

A COLLECTION
OF
STATUTES RELATING TO INDIA.
IN TWO VOLUMES.

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A COLLECTION
OF
STATUTES RELATING TO INDIA.

IN TWO VOLUMES.

VOL. II.
FROM 1871 UP TO 1899.



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PREFACE.

THE first volume of this Collection, which has but recently been issued, contains the *Statutes relating to India* up to the end of the year 1870. This volume brings the Collection up to date and has been prepared on the same lines as its predecessor.

The two Appendices to the first volume (giving a list of Statutes affected by legislation in India, and a table of the various Statute Law Revision Acts which have been passed by Parliament) would have been reserved for inclusion in this volume had its early issue been anticipated.

A fresh index for both volumes has been added at the end of this.

The Coinage Act, 1870 (33 & 34 Vict, c. 10), would have been included in the first volume, had it been issued after the decision to apply that Statute to India and provide for the coinage of gold in this country. It has now been reproduced as an Appendix to this volume, the amending Act of 1891 (54 & 55 Vict., c. 72), being printed in its proper place therein.

SIMLA ; } H. W. C. CARNDUFF,
The 15th October, 1899. } Deputy Secy. to the Govt. of India,
Legislative Department.

CONTENTS.

Preface	i
Chronological Table	I—X
Statutes relating to India from 1871 up to 1899	531—1261
Appendix containing the Coinage Act, 1870 (33 & 34 Vict., c. 10)	1268—1274
Index to both the Vols.	

CHRONOLOGICAL TABLE OF THE STATUTES RELATING TO INDIA.

VOLUME II—(FROM 1871 UP TO THE END OF 1899).

Year.	Regnal No. and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1871	34 & 35 Vict., c. 29.	The India Stock Dividends Act, 1871.	..... S. 1 rep. in pt. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	See p. 521.
"	34 & 35 Vict., c. 34.	The Indian Coun- cils Act, 1871.	.....	See p. 521.
"	34 & 35 Vict., c. 62.	The Indian Bishops Act, 1871.	..... S. 1 rep. in pt. 46 & 47 Vict., c. 39 (S. L. R.).	See p. 523.
"	34 & 35 Vict., c. 91.	Judicial Committee of Privy Council.	Rep. (U. K.) 56 & 57 Vict., c. 54 (S. L. R.).	Omitted as being inapplicable to India.
1872	35 & 36 Vict., c. 39.	The Naturalization Act, 1872.	.....	See p. 523.
"	35 & 36 Vict., c. 78.	Lady Mayo's An- nuity.	.....	See p. 525. The title only is reproduced.
1873	36 & 37 Vict., c. 17.	The East India Stock Dividend Redemption Act, 1873.	..... Ss. 2—9 rep. (U. K.) 46 & 47 Vict., c. 39. S. 10 rep. in pt. (U. K.) 46 & 47 Vict., c. 39. Ss. 11—15, 19—23, 26, 35, 36 rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	See p. 525. Omitted as being spent. Part omitted as being obsolete and inapplicable to India. Omitted as being spent.
"	36 & 37 Vict., c. 32.	The East India Loan Act, 1873.	..... S. 1 rep. in pt. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	See p. 529.

Chronological Table.

STATUTES RELATING TO INDIA—*contd.*

Year.	Regnal No. and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1873	36 & 37 Vict., c. 32— <i>contd.</i>	.....	S. 14 rep. 37 & 38 Vict., c. 3, s. 15.	Omitted as being spent.
"	36 & 37 Vict., c. 43.	The Indian Rail- way Companies Act, 1873.	.....	See p. 539.
"	36 & 37 Vict., c. 59.	The Slave Trade (East African Courts Act, 1873).	S. 1 rep. in pt. 43 & 43 Vict., c. 38, s. 2.	See p. 535.
"	36 & 37 Vict., c. 60.	The Extradition Act, 1873.	S. 8 and schedule rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	Omitted as being spent.
"	36 & 37 Vict., c. 60.	The Extradition Act, 1873.	Ext. IX of 1895, s. 2.	See p. 537.
"	36 & 37 Vict., c. 88.	The Slave Trade Act, 1873.	S. 20, as far as relates to the taxation of any costs, charges and ex- penses which can be taxed in pursuance of 53 & 54 Vict., c. 27, rep. by s. 18 of that Act, and as respects any courts out of Her Majesty's dominions, as from the date of any order applying that Act.	See p. 540.
			S. 23 rep. in pt. 53 & 54 Vict., c. 27, as respects any British Possession as from the commence- ment of that Act in that possession, and as re- spects any courts out of Her Majesty's domin- ions, as from the date of any order applying that Act.	
			S. 30 and second schedule rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	Omitted as being spent.
1874	37 & 38 Vict., c. 3.	The East India Loan Act, 1874.	S. 14 rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	See p. 551. Omitted as being obsolete.

Chronological Table.

STATUTES RELATING TO INDIA—*contd.*

Year.	Regnal No. and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1874	37 & 38 Vict., c. 8— <i>contd.</i>	.....	S. 15 rep. in pt. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.). S. 18 rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	Omitted as being spent.
"	37 & 38 Vict., c. 12	The East India Annuity Funds Act, 1874.	S. 1 rep. (U. K.) 56 & 57 Vict., c. 14 (S. L. R.) No. 2.	See p. 555. Omitted as being obsolete.
"	37 & 38 Vict., c. 27.	The Courts (Colonial) Jurisdiction Act, 1874.	.....	See p. 556.
"	37 & 38 Vict., c. 41.	The Colonial Attorney's Relief Act, 1874.	.....	See p. 557.
"	37 & 38 Vict., c. 61.	The Royal (late Indian) Ordnance Corps Act, 1874.	..... S. 3-5 rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	See p. 558. Omitted as being obsolete.
"	37 & 38 Vict., c. 77.	The Colonial Clergy Act, 1874.	..... Ss 2 & 10 rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.) Schedules A & B rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	See p. 559. Omitted as being spent. Omitted as being spent.
"	37 & 38 Vict., c. 91.	The Indian Councils Act, 1874.	.....	See p. 562.
1875	38 & 39 Vict., c. 12.	The International Copyright Act, 1875.	.....	See p. 563.
1876	39 & 40 Vict., c. 2.	The Council of India Act, 1876.	.....	See p. 566.
"	39 & 40 Vict., c. 10.	The Royal Titles Act, 1876.	.....	See p. 564.
"	39 & 40 Vict., c. 20.	The Statute Law Revision (Substituted Enactments) Act, 1876.	.....	See p. 565.

Chronological Table.

STATUTES RELATING TO INDIA—*contd.*

Year.	Regnal No. and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1876	39 & 40 Vict., c. 36.	The Customs Consolidation Act, 1876.	.....	See p. 565.
"	39 & 40 Vict., c. 46.	The Slave Trade Act, 1876.	..... Ss. 4 & 6 rep. 53 & 54 Vict., c. 37, s. 18.	See p. 567.
1877	40 & 41 Vict., c. 51.	The East India Loan Act, 1877.	..... S. 16 rep. (U. K.) 57 & 58 Vict., c. 56 (S. L. R.).	See p. 570. Omitted as being obsolete.
1878	41 & 42 Vict., c. 33.	The Dentists Act, 1878.	..... S. 19 rep. (U. K.) 46 & 47 Vict., c. 39 (S. L. R.).	Omitted as being spent. See p. 573.
"	41 & 42 Vict., c. 47.	The Elders' Widows' Fund (India) Act, 1878.	..... Am. 49 & 50 Vict., c. 48, ss. 23, 26. S. 4 rep. in pt. 49 & 50 Vict., c. 48, s. 26.	See p. 537. Omitted as being spent.
"	41 & 42 Vict., c. 73.	The Territorial Waters Jurisdiction Act, 1878.	.....	See p. 589.
1879	42 & 43 Vict., c. 8.	The Registration of Births, Deaths and Marriages (Army) Act, 1879.	..... S. 5 rep. (U. K.) 57 & 58 Vict., c. 56 (S. L. R.).	See p. 592. Omitted as being spent.
"	42 & 43 Vict., c. 38.	The Slave Trade (East African Courts) Act, 1879.	..... S. 2 rep. in pt. (U. K.) 57 & 58 Vict., c. 56 (S. L. R.).	See p. 593.
"	42 & 43 Vict., c. 41.	The Indian Guaranteed Railways Act, 1879.	.....	See p. 594.
"	42 & 43 Vict., c. 43.	The East Indian Railway (Redemption of Annuities) Act, 1879.	..... S. 1 rep. (U. K.) 57 & 58 Vict., c. 56 (S. L. R.).	See p. 597. Omitted as being spent.
"	42 & 43 Vict., c. 60.	The East India Loan Act, 1879.	..... S. 16 rep. (U. K.) 57 & 58 Vict., c. 56 (S. L. R.). S. 19 rep. (U. K.) 61 & 62 Vict., c. 22 (S. L. R.).	See p. 599. Omitted as being spent. Omitted as being spent.

