medietate lingue*.

6. Any British subject who has at any time before, or may at any time after the passing of this Act, when in 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 ceased 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 as may be allowed by one of Her Majesty's Principal Secretaries of State, either by general order or on any special occasion, has resided in the United 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 allegiance.

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 quieting 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 alien 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 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 British 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 British 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 allegiance shall be in the form following: that is to say,—  
 Form of oath of allegiance. “I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me GOD.”

*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 Kingdom, 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.*

11. One of Her Majesty's Principal Secretaries of State may by regulation provide for the following matters:—

- (1) 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:
- (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:



- (6) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of 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 registration 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 conferred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not, so far 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:—

- (1) 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 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 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:
- (2) 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 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:
- (3) A certificate of re-admission to British nationality 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 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.
- (5) The Documentary Evidence Act, 1868, shall apply to any regulation made by a Secretary of 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.

13. Nothing in this Act contained shall affect the grant of letters of denization by Her Majesty.

Saving as to British ships.

14. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

Saving of allegiance prior to expatriation.

15. Where any British subject has in pursuance of this Act become 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 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 that possession.

Definition of terms.

17. In this Act, if not inconsistent with the context or subject-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 such possession.

“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 such 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 Repeal of Acts. schedule shall be repealed to the extent therein mentioned: provided that 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, intituled “The Statutes of the Realm: printed by Command of His Majesty King George the Third, in pursuance of an Address of the House of Commons of Great Britain. From original records and authentic manuscripts.”

PART I.

*Acts wholly repealed other than Acts of the Irish Parliament.*

Date.	Title
7 Jus 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 Protestants and others therein mentioned, as are settled or shall settle in any of His Majesty'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 thirteenth 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 America,” 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 naturalization.
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, intituled “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 & 8 Vic, c 66. . . . .	An Act to amend the laws relating to aliens.
10 & 11 Vic, c. 83 . . . . .	An Act for the naturalization of aliens.

## 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 Ireland.
2 Anne, c. 14 . . . . .	An Act for naturalizing of all Protestant strangers in this kingdom.
19 & 20 Geo. 3, c. 29 . . . . .	An Act for naturalizing such foreign merchants, traders, artificers, artizans, manufacturers, workmen, seamen, farmers, and others as shall settle in this kingdom.
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, manufacturers, 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 . . . . . (Act of Irish Parliament)	An Act for reviving, continuing, and amending 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,

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

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 15TH SEPTEMBER 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 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 Bombay 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 the Presidency of Madras in Council, or by the Governor of the Presidency 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 Governor General of India in

Council at a meeting for the purpose of making Laws and Regulations.

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 European British subjects, 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 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 inserted.

4. Nothing in this Act shall be taken to authorize a Magistrate to exceed 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 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.

THE



# Bombay Government Gazette.

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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 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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##### SCHEDULE.

*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; It is hereby enacted as follows:—

Preamble.

##### *I.—Preliminary.*

1. This Act may be called "The Indian Coinage Act, 1870."
- Short title.

2. The Regulations and Acts mentioned in the Schedule hereto 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 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.

The under-mentioned gold coins only shall be coined at the 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-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 shall be one hundred and eighty grains Troy, and 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 of an amount not exceeding two thousandths in weight and two thousandths in fineness.

III.—Silver Coinage.

The undermentioned silver coins only shall be coined at the Mint:—

- (1) A rupee to be called the Government rupee.
- (2) A half rupee.
- (3) A quarter rupee, or four-anna piece.
- (4) An eighth of a rupee, or two-anna piece.

The standard weight of the Government rupee shall be one hundred 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 of an amount not exceeding the following:—

	Remedy in weight.	Remedy in fineness.
Rupee .....	Five thousandths.	Two thousandths.
Half rupee .....	Seven thousandths.	Three thousandths.
Quarter rupee .....	Ten thousandths.	
Eighth of a rupee .....		

IV.—Copper Coinage.

The undermentioned copper coins only shall be coined at the 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, being one-third of a pice or one-twelfth of an anna.

The weight of the double pice shall be two hundred grains Troy.

The other copper coins shall be of proportionate weight:

Provided that in the making of copper coins a remedy shall be allowed of an amount not exceeding one fortieth in weight.

V.—Devices on Coins.

Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "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.

The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining 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.

No gold coin shall be a legal tender in payment or on account.

The said rupee and half rupee shall be a legal tender in payment 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 the fractions of a rupee, subject to the second proviso contained in this section.

The double pice shall be a legal tender for the thirty-second part of a rupee or for half an 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 twenty-eighth 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. 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 Coin.*

16. When any silver coin purporting to be coined and issued under 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,

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 General in Council prescribes in this behalf), cut or break such coin.

17. If any coin so cut, or broken, is counterfeit,

Return of cut coin.

or has been reduced in 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

Receipt of cut coin.

authority of the Government of India, and has 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 rupee per tola.

18. All public servants are hereby indemnified

Indemnification of public servants for anything done before passing of Act

for anything done heretofore which they might lawfully have done 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

Bar of suits.

against any person in 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

Receipt of gold and silver bullion and coin.

being in force, the Mint Master shall receive all gold and silver bullion 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 rupee per cent. at the

Duty on produce of gold bullion. 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 rule.

21. All silver bullion or coin brought for coin-

Duty on produce of silver bullion. age to the Mint in accordance 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

Charge for melting and cutting bullion. bullion and coin and of 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

Charge for refining.

to the Mint for coinage, 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 prescribes in this behalf.

24. The Mint Master, on the delivery of gold

Certificate for produce of bullion. or silver bullion or coin into the Mint for coinage, 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 coin so

Withdrawal of bullion

delivered for coinage, who 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 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, coins current in British India.

#### IX.—*Power to make Rules.*

27. The Governor General in Council may, Rules as to officers and management of the Mint. 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 revoke and alter such rules and directions.

23. The Governor General in Council may also, from time to time, 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 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 twenty-five:

(8) 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 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.

#### SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II. of 1812	A Regulation for levying a duty on the coinage of silver bullion and on the re-coinage of rupees, and other coins with certain exceptions at the Mints established at Calcutta, Furruckabad, 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.
Bengal Regulation XIV. of 1817.	A Regulation for amending certain Parts of Regulation II. 1812.
Bengal Regulation XIV. of 1818	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. of 1819.	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate 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 taluqdárs of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

#### I.—Preliminary.

1. This Act may be called "The Oudh Taluqdárs' Relief Act."

2. 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 taluqdár.

#### II.—Vesting order.

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 taluqdár 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 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 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.

Effect of order.

4. On such publication the following consequences shall ensue:

*First*, all proceedings in respect to such debts or liabilities which may then be pending in any 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;

Taluqdár freed from arrest, *secondly*, so long as such management continues,

the taluqdár 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 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 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, (a) the taluqdár 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 attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government.

**III.—Duties of Manager.**

5. The Manager shall, during his management of the said property, receive 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 being due or incurred to Government in respect of the said property;

*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 liabilities 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 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 against the taluqdárs 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-dárs' kachahás in the district or districts in which the said property lies, and at such other places as the Manager thinks fit.

Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he 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 book to the Manager, together 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 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 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 Manager 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 this Act, determine the amount of the debts and 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 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 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 Commissioner may, as often as he thinks fit, send back such 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 debts and liabilities shall 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.

Where the taluqdár or his heir is so restored under the circumstances mentioned 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 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 liabilities, 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 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 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.

15. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be inquired into under this Act.

16. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to 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 examined by or before the Manager with reference 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 of realizing and recovering the rents and profits 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 mortgagee, 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 hereinbefore contained.

18. Subject to the rules made under section twenty the Manager shall 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.

19. The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (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 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 taluqdar and of the person (being of full age) who would be his heir 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 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 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 consistent 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 officer to be a Manager 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 Manager shall have the same powers as if he had been originally appointed.

22. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

23. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

24. No petition, application, memorandum of appeal, or other proceeding under this Act, shall be chargeable under the 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 claiming maintenance from any immovable 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.*

[Published with the "Bombay Government Gazette" of the 22nd September 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 30th August 1870, and was promulgated for general information in the *Gazette of India* on the 7th 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 Bombay 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 the Presidency of Madras in Council, or by the Governor of the Presidency 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.

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 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 inserted.

4. Nothing in this Act shall be taken to authorize a Magistrate to exceed 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 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.*

[Published with the "Bombay Government Gazette" of the 29th September 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 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 Bombay 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 the Presidency of Madras in Council, or by the Governor of the Presidency 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.

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 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 inserted.

4. Nothing in this Act shall be taken to authorize a Magistrate to exceed 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 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.*

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.**

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**SCHEDULE.**

*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 ;  
It is hereby enacted as follows:—

**Preamble.**

It is hereby enacted as follows:—

*I.—Preliminary.*

1. This Act may be called "The Indian Coinage Act, 1870."

**Short title.**

2. The Regulations and Acts mentioned in the Schedule hereto 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 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.*

4. The under-mentioned gold coins only shall be coined at the 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-rupee piece, equal to two-thirds of a gold mohur.
- (4)—A thirty-rupee piece or a double gold mohur.

5. The standard weight of the said gold mohur shall be one hundred and eighty grains Troy, and 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 of an amount not exceeding two thousandths in weight and two thousandths in fineness.

Remedy allowed.

III.—Silver Coinage.

6. The undermentioned silver coins only shall be coined at the Mint:—

- (1) A rupee to be called the Government rupee.
- (2) A half rupee.
- (3) A quarter rupee, or four-anna piece.
- (4) An eighth of a rupee, or two-anna piece.

7. The standard weight of the Government rupee shall be one hundred 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.

Their weight and fineness.

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 allowed.

	Remedy in weight	Remedy in fineness.
Rupee .....	Five thousandths...	Two thousandths.
Half rupee .....	Seven thousandths ..	} Three thousandths
Quarter rupee .....	Ten thousandths ....	
Eighth of a rupee ..		

IV.—Copper Coinage.

8. The undermentioned copper coins only shall be coined at the Mint:—

Copper coins.

- (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, being one-third of a pice or one-twelfth of an anna.

9. The weight of the double pice shall be two 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 of an amount not exceeding one fortieth in weight.

Remedy allowed.

V.—Devices on Coins.

10. Until the Governor General in Council otherwise orders under the power hereinafter conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "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.

Present devices on coins,

11. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription herebefore mentioned, such other likeness and inscription for all or any of the said coins as he thinks fit.

Power to order other devices.

notification in the *Gazette of India*, direct the coining and issuing of all coins authorized by this Act, and prescribe in lieu of the likeness and inscription herebefore 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 be a legal tender in payment or on account.

13. The said rupee and half rupee shall be a legal tender in payment 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 the fractions of a rupee, subject to the second proviso contained in this section.

14. The double pice shall be a legal tender for the thirty-second part of a rupee or for half an anna;

Copper coin how to be legal tender.

of a rupee or for half an 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 twenty-eighth 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. 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 Coin.

16. When any silver coin purporting to be coined and issued under 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,

Cutting certain silver coins.

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-  
ral in Council prescribes in this behalf),  
cut or break such coin.

17. If any coin so cut, or broken, is counterfeit,  
Return of cut coin. or has been reduced in  
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  
Receipt of cut coin. authority of the Govern-  
ment of India, and has  
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  
Indemnification of public servants for anything done here-  
before which they might 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  
Bar of suits. against any person in  
respect of anything done  
by him *bonâ fide* pursuant to this Act.

#### VIII.—Coinage of Bullion.

19. Subject to the Mint-rules for the time  
Receipt of gold and silver bullion and coin being in force, the Mint  
Master shall receive all  
gold and silver bullion 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  
rupee per cent. at the  
Duty on produce of gold Mint on the produce of  
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 coin-  
Duty on produce of silver bullion. age to the Mint in acor-  
dance 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  
Charge for melting and cutting bullion. bullion and coin and of  
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  
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 re-  
fining, as the Governor General in Council pre-  
scribes in this behalf.

24. The Mint Master, on the delivery of gold  
Certificate for produce of bullion. or silver bullion or coin  
into the Mint for coinage,  
shall grant to the proprie-  
tor 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 coin so  
Withdrawal of bullion. delivered for coinage, who  
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 with-  
draw 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 coined under this Act or Act No XVII.  
of 1835; and the balance (if any) due to the pro-  
prietor shall be paid in silver, or in silver and  
copper, coins current in British India.

#### IX.—Power to make Rules.

27. The Governor  
General in Council may,  
Rules as to officers and management of the Mint 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 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 notifi-  
cation 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 ac-  
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 twenty-  
five:

(8) 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 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.

#### SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II. of 1812	A Regulation for levying a duty on the coinage of silver bullion and on the re-coinage of rupees, and other coins with certain exceptions at the Mints established at Calcutta, Furruckabad, 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 certain Parts of Regulation II. 1812.
Bengal Regulation XIV. of 1818.	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.
Bengal Regulation V. of 1819	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate 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 taluqdárs of Oudh are in debt, and their immovable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

**I.—Preliminary.**

**1.** This Act may be called "The Oudh Taluqdárs' Relief Act."

Short title.

**2.** 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 taluqdár.

**II.—Vesting order.**

**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 taluqdár 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 Commissioner, stating that the taluqdár is subject to, or that his immovable 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,

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 immovable 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.

**4.** On such publication the following consequences shall ensue:—

*First*, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions,

Bar of suits against taluqdár.

and all attachments for or in respect of such debts and liabilities shall become null and void;

and attachments for or in respect of such debts and liabilities shall become null and void;

Taluqdár freed from arrest, *secondly*, so long as such management continues,

the taluqdár 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 immovable 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 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 taluqdár and his heir shall be incompetent to mortgage, charge, lease, or alienate their immovable 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 attachment or sale under such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government.

**III.—Duties of Manager.**

**5.** The Manager shall, during his management of the said property, receive 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 being due or incurred to Government in respect of the said property:

*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 liabilities of the taluqdár and his heir and their immovable property as may be established under the provisions hereinafter contained.

and costs of repairs and improvements, and shall settle the debts and liabilities.

**IV.—Settlement of Debts.**

**6.** On the publication of the order vesting in 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

Notice to claimants against taluqdár.

against the taluqdárs 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-ul-dáris' kachahris in the district or districts in which the said property lies, and at such other places as the Manager thinks fit.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he 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 book to the Manager, together 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 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 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 Manager 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 three months.

9. The Manager shall, in accordance with the rules to be made under this Act, determine the amount of the debts and 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 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 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 Commissioner may, as often as he thinks fit, send back such 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 debts and liabilities shall 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.

Where the taluqdár or his heir is so restored under the circumstances mentioned 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 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 liabilities, 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 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 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.

15. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be inquired into under this Act.

16. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to 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 examined by or before the Manager with reference 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 of realizing and recovering the rents and profits 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 mortgagee, 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 hereinbefore contained.

18. Subject to the rules made under section twenty the Manager shall 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.

19. The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (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 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 taluqdár and of the person (being of full age) who would be his heir 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 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 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 consistent 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 officer to be a Manager 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 Manager shall have the same powers as if he had been originally appointed.

22. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

23. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

24. No petition, application, memorandum of appeal, or other proceeding under this Act, shall be chargeable under the 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 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.

[Published with the "Bombay Government Gazette" of the 6th October 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 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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SCHEDULE.

*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, It is hereby enacted as follows.—

*I.—Preliminary.*

1. This Act may be called "The Indian Coinage Act, 1870."

Short title.

2. The Regulations and Acts mentioned in the Schedule hereto 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 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.*

4. The under-mentioned gold coins only shall be coined at the 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-rupee piece, equal to two-thirds of a gold mohur.
- (4)—A thirty-rupee piece or a double gold mohur.

5. The standard weight of the said gold mohur shall be one hundred and eighty grains Troy, and 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.

Their weight and fineness.

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 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 Mint:—

- (1) A rupee, to be called the Government rupee.
- (2) A half-rupee.
- (3) A quarter-rupee, or four-anna piece.
- (4) An eighth of a rupee, or two-anna piece.

7. The standard weight of the Government rupee shall be one hundred 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 of an amount not exceeding the following:—

	Remedy in weight	Remedy in fineness.
Rupee .....	Five thousandths...	Two thousandths.
Half-rupee .....		
Quarter-rupee .....	Seven thousandths ..	Three thousandths
Eighth of a rupee ..	Ten thousandths ....	

IV.—Copper Coinage.

8. The undermentioned copper coins only shall be coined at the 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 pice, being one-third of a pice or one-twelfth of an anna.

9. The weight of the double pice shall be two hundred grains Troy.

The other copper coins shall be of proportionate weight:

Provided that in the making of copper coins a remedy shall be 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 conferred, the coins coined under this Act shall bear on the obverse the likeness of Her Majesty Queen Victoria, and the inscription "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.

11. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, direct the coining 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 be a legal tender in payment or on account.

13. The said rupee and half-rupee shall be a legal tender in payment 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 the fractions of a rupee, subject to the second proviso contained in this section.

14. The double pice shall be a legal tender for the thirty-second part of a rupee or for half an 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 twenty-eighth part of a rupee or for one-eighth of an anna. and the pice for the 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. 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 Coin.

16. When any silver coin purporting to be coined and issued under 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,

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 General  
in Council prescribes in this behalf),  
cut or break such coin.

17. If any coin so cut or broken is counterfeit,  
Return of cut coin. or has been reduced in  
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. been 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-  
before which they might  
Indemnification of public servants for anything done  
before passing of Act lawfully have done 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  
respect of anything done  
by him *bonâ 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  
gold and silver bullion 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  
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-  
ance 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  
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,  
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 re-  
fining as the Governor General in Council pre-  
scribes in this behalf.