Chronological Table.

STATUTES RELATING TO INDIA—*contd.*

Year.	Regal No. and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1880	43 Vict., c. 3.	The Indian Salaries and Allowances Act, 1880.	S. 5 rep. (U. K.) 57 & 59 Vict., c. 56 (S. L. R.). The second schedule rep. (U. K.) 57 & 58 Vict., c. 56 (S. L. R.).	See p. 603.
"	" c. 10.	The East India Loan (East Indian Railway Debentures) Act, 1880.	.....	See p. 604.
"	" c. 11.	The India Stock (Powers of Attorney) Act, 1880.	.....	See p. 607.
1881	44 & 45 Vict., c. 3.	The Judicial Committee Act, 1881.	.....	See p. 607.
"	44 & 45 Vict., c. 7.	The India Office (Sale of Superfluous Land) Act, 1881.	.....	See p. 608.
"	44 & 45 Vict., c. 53.	The East India Railway (Redemption of Annuities) Act, 1881.	S. 2 am. 48 & 49 Vict., c. 25, s. 25 (2).	See p. 610.
"	44 & 45 Vict., c. 57.	The Regulation of the Forces Act, 1881.	.....	See p. 613.
"	44 & 45 Vict., c. 58.	The Army Act	.....	See p. 614. Printed in accordance with the Army (Annual) Act, 1885 (48 & 49 Vict., c. 8), s. 8. (3), with amendments made by successive Army (Annual) Acts down to the end of 1899. Of these Army (Annual) Acts only the last—that passed in 1899—has been reproduced in this Collection. As to s. 155, see Act XIII of 1889, s. 21 (f) (e).

Chronological Table.

STATUTES RELATING TO INDIA—contd.

Year.	Regnal No. and Chapter.	Short title or subject.	How repealed or otherwise altered.	REMARKS.
1881	44 & 45 Vict., c. 63.	The India Office Auditor Act, 1881.	.....	See p. 733.
"	44 & 45 Vict., c. 69.	The Fugitive Offenders Act, 1881.	..... Ss. 40, 41 & schedule rep. (U. K.) 57 & 58 Vict., c. 56 (S. L. R.).	See p. 734. Omitted as being spent.
1882	45 & 46 Vict., c. 9.	The Documentary Evidence Act, 1882.	..... Am. 58 & 59 Vict., c. 9.	See p. 748.
"	45 & 46 Vict., c. 45.	The Bombay Civil Fund Act, 1882.	.....	See p. 749.
"	45 & 46 Vict., c. 48.	The Reserve Forces Act, 1882.	.....	See p. 752.
"	45 & 46 Vict., c. 79.	The India (Home Charges Arrears) Act, 1882.	.....	See p. 766.
"	46 & 47 Vict., c. 30.	The Companies (Colonial Registers) Act, 1883.	..... S. 3 (7) am. 52 & 53 Vict., c. 42, s. 18.	See p. 767.
1883	46 & 47 Vict., c. 52.	The Bankruptcy Act, 1883.	.....	See p. 770.
1884	47 & 48 Vict., c. 24.	The Colonial Attorneys Relief Act Amendment Act, 1884.	.....	See p. 770.
"	47 & 48 Vict., c. 31.	The Colonial Prisoners Removal Act, 1884.	.....	See p. 771.
"	47 & 48 Vict., c. 38.	The Indian Marine Service Act, 1884.	.....	See p. 773.
"	47 & 48 Vict., c. 39.	The Naval Discipline Act, 1884.	.....	See p. 780.
"	47 & 48 Vict., c. 64.	The Criminal Lunatics Act, 1884.	.....	See p. 785.
1885	48 & 49 Vict., c. 25.	The East India Unclaimed Stock Act, 1885.	.....	See p. 786.
"	48 & 49 Vict., c. 49.	The Submarine Telegraph Act, 1885.	..... S. 4 rep. 50 Vict., c. 3, s. 9.	See p. 800.

Chronological Table.

STATUTES RELATING TO INDIA—*contd.*

Year.	Regnal No. and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1885	48 & 49 Vict., c. 67.	The Indian Army Pension Deficiency Act, 1885.	.....	See p. 808.
"	48 & 49 Vict., c. 74.	The Evidence by Commission Act, 1885.	.....	See p. 812.
1886	49 & 50 Vict., c. 33.	The International Copyright Act, 1886.	.....	See p. 813.
"	49 & 50 Vict., c. 43.	The Medical Act, 1886.	.....	See p. 822.
"	50 Vict., c. 3.	The Submarine Telegraph Act, 1886.	.....	See p. 836.
1887	50 & 51 Vict., c. 11.	The Conversion of India Stock Act, 1887.	.....	See p. 837.
"	50 & 51 Vict., c. 54.	The British Settlements Act, 1887.	.....	See p. 840.
"	50 & 51 Vict., c. 67.	The Superannuation Act, 1887.	.....	See p. 842.
"	50 & 51 Vict., c. 70.	The Appellate Jurisdiction Act, 1887.	.....	See p. 847.
1888	51 & 52 Vict., c. 5.	The Oudh and Rohilkhand Railway Purchase Act, 1888.	.....	See p. 849.
1889	52 & 53 Vict., c. 10.	The Commissioners for Oaths Act, 1889.	..... Expld. & am. 53 & 54 Vict., c. 7, & 54 & 55 Vict., c. 50. S. 6 am. 54 & 55 Vict., c. 50, s. 2.	See p. 853.
"	52 & 53 Vict., c. 52.	The Official Secrets Act, 1889.	.....	See p. 858.
"	52 & 53 Vict., c. 63.	The Interpretation Act, 1889.	.....	See p. 863.
"	52 & 53 Vict., c. 65.	The Council of India Reduction Act, 1889.	.....	See p. 876.

Chronological Table.

STATUTES RELATING TO INDIA—*contd.*

Year.	Regnal No. and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1890	53 & 54 Vict., c. 6.	The South Indian Railway Purchase Act, 1890.	.....	See p. 876.
"	53 & 54 Vict., c. 7.	The Commissioners for Oaths Act, 1891.	.....	See p. 879.
"	53 & 54 Vict., c. 27.	The Colonial Courts of Admiralty Act, 1890.	.....	See p. 880.
"	53 & 54 Vict., c. 37.	The Foreign Juris- diction Act, 1890.	.....	See p. 881.
1891	54 & 55 Vict., c. 31.	The Mail Ships Act, 1891.	.....	See p. 898.
"	54 & 55 Vict., c. 50.	The Commissioners for Oaths Act, 1891.	.....	See p. 906.
"	54 & 55 Vict., c. 72.	The Coinage Act, 1891.	.....	See p. 906.
1892	55 & 56 Vict., c. 6.	The Colonial Pro- bate Act, 1892.	.....	See p. 906.
"	55 & 56 Vict., c. 14.	The Indian Coun- cils Act, 1892.	.....	See p. 911.
"	55 & 56 Vict., c. 23.	The Foreign Mar- riage Act, 1892.	.....	See p. 914.
"	55 & 56 Vict., c. 40.	The Superannuation Act, 1892.	.....	See p. 924.
1893	56 & 57 Vict., c. 5.	The Regimental Debts Act, 1893.	.....	See p. 926.
"	56 & 57 Vict., c. 53.	The Trustees Act, 1893.	Am. 57 & 58 Vict., c. 10. S. 30 rep. in pt. 57 & 58 Vict., c. 10, s. 1. S. 41 ext. 57 & 58 Vict., c. 10, s. 2. S. 44 am. 57 & 58 Vict., c. 10, s. 3.	See p. 936.
"	56 & 57 Vict., c. 62.	The Madras and Bombay Armies Act, 1893.	S. 1 expld., 59 & 60 Vict., c. 2, s. 4.	See p. 959.
"	56 & 57 Vict., c. 70.	The East India Loan Act, 1893.	.....	See p. 962.

¹ The Coinage Act, 1870 (53 Vict., c. 10), which is amended by this Act, is printed as an appendix to this Volume, p. 1263.

Chronological Table.

STATUTES RELATING TO INDIA—*contd.*

Year	Regnal No. and Chapter.	Short title or subject.	How repeated or otherwise affected.	Remarks.
1894	57 & 58 Vict., c. 10.	The Trustee Act, 1893, Amendment Act, 1894.	.....	See p. 965.
"	57 & 58 Vict., c. 12.	The Indian Railways Act, 1894.	.....	See p. 965.
"	57 & 58 Vict., c. 30.	The Finance Act, 1894.	.....	See p. 967. S. 20 alone is reproduced, the rest being inapplicable to India.
"	57 & 58 Vict., c. 39.	The Prize Courts Act, 1894.	.....	See p. 969.
"	57 & 58 Vict., c. 45.	The Uniforms Act, 1894.	.....	See p. 970.
"	57 & 58 Vict., c. 60.	The Merchant Shipping Act, 1894.	.....	See p. 971. Pts. IV & X, ss. 634-689 in pt. XI, ss. 702-710 in pt. XIII, and Sch. XXI omitted as being inapplicable to India.
1895	58 & 59 Vict., c. 43.	The Naturalization Act, 1895.	.....	See p. 1253.
"	58 & 59 Vict., c. 44.	The Judicial Committee Amendment Act, 1895.	.....	See p. 1254.
1896	59 & 60 Vict., c. 12.	The Derelict Vessels (Report) Act, 1896.	.....	See p. 1255.
"	59 & 60 Vict., c. 14.	The Short Titles Act, 1896.	.....	See p. 1255. As the short titles conferred by this Act on the Statutes printed in this Collection have been given <i>in loco.</i> , the schedules of short titles have not been reproduced.

Chronological Table.

STATUTES RELATING TO INDIA—*concl.*

Year.	Regnal No. and Chapter.	Short title or subject.	How repealed or otherwise affected.	REMARKS.
1898	61 & 62 Vict., c. 18.	The East India Loan Act, 1898.	.....	See p. 1256.
1899	62 & 63 Vict., c. 8.	The Army (Annual) Act, 1899.	.....	See p. 1257. This is the only one of the successive Army (Annual) Acts which is printed in this Collection—see the note to 44 & 45 Vict., c. 58, <i>ante</i> p. v.
"	62 & 63 Vict., c. 40.	The Reserve Forces Act, 1899.	.....	See p. 1260.

APPENDIX.

THE COINAGE ACT, 1870

(33 & 34 Vict., c. 10.)

An Act to consolidate and amend the law relating to the Coinage and Her Majesty's Mint.

[4th April 1870.]

[PREAMBLE.]

1. This Act may be cited as "The Coinage Act, 1870."

2. In this Act—

Short title.
Definitions
of terms.

the term "Treasurer" means the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury for the time being, or any two of them;

the term "the Mint" means, except as expressly provided, Her Majesty's Royal Mint in England;

the term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions and not within the United Kingdom; and

the term "person" includes a body corporate.

3. All coins made at the Mint of the denominations mentioned in the first schedule to this Act shall be of the weight and fineness specified in that schedule, and the standard trial plates shall be made accordingly.

Standard of
coins.

If any coin of gold, silver, or bronze, but of any other denomination than that of the coins mentioned in the first schedule to this Act, is hereafter coined at the Mint, such coin shall be of a weight and fineness bearing the same proportion to the weight and fineness specified in that schedule as the denomination of such coin bears to the denominations mentioned in that schedule.

Provided that in the making of coins a remedy (or variation from the standard weight and fineness specified in the said first schedule)¹ shall be allowed of an amount not exceeding the amount specified in that schedule.

4. A tender of payment of money, if made in coins which have been issued by the Mint in accordance with the provisions of this Act, and have not been called in by any proclamation made in pursuance of this Act, and have not become diminished in weight, by wear or otherwise, so as to be of less weight than the current weight, that is to say, than the weight (if any)

Legal tender.

¹ For amendment of schedule, see 54 & 55 Vict., c. 72, s. 2, ante, p. 906.

APPENDIX.

1284

The Coinage Act, 1870. [33 & 34 Vict., c. 10.

(Secs. 5-8.)

specified as the least current weight in the first schedule to this Act, or less than such weight as may be declared by any proclamation made in pursuance of this Act, shall be a legal tender,—

in the case of gold coins for a payment of any amount :

in the case of silver coins for a payment of an amount not exceeding forty shillings, but for no greater amount :

in the case of bronze coins for a payment of an amount not exceeding one shilling, but for no greater amount.

Nothing in this Act shall prevent any paper currency which under any Act or otherwise is a legal tender from being a legal tender.

Prohibition
of other
coins and
tokens.

5. No piece of gold, silver, copper, or bronze, or of any metal or mixed metal, of any value whatever, shall be made or issued, except by the Mint, as a coin or a token for money, or as purporting that the holder thereof is entitled to demand any value denoted thereon. Every person who acts in contravention of this section shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Contracts,
etc., to be
made in
currency.

6. Every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter, and thing whatever relating to money, or involving the payment of or the liability to pay any money, which is made, executed, or entered into, done or had, shall be made, executed, entered into, done and had according to the coins which are current and legal tender in pursuance of this Act, and not otherwise, unless the same be made, executed, entered into, done or had according to the currency of some British possession or some foreign state.

Defacing
light gold
coin.

7. Where any gold coin of the realm is below the current weight as provided by this Act, or where any coin is called in by any proclamation, every person shall, by himself or others, cut, break, or deface any such coin tendered to him in payment, and the person tendering the same shall bear the loss.

If any coin cut, broken, or defaced in pursuance of this section is not below the current weight, or has not been called in by any proclamation, the person cutting, breaking, or defacing the same shall receive the same in payment according to its denomination. Any dispute which may arise under this section may be determined by a summary proceeding.

Coining of
bullion taken
to the Mint.

8. Where any person brings to the Mint any gold bullion, such bullion shall be assayed and coined, and delivered out to such person, without any charge for such assay or coining, or for waste in coining :

(Secs. 9-11.)

Provided that—

- (1) if the fineness of the whole of the bullion so brought to the Mint is such that it cannot be brought to the standard fineness under this Act of the coin to be coined thereout, without refining some portion of it, the master of the Mint may refuse to receive, assay, or coin such bullion :
- (2) where the bullion so brought to the Mint is finer than the standard fineness under this Act of the coin to be coined thereout, there shall be delivered to the person bringing the same such additional amount of coin as is proportionate to such superior fineness.

No undue preference shall be shown to any person under this section, and every person shall have priority according to the time at which he brought such bullion to the Mint.

9. The Treasury may from time to time issue to the master of the Mint, out of the growing produce of the Consolidated Fund, such sums as may be necessary to enable him to purchase bullion in order to provide supplies of coin for the public service. Purchase of bullion.

10. All sums received by the master of the Mint, or any deputy master or officer of the Mint, in payment for coin produced from bullion purchased by him, and all fees and payments received by the master or any deputy master or officer of the Mint as such, shall (save as otherwise provided in the case of any branch mint in a British possession by a proclamation respecting such branch mint) be paid into the receipt of the Exchequer, and carried to the Consolidated Fund. Payment of profits, etc., to Exchequer.

11. It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time by proclamation to do all or any of the following things; namely, Regulations by proclamation.

- (1) to determine the dimension and design for any coin :
- (2) to determine the denominations of coins to be coined at the Mint :
- (3) to diminish the amount of remedy allowed by the first schedule to this Act in the case of any coin :
- (4) to determine the weight (not being less than the weight (if any) specified in the first schedule to this Act) below which a coin, whether diminished in weight by wear or otherwise, is not to be a current or a legal tender :
- (5) to call in coins of any date or denomination, or any coins coined before the date in the proclamation mentioned :

- (6) to direct that any coins, other than gold, silver, or bronze, shall be current and be a legal tender for the payment of any amount not exceeding the amount specified in the proclamation, and not exceeding five shillings :
- (7) to direct that coins coined in any foreign country shall be current and be a legal tender, at such rates, up to such amounts, and in such portion of Her Majesty's dominions as may be specified in the proclamation ; due regard being had in fixing those rates to the weight and fineness of such coins, as compared with the current coins of this realm.
- (8) to direct the establishment of any branch of the Mint in any British possession, and impose a charge for the coinage of gold thereat ; determine the application of such charge ; and determine the extent to which such branch is to be deemed part of the Mint, and to which coins issued therefrom are to be current and be a legal tender, and to be deemed to be issued from the Mint :
- (9) to direct that the whole or any part of this Act shall apply to and be in force in any British possession, with or without any modifications contained in the proclamation :
- (10) to regulate any matters relative to the coinage and the Mint within the present prerogative of the Crown which are not provided for by this Act :
- (11) to revoke or alter any proclamation previously made.

Every such proclamation shall come into operation on the date therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

Trial of the
PYX.

12. For the purpose of ascertaining that coins issued from the Mint have been coined in accordance with this Act, a trial of the pyx shall be held at least once in every year in which coins have been issued from the Mint.

It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time, by order, to make regulations respecting the trial of the pyx and all matters incidental thereto, and in particular respecting the following matters ; *viz.*,

- (1) the time and place of the trial :
- (2) the setting apart out of the coins issued by the Mint, certain coins for the trial :

APPENDIX.

33 & 34 Vict., c. 16.] *The Coinage Act, 1870.*

1267

(Secs. 13-15.)

- (3) the summoning of a jury of not less than six out of competent freemen of the mystery of goldsmiths of the city of London or other competent persons :
- (4) the attendance at the trial of the jury so summoned, and of the proper officers of the Treasury, the Board of Trade, and the Mint, and the production of the coins so set apart, and of the standard trial plates and standard weights :
- (5) the proceedings at and conduct of the trial, including the nomination of some person to preside thereat, and the swearing of the jury, and the mode of examining the coins :
- (6) the recording and the publication of the verdict, and the custody of the record thereof, and the proceedings (if any) to be taken in consequence of such verdict.