24. The Mint Master, on the delivery of gold  
or silver bullion or coin  
into the Mint for coinage,  
shall grant to the proprie-  
tor 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 coin so  
delivered for coinage who  
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, with-  
draw 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  
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 pro-  
prietor shall be paid in silver, or in silver and  
copper, coins current in British India.

#### IX.—Power to make Rules.

27. The Governor  
General in Council may,  
from time to time,  
Rules as to officers and management of the Mint.

(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 revoke and alter such rules and  
directions.

28. The Governor General in Council may  
also, from time to time,  
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 notifi-  
cation 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 ac-  
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 twenty-  
five:

(8) 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 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.

#### SCHEDULE.

Number and year.	Title or subject.
Bengal Regulation II. of 1812.	A Regulation for levying a duty on the coinage of silver bullion, and on the re-coinage of rupees and other coins, with certain exceptions at the Mints established at Calcutta, Furruckabad, 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 certain Parts of Regulation II. of 1812
Bengal Regulation XIV. of 1818.	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.
Bengal Regulation V. of 1819	A Regulation for modifying certain parts of the rules in force in regard to the conduct of the business of the Mints subordinate 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 taluqdárs of Oudh are in debt, and their immoveable property is subject to mortgages, charges and liens; and whereas it is expedient to provide for their relief in manner hereinafter appearing; It is hereby enacted as follows:—

#### *I.—Preliminary.*

Short title.

1. This Act may be called "The Oudh Taluqdárs' Relief Act."

2. In this Act—

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 taluqdár.

#### *II.—Vesting order.*

Power to vest management of taluqdár's property in an officer appointed 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 taluqdár 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 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 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.

Effect of order.

4. On such publication the following consequences shall ensue:—

First, all proceedings in respect to such debts or liabilities which may then be pending in any Civil Court in British India, shall be barred; and all processes, executions,

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and attachments for or in respect of such debts and liabilities shall become null and void;

Taluqdár freed from arrest, *secondly*, so long as such management continues,

the taluqdár 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 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 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 taluqdár 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 attachment or sale under Immoveable property freed from attachment. such process as aforesaid, except for or in respect of debts due, or liabilities incurred, to Government.

#### *III.—Duties of Manager.*

5. The Manager shall, during his management of the said property, receive and recover all rents and profits due in respect thereof; and shall upon receiving 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 being due or incurred to Government in respect of the said property:

*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 liabilities 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 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

against the taluqdár 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-dárs' kachahrís in the district or districts in which the said property lies, and at such other places as the Manager thinks fit.

7. Every such claimant shall, along with his claim, present full particulars thereof.

Every document on which the claimant founds his claim, or on which he 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 book to the Manager, together 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 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 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 Manager 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 this Act, determine the amount of the debts and 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 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 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 Commissioner may, as often as he thinks fit, send back such 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 debts and liabilities shall 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.

Where the taluqdár or his heir is so restored under the circumstances mentioned 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 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 liabilities, 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 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 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.

15. The Manager may administer an oath in such form as he thinks fit to any person examined before him touching the matters to be inquired into under this Act.

16. Every investigation conducted by the Manager with reference to any claim preferred before him under this Act, or to 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 examined by or before the Manager with reference 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 of realizing and recovering the rents and profits 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 mortgagee, 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 hereinbefore contained.

18. Subject to the rules made under section twenty the Manager shall 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.

19. The Manager, with the previous assent of the Chief Commissioner, shall have power to raise any money which may be required for the settlement of the debts and liabilities (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 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 taluqdár and of the person (being of full age) who would be his heir 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 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 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 consistent 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 officer to be a Manager 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 Manager shall have the same powers as if he had been originally appointed.

22. Every Manager appointed under this Act shall be deemed a public servant within the meaning of the Indian Penal Code.

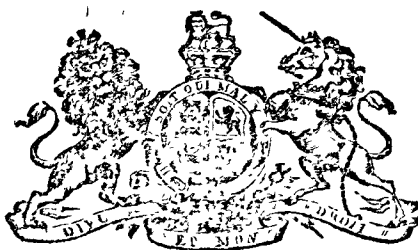
23. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bonâ fide* pursuant to this Act.

24. No petition, application, memorandum of appeal, or other proceeding under this Act, shall be chargeable under the 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 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.



# Bombay Government Gazette.

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*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 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 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 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 accordance with law.

2. All officers 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 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.*

IV.—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.

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- 21. To keep enumerated books and accounts.
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- 23. Not to be absent without leave.
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- 25. Powers of Gate Porter.
- 26. Subordinate Officers not to be absent without leave

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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, 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 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 Burmah.

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 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 or other grounds or buildings occupied for the use of the prison;

"Criminal prisoner." means any prisoner charged with or convicted of a crime;

and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

CHAPTER II.—MAINTENANCE AND OFFICERS  
OF PRISONS.

4. The Local Government shall provide for the prisoners in the territories under such government, accommodation in a prison or prisons constructed 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 Government that the number of prisoners in any prison is greater than can conveniently 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 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 Superintendent, a Medical Officer (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 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 (subject to the approval 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 OFFICERS.

*Generally.*

10. All officers of a prison shall obey the directions of the Superintendent: all subordinate 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 trust for or employed by 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 any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far 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 orders of the Inspector General of Prisons, the Superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

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.*

14. The Local Government shall make rules 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, water, clothing and bedding supplied to the prisoners.

Medical Officer to obey such rules. The Medical Officer shall obey such rules.

15. Whenever the Medical Officer has reason to believe that the mind 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 Officer shall forthwith record in writing the 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 appointed to a prison, he 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 subordinate Medical Officer to act as a substitute for the Medical Officer, and the subordinate Medical Officer so appointed shall perform all the duties of the Medical Officer.

Subordinate Medical Officer. act as a substitute for the 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 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 Officer daily a list of such prisoners as are confined in punishment-cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

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 record 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 to be kept by him under 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 permission in writing from 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 competent to perform any 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 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 leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

#### CHAPTER IV.—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall 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 Medical Officer, who shall 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 to add.

28. All money or other effects in respect whereof no order of a 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 be examined by the Medical 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 to the separation of prisoners, 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.