Every such order shall come into operation on the date therein in that behalf mentioned, and shall have effect as if it were enacted in this Act, but may be revoked or altered by any subsequent order under this section.

13. The Treasury may from time to time do all or any of the following things: Regulations
by Treasury.

- (1) fix the number and duties of the officers of and persons employed in the Mint :
- (2) make regulations and give directions (subject to the provisions of this Act and any proclamation made thereunder) respecting the general management of the Mint, and revoke and alter such regulations and directions.

Master and Officers of Mint.

14. The Chancellor of the Exchequer for the time being shall be the master, worker, and warden of Her Majesty's Royal Mint in England, and governor of the Mint in Scotland. Master of
Mint.

Provided that nothing in this section shall render the Chancellor of the Exchequer incapable of being elected to or of sitting or voting in the House of Commons, or vacate the seat of the person who at the passing of this Act holds the office of Chancellor of the Exchequer.

All duties, powers, and authorities imposed on or vested in or to be transacted before the master of the Mint may be performed and exercised by or transacted before him or his sufficient deputy.

15. The Treasury may from time to time appoint deputy masters and other officers and persons for the purpose of carrying on the business of the Mint Deputy
masters,
officers.

APPENDIX.

1268

The Coinage Act, 1870. 133 & 32 VICT., C. 10.
(Secs. 16-18.)

in the United Kingdom or elsewhere; and assign them their duties, and award them their salaries.

The master of the Mint may from time to time promote, suspend, and remove any such deputy masters, officers, and persons.

Standard Trial Plates and Weights.

Custody, etc.,
of standard
trial plates.

16. The standard trial plates of gold and silver used for determining the justness of the gold and silver coins of the realm issued from the Mint, which now exist or may hereafter be made, and all books, documents, and things used in connexion therewith, or in relation thereto, shall be in the custody of the Board of Trade, and shall be kept in such places and in such manner as the Board of Trade may from time to time direct; and the performance of all duties in relation to such trial plates shall be part of the business of the Standard Weights and Measures Department of the Board of Trade.

The Board of Trade shall from time to time, when necessary, cause new standard trial plates to be made and duly verified, of such standard fineness as may be in conformity with the provisions of this Act.

Standard
weights
for coins.

17. * * * * *

The master of the Mint shall from time to time cause copies to be made of such standard weights, and once at least in every year the Board of Trade, and the master of the Mint shall cause such copies to be compared and duly verified with the standard weights in the custody of the Board of Trade.

* * * * *

Legal Proceedings.

Summary
procedure.

18. Any summary proceeding under this Act may be taken, and any penalty under this Act may be recovered,—

in England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Act amending the same;

in Scotland, in manner directed by The Summary Procedure Act, 1864;

in Ireland, so far as respects Dublin, in manner directed by the Acts regulating the powers of justices of the peace or the police of Dublin metropolis, and elsewhere in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

¹ Words repealed by 41 & 42 Vict., c. 49, s. 86, are omitted.

APPENDIX.

33 & 34 Vict., c. 10.] *The Coinage Act, 1870.*

1289

(Secs. 19-20.)

In any British possession, in the courts, and before such justices or magistrates, and in the manner in which the like proceedings and penalties may be taken and recovered by the law of such possession, or as near thereto as circumstances admit, or in such other courts, or before such other justices or magistrates, or in such other manner as any Act or Ordinance having the force of law in such possession may from time to time provide.*

Miscellaneous.

19. This Act, save as expressly provided by this Act, or by any proclamation made thereunder, shall not extend to any British possession. Extent of Act.

20. The Acts mentioned in the first part of the second schedule to this Act are hereby repealed to the extent in the third column of such schedule mentioned, and those mentioned in the second part of the same schedule are hereby repealed entirely. Repeal of Acts and parts of Acts in second schedule.

Provided that,—

- (1) this repeal shall not affect anything already done or suffered, or any right already acquired or accrued :
- (2) all weights for weighing coin which have before the passing of this Act been marked at the Mint or by any proper officer shall be deemed to have been marked under this Act :
- (3) every branch of the Mint which at the passing of this Act issues coins in any British possession shall, until the date fixed by any proclamation made in pursuance of this Act with respect to such branch Mint, continue in all respects to have the same power of issuing coins and be in the same position as if this Act had not passed, and coins so issued shall be deemed for the purpose of this Act to have been issued from the Mint :
- (4) the said Acts (unless relating to a branch Mint and unless in the said schedule expressly otherwise mentioned) are not repealed so far as they apply to any British possession to which this Act does not extend until a proclamation directing that this Act or any part thereof, with or without any modification contained in the proclamation, shall be in force in such British possession, comes into operation.

APPENDIX.

The Coinage Act, 1870. [33 & 34 Vict., c. 10.
(First Schedule.)

SCHEDULES.

FIRST SCHEDULE.

Denomination of coin.	STANDARD WEIGHT.		LEAST CURRENT WEIGHT.		Standard Fineness.	REMEDY ALLOWANCE.		
	Imperial Weight.	Metric Weight.	Imperial Weight.	Metric Weight.		WEIGHT PER FINOZ.		
						Imperial.	Metric.	Millesimal Fineness.
	Grains.	Grams.	Grains.	Grams.	Grains.	Grams.		
GOLD:								
Five Pound	614.87239	39.84028	612.90000	38.89985	Eleven-twelfths fine gold, one-twelfth alloy; or millesimal fineness 916.6.	1.00000	0.06479	} 0.002
Two Pound	246.54895	15.87611	245.00000	15.87574		0.40000	0.02592	
Sovereign	123.27447	7.93805	122.50000	7.93787		0.20000	0.01296	
Half Sovereign	61.48723	3.94402	61.25000	3.96988		0.10000	0.00648	
SILVER:								
Crown	438.93868	28.27590	Thirty-seven-fifteenths fine silver, three-fortieths alloy; or millesimal fineness 925.	1.81818	0.11781	} 0.004
Half Crown	218.18181	14.13795	...	...		0.90909	0.05890
Florin	174.54545	11.31036	...	...		0.72727	0.04712
Shilling	87.27272	5.65518	...	...		0.36363	0.02356
Sixpence	43.63636	2.82759	...	...		0.18181	0.01178
Great or Fourpence	29.09090	1.85506	...	...		0.12121	0.00785
Threepence	21.81818	1.41379	...	...		0.09090	0.00589
Twopenny	14.54545	0.94258	...	...		0.06060	0.00392
Penny	7.27272	0.47128	...	...		0.03030	0.00196
BROWN:								
Penny	145.89988	9.44994	Mixed metal, copper, tin, and zinc.	2.91666	0.18999	} None.
Halfpenny	87.50000	5.66990	...	...		1.75000	0.11889
Farthling	43.75000	2.83495	...	...		0.87500	0.05666

The weight and fineness of the coins specified in this Schedule are according to what is provided by the Act fifty-six George the Third, chapter sixty-eight, that the gold coin of the United Kingdom of Great Britain and Ireland should hold such weight and fineness as were prescribed in the then existing Mint indenture (that is to say), that there should be nine hundred and thirty-four sovereigns and one ten shilling piece contained in twenty pounds weight troy of standard gold, of the fineness at the trial of the same of twenty-two carats fine gold and two carats of alloy in the pound weight troy; and further, as regards silver coin, that there should be sixty-six shillings in every pound troy of standard silver of the fineness of eleven ounces two pennyweights of fine silver and eighteen pennyweights of alloy in every pound weight troy.

¹ For amendment of schedule, see 54 & 55 Vict., c. 72, s. 2, ante, p. 206.

APPENDIX.

33 & 34 Vict., c. 10.] *The Coinage Act, 1870. (Second Schedule.)* 1271

SCHEDULES—*contd.*

SECOND SCHEDULE.

FIRST PART.

Acts partly repealed.

Year and Chapter.	Title.	Extent of Repeal.
2 Hen. 6. c. 17.*	For regulating and ascertaining the fineness of silver work.	So much as relates to the master of the Mint.
29 & 30 Vict. c. 52 .	An Act to amend the Acts relating to the standard weights and measures, and to the standard trial pieces of the coin of the realm.	Section thirteen.

* c. 14. in Ruffhead.

SECOND PART.

Acts wholly repealed.

Year and Chapter.	Title.
18 & 19 Cha. 2. c. 5.*	An Act for encouraging of coinage.
6 Anne, c. 57.†† .	An Act for ascertaining the rates of foreign coins in Her Majesty's plantations in America.
†13 Geo. 3. c. 57..	An Act to explain and amend an Act made in the fourth year of His present Majesty, intituled "An Act to prevent paper bills of credit hereafter to be issued in any of His Majesty's colonies or plantations in America from being declared to be a legal tender in payments of money, and to prevent the legal tender of such bills as are now subsisting from being prolonged beyond the periods limited for calling in and sinking the same."