(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 Government shall have 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 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, immediately 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 private sources at proper

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 prisoner 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 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 private 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 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 respective 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 labouring prisoners while they are employed, and shall 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 Superintendent for the employment (as long as they so 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 reported by the Officer attending them to the Gaoler.

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring 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 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 sick prisoners shall be provided.

### CHAPTER IX.—VISITS TO AND CORRESPONDENCE OF PRISONERS.

43. Due provision shall be made for the admission, at proper times 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 communication and correspondence 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 address of any visitor to a prisoner; and when the Gaoler has any ground for 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 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 tobacco, or intoxicating or poisonous drug,

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, conveys, 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 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.

46. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as 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 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 prisoner;
- (3) insulting or threatening language by any prisoner to any officer or prisoner;
- (4) indecent or disorderly behaviour by any prisoner;
- (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 offences, 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 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 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 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 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 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 prison ill-treating any prisoner, or wilfully 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 rupees, 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.—MISCELLANEOUS.

52. 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 prisoners that they should be confined in irons, the Superintendent may so confine them.

53. Except in case of urgent necessity, no 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 irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

54. The Local Government may, from time to time, make rules consistent 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 the matters mentioned in 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 this Act on a Superintendent may be exercised 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 Prisoners 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 immediate Dependencies.	So much as has not 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 Chokeydars; 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.	Sections fourteen and eighteen.
Bengal Regulation III. of 1826	For extending to Dewanny prisoners some of the Provisions in Regulation 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 Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good order and Discipline among the Convicts and their Guards.	The whole.
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 Presidency.	The whole.

WHITLEY STOKES,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" of the 27th October 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 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 timber imported into Maulman 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 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 accordance with law.
2. All officers 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 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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15. To report special cases.
16. To make entries as to death of prisoner.
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19. To deliver list of prisoners confined in punishment-cells.
20. To give notice of death of prisoners.
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22. Responsible for safe custody of documents.
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24. Deputy Gaoler.

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**CHAPTER X.—OFFENCES IN RELATION TO PRISONS.**

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46. Notice of penalties to be placed outside prison.

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47. List of prison-offences.
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52. Confinement in irons of prisoners sentenced to rigorous imprisonment.
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54. Power to make supplementary prison-rules
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, 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."

Local extent. It extends only to the territories respectively under the government of 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 Burmah.

Commencement of Act. And it shall come into force on the first day of December 1870.

Repeal of enactments. 2. On and after that day the enactments mentioned 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 or other grounds or buildings occupied for the use of the prison,  
 "criminal prisoner" means any prisoner charged with or convicted of a crime;  
 and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

#### CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison accommodation. 4. The Local Government shall provide for the prisoners in the territories under such government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Temporary shelter of prisoners. 5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently 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.

Inspector General of Prisons. 6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by 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 Superintendent, a Medical Officer (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 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 (subject to the approval 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 OFFICERS.

##### Generally.

10. All officers of a prison shall obey the directions of the Superintendent: all subordinate 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 trust for or employed by 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 any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far 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 General of Prisons, the Superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

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.*

14. The Local Government shall make rules 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, water, clothing and bedding supplied to the prisoners.

The Medical Officer shall obey such rules.

15. Whenever the Medical Officer has reason to believe that the mind 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 Officer shall forthwith record in writing the 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 appointed to a prison, he 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 subordinate Medical Officer to

act as a substitute for the 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 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 Officer daily a list of such prisoners as are confined in punishment-cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

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 record 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 to be kept by him under 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 permission in writing from 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 competent to perform any 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 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 leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

**CHAPTER IV.—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.**

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall 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 Medical Officer, who shall 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 to add.

28. All money or other effects in respect whereof no order of a 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 be examined by the Medical 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 to the separation of prisoners, 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.

(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 Government shall have 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 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, immediately 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 private sources at proper 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 prisoner 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 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 private 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 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 respective 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 labouring prisoners while they are employed, and shall 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 Superintendent for the employment (as long as they so 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 reported by the Officer attending them to the Gaoler.

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring 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 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

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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 sick prisoners shall be provided.

#### CHAPTER IX.—VISITS TO AND CORRESPONDENCE OF PRISONERS.

43. Due provision shall be made for the admission, at proper times 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 communication and correspondence 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 address of any visitor to a prisoner; and when the Gaoler has any ground for 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 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 tobacco, or intoxicating or poisonous drug,

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, conveys, 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 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.

46. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as 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 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 prisoner,
- (3) insulting or threatening language by any prisoner to any officer or prisoner,
- (4) indecent or disorderly behaviour by any prisoner;
- (5) wilfully disabling himself from labour,
- (6) contumaciously refusing to work,
- (7) filing or cutting wons 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 offences, 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 thirty stripes of a ratan;
- (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 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 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 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 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 prison ill-treating any prisoner, or wilfully 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 rupees, 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.—MISCELLANEOUS.

52. 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 prisoners that they should be confined in wons, the Superintendent may so confine them.

53. Except in case of urgent necessity, no 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 irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

54. The Local Government may, from time to time, make rules consistent with this Act, Power to make supplementary prison rules.

(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 the matters mentioned in 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 this Act on a Superintendent may be exercised 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 Prisoners 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 immediate Dependencies	So much as has not 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 Chokeedars; 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.	Sections fourteen, and eighteen.
Bengal Regulation III. of 1826.	For extending to Dewanny prisoners some of the Provisions in Regulation 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 Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good order and Discipline among the Convicts and their Guards.	The whole
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 Presidency.	The whole

WHITLEY STOKES,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" of the 3rd November 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 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 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 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 accordance with law.

2. All officers 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 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.**

**CHAPTER I.—PRELIMINARY.**

**SECTIONS.**

1. Short title.  
Local extent.  
Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.

**CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.**

4. Local Government to provide prison accommodation.
5. Temporary shelter of prisoners.
6. Inspector General of prisons.
7. Officers of prison.
8. Appointment of officers.
9. Salaries, suspension and dismissal of officers.

**CHAPTER III.—DUTIES OF OFFICERS.**

*Generally.*

10. Officers to obey Superintendent.
11. Officers not to sell or let to prisoners.
12. Officers not to contract with prisoners; nor to benefit by sales.

*Superintendent.*

13. Duties of Superintendent.

*Medical Officer.*

14. Power to make rules as to Medical Officer's duties.  
Medical Officer to obey such rules.
15. To report special cases.
16. To make entries as to death of prisoner.
17. Deputy Medical Officer.  
Subordinate Medical Officer.

*Gaoler.*

18. Residence of Gaoler.
19. To deliver list of prisoners confined in punishment-cells.
20. To give notice of death of prisoners.
21. To keep enumerated books and accounts.
22. Responsible for safe custody of documents.
23. Not to be absent without leave.
24. Deputy Gaoler.

*Subordinate Officers.*

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 discharge of prisoners.

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**CHAPTER V.—DISCIPLINE OF PRISONERS.**

**SECTIONS.**

30. Requisitions of Act as to separation of prisoners.
31. Rules as to separate confinement.
32. Cells to be furnished with means of communication.
33. Prisoners under sentence of death.

**CHAPTER VI.—FOOD, CLOTHING, AND BEDDING OF PRISONERS.**

34. Civil prisoner may maintain himself.
35. Civil prisoner not to sell provisions.
36. Allowance of clothing and bedding.  
Judgment-creditor to defray such allowance.

**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.**

40. Names of sick prisoners to be reported to Gaoler.  
Gaoler to report them to Medical Officer.
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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44. Power of Gaoler as to visitors.

**CHAPTER X.—OFFENCES IN RELATION TO PRISONS.**

45. Carrying liquor, tobacco or drugs into prison.  
Suffering liquor, tobacco, or drugs to be sold or used in prison.  
Carrying letters into and out of prison.  
Abetment of such offences.
46. Notice of penalties to be placed outside prison.

**CHAPTER XI.—PRISON OFFENCES.**

47. List of prison-offences.
48. Superintendent's power to punish prison-offenders.
49. Punishment of prisoners by Magistrate.
50. Corporal punishment.
51. Penalty on officers ill-treating prisoners or violating rules.

**CHAPTER XII.—MISCELLANEOUS.**

52. Confinement in irons of prisoners sentenced to rigorous imprisonment.
53. Confinement in irons by Gaoler of his own authority.
54. Power to make supplementary prison-rules.
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, the Panjáb, Oudh, the Central Provinces, and

Preamble.

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."

Local extent. It extends only to the territories respectively under the government of 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 Burmah.

Commencement of Act. And it shall come into force on the first day of December 1870.

Repeal of enactments. 2. On and after that day the enactments mentioned 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 or other grounds or buildings occupied for the use of the prison;

"Criminal prisoner." "criminal prisoner" means any prisoner charged with or convicted of a crime;

"Civil prisoner." and "civil prisoner" means any prisoner confined in a civil jail, or on the civil side of a jail.

#### CHAPTER II.—MAINTENANCE AND OFFICERS OF PRISONS.

Local Government to provide prison accommodation. 4. The Local Government shall provide for the prisoners in the territories under such government, accommodation in a prison or prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

Temporary shelter of prisoners. 5. Whenever it appears to the Local Government that the number of prisoners in any prison is greater than can conveniently 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.

Inspector General of Prisons. 6. An Inspector General of Prisons shall be appointed in the North-Western Provinces by 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.

Officers of prison. 7. For every prison there shall be a Superintendent, a Medical Officer (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.

Appointment of officers. 8. The Local Government shall appoint the Superintendent 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 (subject to the approval 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 OFFICERS.

##### Generally.

Officers to obey Superintendent. 10. All officers of a prison shall obey the directions of the Superintendent: all subordinate 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.

Officers not to sell or let to prisoners. 11. No officer of a prison shall sell or let, nor shall any person in trust for or employed by him, sell or let, or derive any benefit from selling or letting, any article to any prisoner.

Officers not to contract with prisoners; nor to benefit by sales. 12. No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor, except so far 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 General of Prisons, the Superintendent shall—

manage the prison in all matters relating to discipline, labour, expenditure, punishment and control:

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.*

14 The Local Government shall make rules 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, water, clothing and bedding supplied to the prisoners.

The Medical Officer shall obey such rules.

15. Whenever the Medical Officer has reason to believe that the mind 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 Officer shall forthwith record in writing the 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 appointed to a prison, he 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 subordinate Medical Officer to

act as a substitute for the 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 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 Officer daily a list of such prisoners as are confined in punishment-cells.

20. Upon the death of a prisoner, the Gaoler shall give immediate notice thereof to the Superintendent.

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 prisoners;

(4) a visitors' book for the entry of any observations made by visitors to the prison;

(5) a record 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 to be kept by him under 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 permission in writing from 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 competent to perform any 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 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 leave from the Superintendent, or from the Gaoler, and before absenting themselves they shall leave their keys in the Gaoler's office.

**CHAPTER IV.—ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS.**

27. When a prisoner is first admitted, and whenever he afterwards enters the prison, he shall 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 Medical Officer, who shall 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 to add.

28. All money or other effects in respect whereof no order of a 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 be examined by the Medical 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 to the separation of prisoners, 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.

(3).—Criminal prisoners before trial shall be kept apart from convicted prisoners.

(4).—Civil prisoners shall be kept apart from criminal prisoners.

Rules as to separate confinement. 31. The Local Government shall have 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 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, immediately 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 private sources at proper 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 sold to any civil 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 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 private 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 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 respective 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 labouring prisoners while they are employed, and shall 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 Superintendent for the employment (as long as they so 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 reported by the Officer attending them to the Gaoler.

The Gaoler shall, without delay, call the attention of the Medical Officer to any prisoner desiring 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 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 sick prisoners shall be provided.

**CHAPTER IX —VISITS TO AND CORRESPONDENCE OF PRISONERS.**

43. Due provision shall be made for the admission, at proper times 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 communication and correspondence 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 address of any visitor to a prisoner; and when the Gaoler has any ground for 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 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 tobacco, or intoxicating or poisonous drug,

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, conveys, 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 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.