* 18 Cha. 2. in Ruffhead.

† c. 30 in Ruffhead.

† Repealed as to the whole of Her Majesty's dominions upon the passing of this Act.

APPENDIX.

1272 *The Coinage Act, 1870.* (Second Schedule.) [33 & 34 Vict., c. 10.]

SCHEDULES—*contd.*

SECOND SCHEDULE—*contd.*

SECOND PART—*contd.*

Acts wholly repealed—contd.

Year and Chapter.	Title.
14 Geo. 3. c. 70.	An Act for applying a certain sum of money for calling in and recoining the deficient gold coin of this realm; and for regulating the manner of receiving the same at the Bank of England, and of taking there an account of the deficiency of the said coin and making satisfaction for the same; and for authorizing all persons to cut and deface all gold coin that shall not be allowed to be current by His Majesty's proclamation.
14 Geo. 3. c. 92.	An Act for regulating and ascertaining the weights to be made use of in weighing the gold and silver coin of this kingdom.
15 Geo. 3. c. 30.	An Act for allowing the officer appointed to mark or stamp the weights to be made use of in weighing the gold and silver coin of this kingdom, in pursuance of an Act made in the last session of Parliament, to take certain fees in the execution of his office.
39 Geo. 3. c. 94.	An Act to ascertain the salary of the master and worker of His Majesty's Mint.
52 Geo. 3. c. 138.	An Act for the further prevention of the counterfeiting of silver tokens issued by the Governor and Company of the Bank of England called dollars, and of silver pieces issued and circulated by the said Governor and Company called tokens, and for the further prevention of frauds practised by the imitation of the notes or bills of the said Governor and Company.
52 Geo. 3. c. 157.	An Act to prevent the issuing and circulating of pieces of gold and silver or other metal, usually called tokens, except such as are issued by the Banks of England and Ireland respectively.

APPENDIX.

33 & 34 Vict., c. 10.] *The Coinage Act, 1870.* (Second Schedule.) 1273

SCHEDULES—*contd.*

SECOND SCHEDULE—*contd.*

SECOND PART—*contd.*

Acts wholly repealed—contd.

Year and Chapter.	Title.
54 Geo. 3. c. 4.	An Act to continue until six weeks after the commencement of the next session of Parliament an Act passed in the last session of Parliament, intituled "An Act to continue and amend an Act of the present session, to prevent the issuing and circulating of pieces of gold and silver or other metal, usually called tokens, except such as are issued by the Banks of England and Ireland respectively."
56 Geo. 3. c. 68.	An Act to provide for a new silver coinage, and to regulate the currency of the gold and silver coin of this realm.
57 Geo. 3. c. 46.	An Act to prevent the issuing and circulating of pieces of copper or other metal usually called tokens.
57 Geo. 3. c. 67.	An Act to regulate certain offices, and abolish others, in His Majesty's Mints in England and Scotland respectively.
57 Geo. 3. c. 113.	An Act to prevent the further circulation of dollars and tokens issued by the Governor and Company of the Bank of England for the convenience of the public.
6 Geo. 4. c. 79.	An Act to provide for the assimilation of the currency and monies of account throughout the United Kingdom of Great Britain and Ireland.
6 Geo. 4. c. 98.	An Act to prevent the further circulation of tokens issued by the Governor and Company of the Bank of Ireland for the convenience of the public, and for defraying the expense of exchanging such tokens.
1 & 2 Will. 4. c. 10.	An Act to reduce the salary of the master and worker of His Majesty's Mint.

APPENDIX.

1274 *The Coinage Act, 1870. (Second Schedule.)* [33 & 34 Vict., c. 10.

SCHEDULES—*concl'd.*

SECOND SCHEDULE—*concl'd.*

SECOND PART—*concl'd.*

Acts wholly repealed—concl'd.

Year and Chapter.	Title.
7 Will. 4. & 1 Vict. c. 9	An Act to amend several Acts relating to the Royal Mint.
18 & 19 Vict. c. 41.	An Act to extend an Act of the fifty-sixth year of King George the Third, for providing for a new silver coinage, and for regulating the currency of the gold and silver coin of this realm.
22 & 23 Vict. c. 80.	An Act to extend the enactments relating to the copper coin to coin of mixed metal.
26 & 27 Vict. c. 74.	An Act to enable Her Majesty to declare gold coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal tender for payments; and for other purposes relating thereto.
29 & 30 Vict. c. 65.	An Act to enable Her Majesty to declare gold coins to be issued from Her Majesty's Colonial Branch Mints a legal tender for payments; and for other purposes relating thereto.

INDEX TO VOLUMES I AND II.

(The references are to pages.)

INDEX TO VOL. II.

	Page*
Absence of Governor General	63, 842
" " or Governor from Council	81
Accounts of India	312
Act of Settlement	2
Additional Members of Council	344, 452
Admiralty Jurisdiction (India) Act, 1860	329
Admiralty Jurisdiction of Supreme Court	70
Admiralty offences	148, 273
Admiralty Offences (Colonial) Act, 1849	276
Admiralty Offences (Colonial) Act, 1860	332
Advocate General	107, 306, 349
Agra, Presidency of —	172, 189
Aliens	453
Annuities, <i>see</i> East India Annuity Funds Act, 1874	555
Appellate Jurisdiction Act, 1887	847
Appointments reserved for Covenanted Civil Servants	339
" to be made by Royal Sign Manual	307, 449
Archdeacons	99, 112, 184
Army 314, 330, 558, 613, 614, 752, 766, 803, 926, 959, 970, 1260	
Army Act	614
Act modified as to Auxiliary Forces	717
" " " Indian Forces	716
" " " Royal Marines	712
Arrest and trial	636
Articles of War and Rules of Procedure	654
Billeting	670, 674
Canteen licences	708
Counsel at Courts-martial	685
Courts-martial	638, 645
Crimes and punishments	615, 633
Definitions	721, 727
Desertion, inquiry	655
Discharge and transfer to reserve	664
Discipline	616, 656
Enlistment	657, 670
Evidence	702
Execution of sentence	645, 654
Exemptions from tolls	693
Fraudulent claims	680

* Volume I ends with page 630.

	Pages*
Army Act—contd.	
Furlough in case of sickness	707
Impressment of carriages	675
Inducing desertion	696
Insane persons	686
Jurisdiction	700
Military Command	655
Misconduct of Civilian at Court-martial	684
Non-Commissioned Officers	719
Offences as to billeting	674
Offences in connection with impressment of carriages	679
Passing sentence of penal servitude in foreign country	649
Pay	689
Persons subject to military law	708
Prisons	697, 698
Provost Marshal	656
Re-engagement and prolongation of service	662
Restitution of stolen property	667
Saving provisions	721
Scale of punishments	633
Sentences in United Kingdom	651
Summary and other legal proceedings	704
Traficking in commissions	697
Warrant Officers	718
Army (Annual) Act, 1899	1257
Army Prize Money Act, 1832	161
Articles of War	106, 456
Ascertainment of British law in force	326
" " foreign law	336
Attorneys	296, 657
Bank of England Act, 1861	355
Bankruptcy	230, 770
Bankruptcy Act, 1883	770
Bengal Government	290, 294, 752
Bishops 99, 109, 112, 145, 181, 182, 184, 207, 225, 268, 448, 522, 659, 608	
Bishopric of Straits Settlements	448
Bombay Civil Fund Act, 1882	749
Trustees' powers	761
Bombay Government 51, 56, 177, 294, 760	
Bonds of East India Company	94, 192
British Law Ascertainment Act, 1859	326
British Nationality Act, 1780	4

Index.

1279

	Pages*
British Nationality Act, 1773	7
British Settlements Act, 1887	840
Acts repealed	842
Definitions	841
Canals	444
Chaplains of Church of Scotland	184
Chief Commissioners when to be Additional Members of Council	452
Children, status of —	457
Church establishment	184
Civil employment, eligibility for membership of —	2
Civil Service of India	307, 390, 452, 555
Coinage Act, 1870	1263
Extent of Act	1271
Legal proceedings	1270
Legal tender	1266
Master and officers of mint	1269
Regulations	1267
Coinage Act, 1891	908
Coinage (Colonial Offences) Act, 1868	287
Colonial Attorneys Relief Act	296
Colonial Attorneys Relief Act, 1874	557
Colonial Attorneys Relief Act, Amendment Act, 1894	770
Colonial Bishops Act, 1852	285
Colonial Bishops Act, 1858	288
Colonial Clergy Act, 1874	559
Definitions	561
Licences	559
Penalties	560
Colonial Copyright Act, 1847	227
Colonial Courts of Admiralty Act, 1890	880
Appeal to Queen in Council	882
Interpretation	886
Local Admiralty appeal	882
Repeals	888
Rules of Court	883
Rules (slave trade)	885
Saving of Channel Islands	885
Colonial Letters Patent Act, 1868	290
Colonial Offices Act, 1880	159
Colonial Prisoners Removal Act, 1884	771
Criminal lunatics	775
Definitions	777

* Volume I ends with page 530.