46. The Superintendent shall cause to be affixed, in a conspicuous place outside the prison or the place provided as 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 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 prisoner;
- (3) insulting or threatening language by any prisoner to any officer or prisoner;
- (4) indecent or disorderly behaviour by any prisoner;
- (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 offences, 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 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 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 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 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 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 prison ill-treating any prisoner, or wilfully 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 rupees, 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.—MISCELLANEOUS.

52. 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 prisoners that they should be confined in irons, the Superintendent may so confine them.

53. Except in case of urgent necessity, no 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 irons or under mechanical restraint. Such order shall be kept by the Gaoler as his warrant.

54. The Local Government may, from time to time, make supplementary prison rules. Power to make supplementary prison rules.

(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 the matters mentioned in 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 this Act on a Superintendent may be exercised and performed by such other officer as the Local Government from time to time appoint in this behalf.

## SCHEDULE.

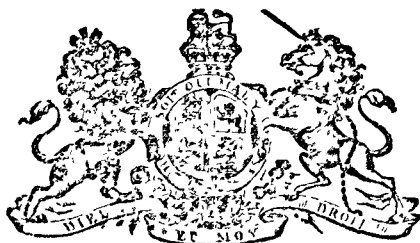
[See Section 2.]

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 Prisoners 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 immediate Dependencies.	So much as has not 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 Chokeedars, 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.	Sections fourteen and eighteen.
Bengal Regulation III. of 1826.	For extending to Dewanny prisoners some of the Provisions in Regulation 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 Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good order and Discipline among the Convicts and their Guards.	The whole.
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 Presidency.	The whole.

WHITLEY STOKES,

Secretary to the Government of India.

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 17<sup>TH</sup> NOVEMBER 1870.

*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 by an Act passed in the twenty-second and twenty-third years of the reign of Her present Majesty, amending an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act for the better government 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 order 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 enacted, 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:

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. Every deed, contract, or other instrument made in India for the purposes and by the authorities expressed in the said first-recited Act up to the date of the passing of this Act, and for any further period within the limit of one year to which the Governor General in Council may deem it advisable to extend the operation of this Act, which is expressed to be executed, by or by order of or on behalf of the Governor 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 provisions 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 execution prescribed by the said first-recited Act for the deeds, contracts, and other instruments to which it relates, and to empower such authorities as to him may seem expedient to vary it within the respective limits of their local jurisdiction; 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.]

WHEREAS it is expedient to amend the law relating to the taking of oaths of allegiance under the 33 & 34 Vict., c. 14 Naturalization Act, 1870;

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 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;
- (5.) The transmission to the United Kingdom for the purpose of registration or safe keeping or of 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;
- (7.) With the consent of the Treasury, the imposition and application of fees in respect of the administration or registration of any such oath.

The two last paragraphs in the eleventh section of the Naturalization Act, 1870, shall apply to regulations made under this Act.

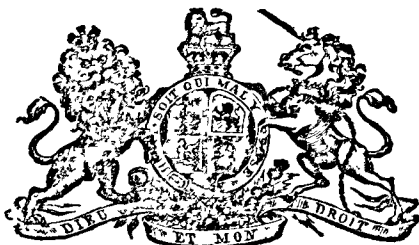
2. Any person wilfully and corruptly making or subscribing any declaration under the Naturalization Act, 1870, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanour, and be liable to imprisonment with or without hard labour for any term not exceeding twelve months.

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 Naturalization Acts, 1870.

WHITLEY STOKES,

Secretary to the Government of India,  
Legislative Department.

THE



# Bombay Government Gazette.

Published by Authority.

TUESDAY, 22<sup>ND</sup> NOVEMBER 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 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. of 1869. 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.*

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 1st 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 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 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 enacted 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 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 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, 14.—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 or 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 such Act, be liable to be sentenced or ordered to 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 India conspires to commit 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

Conspiracy to commit offences punishable by section 121.

to overawe, by means of criminal 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. ~~Whoever~~ <sup>Whoever</sup> by words, either spoken or intended to be read, or by 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 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 contained in Act No. V. of 1869.”

7. Sections one hundred and ninety-four and one hundred and ninety-five of the said Code 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-three of the said Code 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 in which he is lawfully detained for failing, under the Code of Criminal

“Escape from custody for failing to furnish security.”

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.”

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 drawing any lottery not authorised 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 transportation for life, he may, if hurt is caused, be punished with death.”

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 by doing any rash or negligent act not amounting 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 Abetment*), 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 sections 124A and 225A.

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 taken to affect any of the provisions of any special or local law.

16. The first schedule hereto annexed shall be deemed to be part of the schedule to the Code of Criminal Procedure.

17. The enactments mentioned in the second schedule hereto annexed are repealed to the extent specified therein.

“Repeal of enactments.”



## THE FIRST SCHEDULE.

(See section 16.)

Section.	Offence.	Whether Police may arrest without warrant or not.	Whether warrant or summons shall ordinarily issue in first instance.	Whether bailable or not.	Punishment under the Indian Penal Code	By what Court triable.
121 A.	Conspiring to commit certain offences against the State.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Court of Session.
124 A.	Exciting, or attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant ....	Not bailable.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Court of Session.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	May arrest without warrant.	Warrant ....	Bailable ..	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the first class
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons .	Bailable .	Imprisonment of either description for six months, or fine, 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 warrant.	Warrant ....	Bailable .	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District

## 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 (inclusive), 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 IV. 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.

[Published with the "Bombay Government Gazette" of the 3rd November 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 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.—

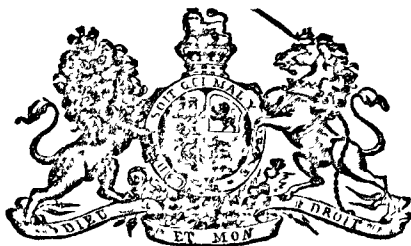
Repeal of Bombay Act II. of 1869. Bombay Act No. II. of 1869 is hereby repealed.