	Pages*
Colonial Prisoners Removal Act, 1884— <i>contd.</i>	
Escape	775
Orders in Council	776
Regulations	778
Saving section	777
Colonial Probates Act, 1892	908
Definitions	910
Orders in Council	910
Colonies (Evidence) Act, 1843	208
Commander-in-Chief	61, 53 <i>n</i> , 55, 292, 341
Commissioners for Oaths Act, 1889	853
Definitions	855
Perjury and forgery	855
Repeals	856
Trial	855
Commissioners for Oaths Act, 1891	856
Commissioners for Oaths Amendment Act, 1890	859
Commissions to try British officers in England	21, 81
Companies (Colonial Registers) Act, 1883	767
Colonial registers	768
Definitions	768
Consular Marriage Act, 1868	442
Contracts	316, 317, 324, 474
Control of Governor General in Council	56, 177
Control of Secretary of State over expenditure	309
Conventions as to domicile	362
Conversion of India Stock, 1887	837
Definitions	840
Powers of investment	839
Copyright	162, 195, 215, 227, 235, 375
Copyright Act, 1842	195
Corruption of officers	83, 87
Council of India Act, 1876	563
Council of India (in London)	302, 449
Council of India Reduction Act, 1889	876
Courts (Colonial) Jurisdiction Act, 1874	556
"Colony" defined	556
Courts-martial (Naval)	419
Covenanted Civil Servants to hold certain offices	389, 468
Creation of new presidencies	290
Crime in plantations by officers	2
Criminal Lunatics Act, 1884	785
Criminal Jurisdiction Act, 1802	82
Criminal Law (India) Act, 1823	147
Admiralty offences	148

	Pages*
Customs Consolidation Act, 1853	292
Customs Consolidation Act, 1876	565
Clashing of Colonial Laws and Acts of Parliament	566
Collusive seizures	567
.	
Dangerous correspondence	59, 60
Dangerous goods	1122
Debt, <i>see</i> Regimental Debts Act, 1893.	
Debtors (Ireland) Act, 1840	194
Debts Recovery Act, 1830	150
Declarations in lieu of oaths and affidavits	189
Dentists Act, 1878	673
Definitions	673
Examinations	680
Registration	674
Supplemental	684
Deputy Governor of Fort William	63
Derelict Vessels (Report) Act, 1896	1255
Deserters	223, 275, 406, 408, 409
Disposal of property in India vested in Her Majesty	324
Divorce Bills Evidence Act, 1820	110
Documentary Evidence Act, 1868	438
Documentary Evidence Act, 1882	748
Application of Act to Ireland	749
Penalty for forgery	749
Domicile Act, 1861	362
Dramatic Copyright Act, 1833	162
.	
East India Annuity Funds Act, 1874	555
East India Company Act, 1770	5
Officers punishable in England for oppression, etc.	6
Transporting warlike stores	6
East India Company Act, 1773	8
Examination of witnesses in India	15
Governor General and Council first appointed	9
Governor General and Council not liable to indictment, arrest, etc., in India	11
Governor General and Council punishable in England	13, 15
Judges not liable to indictment, arrest, etc., in India	11
Supreme Court of Judicature established at Fort William	11

	Pages*
East India Company Act, 1780	17
Governor General and Council not subject to Supreme Court	18
Supreme Court how to determine actions between Muhammadas and Gentus	20
Supreme Court to have no jurisdiction in revenue matters	20
East India Company Act, 1784	21
Parliamentary Commissions to try British officers	21
Powers of Commissioners	26
Procedure	28
East India Company Act, 1786	31
Further provisions as to Parliamentary Commissions	31
East India Company Act, 1793	49
Admiralty jurisdiction of Supreme Court at Fort William	70
Governments of Fort William, Fort St. George and Bombay	50, 51
Governor General's power over presidential governments	58
Governor General's power when visiting a Presidency	63
Offences in Native States	66
Penalty on Governors disobeying Governor General's orders	58
Perquisites, etc., prohibited	65
Persons suspected of dangerous correspondence	59
Secret Committee of Court of Directors	50
Vacancies in Civil Service of Company	64
Vacancy of Governor General's office when no successor is on the spot	52
Vice-President and Deputy Governor of Fort William	63
War not to be declared by Governor of Madras or Bombay	58
War not to be declared without sanction of Court of Directors	57
East India Company Act, 1797	72
Further provisions for administration of justice	72-77
East India Company Act, 1813	96
Advocate General	107
Archdeacons	99
Articles of War	106
Bishops	99
Superannuation allowances to servants of Company	104
East India Company Act, 1853	289
Creation of new presidencies and Lieutenant-Governors	290
Lieutenant-Governors	290
Salaries of Commander-in-Chief and Lieutenant-Governors	292
Separation of Government of Bengal	290
East India Company Bonds Act, 1811	98
East India Company (Money) Act, 1794	71
East India Company finally dissolved	317 a
East India Contracts Act, 1870	474
East India Irrigation and Canal Act, 1869	444
East India Loan Act, 1868	399
East India Loan Act, 1869	317

	Pages*
East India Loan (No. 2) Act, 1859	321
East India Loan Act, 1860	332
East India Loan Act, 1861	338
East India Loan Act, 1869	450
East India Loan Act, 1871	521
East India Loan Act, 1873	529
Capital stock and annuities	530
Issue of bonds and debentures	530
Saving powers of Secretary of State in Council	532
East India Loan Act, 1874	551
East India Loan Act, 1877	570
East India Loan Act, 1879	599
Position of stock	602
East India Loan Act, 1885	797
East India Loan Act, 1893	962
East India Loan Act, 1898	1256
East India Loan (East India Railway Debentures) Act, 1880	604
East India Officers Act, 1826	146
East India Railway (Redemption of Annuities) Act, 1879	597
Saving of borrowing powers	598
East India Stock Act, 1860	331
East India Stock Dividend Redemption Act, 1873	525
Interpretation of terms	526
Object of Act	529
Sale of stock	525
Secretary of State's Account	526
Unclaimed Redemption money	527
East Indian Railway (Redemption of Annuities) Act, 1881	610
Power to create India Stock	612
Power to purchase annuities	613
East India Unclaimed Stock Act, 1885	786
Exemption from stamp duty	795
Transfer of unclaimed stock	787
Unclaimed dividends	789
Unclaimed railway debentures	794
Elders Widows' Fund (India) Act, 1878	587
Position of Secretary of State	589
Enlistment in service of Foreign State	475
European Forces (India) Act, 1860	390
Evidence 15, 27, 48, 110, 160, 208, 294, 319, 485	485
Evidence by Commission Act, 1859	319
Evidence by Commission Act, 1865	312
Evidence on Commission Act, 1831	160
Execution of deeds on behalf of Secretary of State	324
Executive Governments of Presidencies	175

	Pages.*
Extradition Act, 1870	460
Extradition Act, 1873	587
Explanation of certain sections in 33 & 34 Vict.	538
List of crimes	539
Taking of evidence in United Kingdom	538
Extraordinary Member of Governor General's Council	341
Finance Act, 1894	967
Fine Arts Copyright Act, 1862	375
Foreign Enlistment Act, 1870	474
Illegal enlistment in service of Foreign State	475
Illegal expeditions	476
Illegal prizes	478
Illegal shipbuilding	476
Leaving Her Majesty's dominions to serve in Foreign State	475
Procedure	479
Foreign Jurisdiction Act, 1890	891
Definitions	895
Subjects of Indian princes	895
Foreign Law Ascertainment Act, 1861	336
Foreign Marriage Act, 1892	914
Definitions	922
Evidence	919
Fees	920
Her Majesty's ships and foreign stations	918
Marriage officers	917
Oaths before marriage	916
Foreign Protestant's Naturalization Act, 1708	8
Foreign Tribunals Evidence Act, 1856	294
Fugitive Criminals	461, 466, 743, 775
Fugitive Offenders Act, 1881	734
Application of Act	745
Backing of warrants	738
Definitions and repeal	747
Evidence	743
Part application of Act	738
Powers of Superior Court	737
Return of fugitives	735
Trial of offences	741
Warrants and escape	742

Government of Bengal	290, 294
Government of Bombay	51, 55, 177, 294
Government of Madras	51, 55, 177, 294
Government of India Act, 1800	77
Provision for absence of Governor from Council	82
Supreme Court of Judicature at Madras	81
Government of India Act, 1833	170
Archdeacons	184
Bishop of Calcutta to be Metropolitan	182
Bishops of Bombay and Madras	181
Chaplains of Church of Scotland	184
Executive governments of presidencies	175
Government vested in Governor General and Counsellors	173
Governor General in Council to have control over presidencies	177
Powers of Parliament saved	174
Presidency of Agra constituted	172
Property of Company to be held in trust for the Crown for service of India	171
Saint Helena vested in Crown	184
Salaries of Governor General, Governors and Members of Council	179
Government of India Act, 1854	293
Power for Governor General in Council to assume government of any part of British India	293
Power for Governor General in Council to limit authority of Governors and Lieutenant-Governors	294
Government of India Act, 1858	300
Accounts to be laid before Parliament	313
Actions	316
Appointments in India	307
Audit of accounts in England	312
Cadetships	308
Civil Service of India	307
Contracts	316, 317
Council of India (in London)	302
Expenditure subject to control of Secretary of State	309
India to be governed by, and in the name of, Her Majesty	301
Indian forces	314
Property to vest in Her Majesty for the service of the Government of India	309
Revenues	309
Salaries of Members of Council of India (in London)	303
Secretary of State in Council established	301
Secretary of State's power to act against opinion of Council	306
Secretary of State to exercise powers of East India Company, etc.	301

	Page ^s
Government of India Act, 1858— <i>contd.</i>	
Secret Committee	306
Secret despatches	306
Territories of East India Company to vest in Her Majesty	301
Transfer of property	309
Treaties	317
Government of India Act, 1865	397
Power for Governor General in Council to define limits of presidencies	398
Power for Governor General in Council to make laws for British sub- jects in Native States	397
Government of India Act, 1869	449
Government of India Act, 1870	451
Chief Commissioners and Lieutenant-Governors when to be Additional Members of Council	452
"Native of India" defined	453
Power for Governor General in Executive Council to make Regulations	451
Power for Governor General to overrule Council	452
Power to appoint Natives of India to certain offices	452
Governor General and Council appointed	9
Governor General and Counsellors not liable to indictment, etc., in India	11
Governor General and Counsellors not subject to Supreme Court	18
Governor General and Counsellors punishable in England	13, 15
Governor General in Council to have control over presidencies	56, 177
Governor General empowered to make ordinances	347
Governor General in (Executive) Council empowered to make Regulations	451
Governor General's Executive Council	341
Governor General's Legislative Council	344, 397, 460
Governors, etc., punishable in England for oppression, etc.	2, 6, 13, 15, 88
 Habeas Corpus Act, 1862	 370
Habeas Corpus not to issue out of England into Colony, etc., where there is authority to grant writs	370
High Courts	357, 393
Holy Orders	118
 Illegal expeditions	 476
Illegal shipbuilding	476
Illusory Appointments Act, 1830	149
India (Home Charges Arrears) Act, 1862	766

	Page*
India Military Funds Act, 1866	402
India (North-Western Provinces) Act, 1885	189
Appointment of Lieutenant-Governor of North-Western Provinces	189
India Office Auditor Act, 18 81	738
Pension rights	734
India Office (Sale of Superfluous Land) Act, 1881	608
India Office Site, 1884	804
India Office Site and Approaches Act, 1885	808
India Officers' Salaries Act, 1837	198
India Stock Dividends Act	531
India Stock (Powers of Attorney) Act, 1860	607
India Stock Transfer Act, 1862	364
Indian Army Pension Efficiency Act, 1885	808
Establishment of fund	810
Management	811
Indian Bishops Act, 1842	207
Indian Bishops Act, 1871	522
Indian Bishops and Courts Act, 1823	112
Archdeacons and Bishops	112, 113
Supreme Court of Judicature at Bombay	114
Indian Councils Act, 1861	841
Absence of Governor General	42, 260
Additional Members of Governor General's Council	844
Additional Members of local Councils	349, 353
Commander-in-Chief in India	341
Composition of Governor General's Executive Council	341
Legislative Council of Governor General	344
Lieutenant-Governors	344, 354
Local Legislative Councils	349, 353
Ordinances	347
Ordinary Members of Council	341, 348
Power to legislate for all persons in British India	346
Power to legislate for all servants of the Government of India in Native States	346
Rules for conduct of executive business	343
Rules for conduct of legislative business	345
Vacancy in office of Governor General	355
Vacancy in office of Ordinary Member of Council	343, 348
Indian Councils Act, 1869	450
Power to legislate for Natives of India abroad	450
Indian Councils Act, 1871	521
Indian Councils Act, 1874	562
Indian Councils Act, 1892	911
Definitions	913
Governor General's powers	914

* Volume I ends with page 330.

	Pages*
Indian Forces	314
Indian Guaranteed Railways Act, 1879	594
Additional powers of a Guaranteed Company	596
Interpretation	594
Indian High Courts Act, 1861	857
Constitution of High Courts	857
Jurisdiction of High Courts	857
Power for High Courts to make rules for subordinate Courts	860
Power to establish more High Courts	861
Indian High Courts Act, 1865	896
Power to alter local limits of jurisdiction	896
Power to authorize exercise of jurisdiction over Christian subjects in Native States	228
Indian Insolvency Act, 1848	228
Indian Marine Service Act, 1884	778
"Indian waters" defined	779
Naval Discipline Act	780
Indian Presidency Towns Act, 1815	108
Indian Prize Money Act, 1866	409
Indian Prize Money Act, 1868	440
Indian Railway Companies Act, 1868	435
Indian Railway Companies Act, 1873	533
Locality of shares	534
Registers kept in India	533
Registration of transfers	534
Saving of rights	534
Indian Railways Act, 1894	965
Definitions	965
Duration of Act	967
Indian Salaries and Allowances Act, 1880	803
Indian Salaries and Pensions Act, 1825	144
The Metropolitan	146
Indian Securities Act, 1860	328
Infants Property Act, 1830	151
Insolvency	228
International Copyright Act, 1844	215
International Copyright Act, 1852	233
International Copyright Act, 1875	568
International Copyright Act, 1886	813
Acts repealed	818
Colonies	816
Construction	814
Definitions	817
Orders in Council	817
Schedules	819

Index.

1289

	Pages*
International Copyright Act, 1886— <i>contd.</i>	
Simultaneous publication	815
Translation	815
Interpretation Act, 1889	63
Citation of Acts	873
Geographical and Colonial definitions	869
Judicial definitions	866
New general rules of construction	864
Repeal in future Acts	874
Irrigation	444
Judges of High Courts	357
Judicial Committee Act, 1833	164
Appeals	165
Power for Her Majesty to refer any matter for advice	165
Judicial Committee Act, 1843	209
Judicial Committee Act, 1844	221
Judicial Committee Act, 1881	607
Lascars Act, 1823	115
Breach of rules	116
Lascars, <i>see</i> Merchant Shipping Act, 1894.	
Laws for all persons in British India	346
Laws for British subjects in Native States	397
Laws for Native Indian subjects abroad	450
Laws for servants of the Government of India in Native States	346
Leave allowances	147, 193
Legislative Council of Governor General	344, 346, 397, 450
Letters Patent to be published to have effect	380
Letters Patent to establish High Courts	381
Liability of Secretary of State to be sued	316
Lieutenant-Governors	189, 290, 307, 344, 354, 462
Loans	299, 317, 321, 332, 460
Local Legislative Councils	349, 353
Lunatics	152, 280, 688, 775, 845, 938
Lunatics Removal (India) Act, 1851	230
Madras and Bombay Armies Act, 1893	959
Madras Government	51, 55, 177, 294, 752

* Volume I ends with page 520.

	Pages*
Mail Ships Act, 1891	898
Definitions	905
Exemption from seizure of exempted mail ships	902
Legal proceedings	903
Malicious Damage Act, 1861	856
Marriage of British subjects abroad	442
Married women	152, 457
Medical Act, 1886	822
Colonial and foreign practitioners	829
Constitution of general Council	825
Definitions	824
Dentists	824
Examinations	822
Registration	823
Repeals	825
Saving clauses	833
Members of Council in India	341, 348, 449
Members of Council of India (in London)	302, 449
Merchant Shipping Act, 1894	971
Agreements as to salvage	1180
Anchor marking	1175
Arbitrators in Ireland	1178
Board of trade control	1201
Carriage of grain	1185
Dangerous goods	1182
Definitions	1209
Delivery of goods	1157
Destitute seamen	1039
Detention of ship	1197
Discipline	1058
Distressed seamen	1014
Fishing boats	1121
Inspection of emigrant ships	1097
Inspectors	1205
Jurisdiction	1192
Lascars	1018
Legal proceedings	1191
Liability of shipowners	1161
Lighthouses, etc., in colonies	1187
Masters and seamen	1005
Measurement and tonnage	999
Men left abroad	1040
Mercantile Marine Fund	1188
Mortgages	983
Name rules	989

* Volume I ends with page 830.