*By order of the Right Honourable the Governor in Council,*

JOHN JARDINE,  
 Acting Under Secretary to Government.

*Bombay Castle, 21st November 1870.*

THE



# Bombay Government Gazette.

Published by Authority.

MONDAY, 5<sup>TH</sup> 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 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 Government 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:—

Preamble.

- I. Clause 2 Section III. of Regulation XII. of 1827 is hereby repealed.
- II. It shall be lawful for Government from time to time to direct by notification in the *Government 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.*

[Published with the "Bombay Government Gazette" of the 8th 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 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 enacted as follows:—

##### Preamble.

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 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."

Liability for act done by several persons in furtherance of common intention.

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 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, 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 or 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 such Act, be liable to be sentenced or ordered to 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 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 inserted:—

"121A. Whoever within or without British India conspires to commit 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 criminal 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. 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 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 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 contained in Act No. V. of 1869."

7 Sections one hundred and ninety-four and one hundred and ninety-five of the said Code 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-three of the said Code 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 in which he is lawfully detained for failing, under the Code of Criminal Procedure, to furnish security 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 drawing any lottery not authorised 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 transportation for life, he may, if hurt is caused, be punished with death."

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 by doing any rash or negligent act not amounting 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 Abetment*), 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 sections 124A and 225A.

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 taken to affect any of the provisions of any special or local law.

16. The first schedule hereto annexed shall be deemed to be part of the schedule to the Code of Criminal Procedure.

17. The enactments mentioned in the second schedule hereto annexed are repealed to the extent specified therein.

## THE FIRST SCHEDULE

(See section 16.)

Section	Offence.	Whether Police may arrest without warrant or not.	Whether warrant or summons shall ordinarily issue in first instance	Whether bailable or not.	Punishment under the Indian Penal Code	By what Court triable.
121 A.	Conspiring to commit certain offences against the State.	Shall not arrest without warrant.	Warrant ...	Not bailable.	Transportation for life or any shorter term, or imprisonment of either description for ten years.	Court of Session.
124 A.	Exciting, or attempting to excite, disaffection.	Shall not arrest without warrant.	Warrant ....	Not bailable.	Transportation for life or for any term and fine, or imprisonment of either description for three years and fine, or fine.	Court of Session.
225 A.	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	May arrest without warrant.	Warrant ....	Bailable ..	Imprisonment of either description for one year, or fine, or both.	Magistrate of the District or Subordinate Magistrate of the first class
294 A.	Keeping a lottery office.	Shall not arrest without warrant.	Summons .	Bailable ..	Imprisonment of either description for six months, or fine, 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 warrant.	Warrant ....	Bailable ..	Imprisonment of either description for two years, or fine, or both.	Court of Session or Magistrate of the District

## 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 (inclusive), 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. IV. 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.

**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 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. of 1869. 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.*

[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 em-  
 powered from time to  
 time to direct what official Seals shall be  
 used by Magistrates of Police and other  
 Magistrates of whatever designation exer-  
 cising all or any of the powers of a Magis-  
 trate, it is enacted as follows :—

- I. Clause 2 Section III. of Regulation  
 Repeal XII. of 1827 is here-  
 by repealed.
- II. It shall be lawful for Government  
 Government empower- from time to time to  
 ed to prescribe Seals. direct by notification  
 in the *Government  
 Gazette* what official Seals shall be used by  
 the several Magistrates of Police and other  
 Magistrates of whatever designation exercis-  
 ing 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 Govern-  
 ment may hereafter  
 order by notification in the *Government Ga-  
 zette*.

*By order of the Right Honourable the Governor in Council,*

JOHN JARDINE,  
 Acting Under-Secretary to Government.

*Bombay Castle, 3rd December 1870.*



THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 8TH 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 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 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 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 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 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 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 Commissioner 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 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 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 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.

V. The Municipal Commissioner shall 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 the rights or remedies 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.*

**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 Government 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 :—

Preamble.

- I. Clause 2 Section III. of Regulation XII. of 1827 is hereby repealed.
- II. It shall be lawful for Government from time to time to direct by notification in the *Government 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.*

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 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 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 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 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 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 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 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.

V. The Municipal Commissioner shall 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.

Account of balances due to Government to be published in January in each year.

VI. Nothing in this Act shall affect the rights or remedies 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.

Rights and remedies of Government for the recovery of the loan not affected by this Act.

*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 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 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 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 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 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 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 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 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.

V. The Municipal Commissioner shall 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.

Account of balances due to Government to be published in January in each year.

VI. Nothing in this Act shall affect the rights or remedies 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 Velhar Water Works.

Rights and remedies of Government for the recovery of the loan not affected by this Act.

*By order of the Right Honourable the Governor in Council,*

JOHN JARDINE,  
Acting Under-Secretary to Government.

*Bombay Castle, 7th December 1870.*

THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 22<sup>ND</sup> 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 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 *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  
tried by, the Recorder at Maulmā; 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 Maulmā 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 —

1. Every European British subject charged in 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 Jurisdiction.

2. Act No. XXI of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed.

WHITLEY STOKES,  
*Secretary to the Government of India.*



[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 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:—

1. Every European British subject charged in 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 Jurisdiction.

2. Act No. XXI. of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed.

WHITLEY STOKES,  
*Secretary to the Government of India.*

[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  
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  
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:—

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,  
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,  
so far as it relates to the  
Andaman Islands, is here-  
by repealed.

Act XXI. of 1863, sec-  
tion forty-one, repealed as  
to the Andamans.

WHITLEY STOKES,  
*Secretary to the Government of India.*

[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. *Recorders' Courts for the  
Towns of Akyah, Rangoon,  
and Moulmein in British Burmah, and to establish  
Courts of Small Causes in the said towns*), section  
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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:—

1. Every European British subject charged in 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 Jurisdiction.

2. Act No. XXI. of 1863, section forty-one, so far as it relates to the Andaman Islands, is hereby repealed.

WHITLEY STOKES,  
*Secretary to the Government of India.*