	Page*
Merchant Shipping Act, 1894— <i>contd.</i>	
National flag	996
Naval courts	1151
Offences abroad	1194
Official logs	1066
Orders in Council	1208
Passenger and emigrant ships	1080
Provisions, health and accommodation	1048
Salvage by Her Majesty's ships	1183
Savings	1212
Schedules	1218
Shipping casualties	1143
Ship surveyors	1204
Stamp duty	1202
Steerage Regulations	1129
Transfer of ships or shares	980
Unclaimed wreck	1169
Unseaworthy ships	1137
Wreck and salvage	1164
Metropolitan in India	182
Military employment, eligibility for—	3
Military funds	402
Nationality	3, 4, 7
Native customs to be respected	20
“Native of India” defined	453
Native States, legislation for British subjects in —	397
Native States, offences in —	66
Native subjects, legislation for — abroad	450
Natural-born subjects	3, 4, 7
Naturalization	3, 4, 7, 363, 453, 486, 523, 1253
Naturalization Act, 1870	453
Naturalization Act, 1872	523
Naturalization Act, 1895	1253
Naturalization Oaths Act, 1870	486
Naval Deserters Act, 1847	223
Naval Discipline-Act	405
Articles of War	405
Courts-martial	419
Public worship on ships of war	405
Punishments	415
Naval Discipline Act, 1864	780
Naval Prize Act, 1864	381

* Volume I ends with page 630.

	Pages*
North-West Provinces Lieutenant-Governorship	189
Notaries, public	190
Office under the Crown	23, 25, 344, 353, 562, 860
Officers empowered to enter into contracts on behalf of Secretary of State	324, 474
Offices reserved for Covenanted Civil Servants	339
Official Assignees	225
Officials Secrets Act, 1889	858
Breach of trust	860
Extent of Act	861
Incitement to offend	860
Interpretation	861
Oppression, etc., by Governors, etc., punishable in England	2, 6, 13, 15, 53
Ordinances made by Governor-General in cases of emergency	347
Ordinary Members of Council in India	341, 348
Ordination for Colonies Act, 1819	169
Oude and Rohilkhand Railway Purchase Act, 1888	849
Definitions	850
Mode of raising moneys	850
Parliament, eligibility for membership of —	2
" powers of — saved	174
Parliamentary Commissions to try British Officers	21, 81
Pensions 105, 144, 185, 330, 525, 555, 587, 610, 749, 808, 842, 924	65, 87
Perquisites, etc., forbidden	59
Persons suspected of dangerous correspondence	392
Petitions of right in High Court of Admiralty	277
Piracy Act, 1850	275
Portuguese Deserters Act, 1849	1
Posthumous children	60, 453
Power of Governor General to overrule Council	174
Powers of Parliament saved	398
Presidencies, power to define limits of —	172, 189
Presidency of Agra	108
Presidency-towns	53*
Presidential Commanders-in-Chief	95
Prisoners of War (Escape) Act, 1813	163, 209, 221
Privy Council	3
Eligibility for membership of —	882, 884
Prize Causes and Courts	869
Prize Courts Act, 1894	869

	Pages*
Prize money	161, 381, 408, 440, 478
Public Acts	7n, 17n, 81n, 48n, 85n
Public worship on ships of war	405
Quarantine Act, 1825	125
Privy Council, and national emergency	129
Railway, <i>see</i> South Indian Railway Purchase Act, 1880, and Oude and Rohilkhand Railway Purchase Act, 1888.	
Railway Companies	435
Red Sea and Telegraph Company	370
Regimental Debts Act, 1893	926
Army paymasters	933
Definitions	935
Deserters and felons	933
Disposal of medals	930
India	934
Insanity	933
Preferential charges	928
Surplus and residue	928
Registration of Births, Deaths and Marriages (Army) Act, 1879	592
Regulation of the Forces Act, 1881	613
Regulations for peace and good government of certain parts of British India, made by Governor General in Executive Council	451
Repeal of "Be it enacted that, etc."	6n
Reserve Forces Act, 1882	753
Acts repealed	764
Annual training	766
Army reserve	752
Definitions	763
Desertion	758
Illegal absence of reservist	760
Militia reserve	755
Pensions	761
Trial of offences	762
Reserve Forces Act, 1899	1260
Revenue matters removed from jurisdiction of Supreme Court	20
Revenues of India	309
Royal (late Indian) Ordnance Corps Act, 1874	558

	Pages*
Royal Sign Manual	307, 449, 562, 841, 930
Royal Titles Act, 1876	564
Saint Helena	184
Salaries	144, 179, 193, 290, 301
Seal of Offices Act, 1809	87
Extension of Act	92
Secret Committee	50, 305
Secretary of State	301
" " may sue and be sued	316
Secrets, <i>see</i> Official Secrets Act, 1889.	
Securities	328
Servants of the Crown	339
Shipping, <i>see</i> Merchant Shipping.	
Short Titles Act, 1896	1255
Sign Manual	307, 449, 562, 841, 930
Sir Robert Napier's annuity	443
Site of India Office	394, 598
Slave Trade Act, 1824	118
Dealing by British subjects in piracy	121
Penalties	119
Position of seamen serving	124
Slave Trade Act, 1848	213
Slave Trade Act, 1878	540
Application of Act	550
Bounties	544
Courts	542
Disposal of vessels and stores	543
Interpretation	540
Mixed Courts	543
Seizure of slave ships	541
Slave Trade Act, 1824	548
Treasury appeals	548
Slave Trade (East African Courts) Act, 1878	586
Definitions	585
Extension of Act to future treaties	586
Jurisdiction of Courts	585
Rules	538
Slave Trade Act, 1876	567
Obtaining evidence	568
Slave Trade (East African Courts) Act, 1879	593
Solicitors	296

	Pages ^a
South Indian Railway Purchase Act, 1890	876
Definitions	877
Mode of raising moneys	877
Stamp Duties Act, 1835	192
Statute Law Revision (Substituted Enactments) Act, 1878	565
Statutory Declarations Act, 1835	189
Declaration substituted for oath or affidavit formerly required	189
Declaration sufficient to prove execution of will, etc.	190
Form of declaration	191
Statutory Native of India	453
Stock	331, 364
Straits Settlements Act, 1868	434
Straits Settlements Bishopric	448
Submarine Telegraph Act, 1885	400
Definitions	803
Extent of Act	803
Powers of British and foreign officers'	801
Savings	803
Submarine Telegraphs Convention	804—808
Suits by and against Secretary of State	316
Superannuation Act, 1834	185
Superannuation Act, 1860	330
Superannuation Act, 1867	342
Acts repealed	346
Definitions	345
Half pay	344
Lunatics	345
Temporary services	343
Superannuation Act, 1892	924
Definitions	925
Superannuation allowances	105, 144, 185, 330
Superintendence of Governor-General in Council	56, 177
Supreme Court of Judicature at Bombay	114
Supreme Court of Judicature at Fort William	8, 17
Supreme Court of Judicature at Madras	80
Telegraph, Red Sea and Company	370
Territorial Waters Jurisdiction Act, 1878	589
Definitions	591
Saving as to jurisdiction	590
Saving as to piracy	590
Transfer of East India Company to Crown	301

	Pages*
Treaties made by East India Company	317
Treason—the case of attainted parents	324
Trial of European British subject	322
Trustee Act, 1893	936
Definitions	955
Indemnity	955
Investments	936
New trustees	930
Payment into Court	953
Powers and liabilities	944
Powers of the Court	947
Purchase and sale	943
Vesting orders	950
Trustee Act, 1893, Amendment Act, 1894	965
Unclaimed Stock, <i>see</i> East India Unclaimed Stock Act, 1885.	
Uniform Act, 1894	970
Vesting of property and territories in India in Her Majesty	309
Vice-Admiralty Prize Courts	383
Vice-President during Governor-General's absence	63
War prizes	161, 381
War, restrictions on declaration of — in India	58
War, ship of —	405.
Widows, <i>see</i> Elders Widows' Fund (India) Act, 1878.	
Wills	180, 361
Wills Act, 1861	361

* Volume I ends with page 630.

(Sec. 18.)

- (b) Knowing that a man belonging to the army or militia reserve is about to commit an offence of absence without leave within the meaning of this Act, aids or assists him in so doing; or
- (c) Knowing any man belonging to the army or militia reserve to be an absentee without leave within the meaning of this Act, conceals such man, or aids or assists him in concealing himself, or employs or continues to employ him, or aids or assists in his rescue;

shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding twenty pounds.

44 & 45 Vict.,
c. 58.

(2) Section one hundred and fifty-three of the Army Act, 1881,¹ shall apply as if a man belonging to the army or militia reserve were a soldier, and as if the word "desert" and other words referring to desertion included desertion within the meaning of this Act as well as desertion within the meaning of the

44 & 45 Vict.,
c. 58.

Army Act, 1881; and any person who, knowing any man belonging to the army or militia reserve to be a deserter within the meaning of this Act or of the

44 & 45 Vict.,
c. 58.

Army Act, 1881,¹ employs or continues to employ such man, shall be deemed to aid him in concealing himself within the meaning of the said section.

Supplemental.

18. (1) SUBJECT to the provisions of this Act, and save as is otherwise prescribed, a man enlisting in the army or militia reserve shall be attested in the same manner as a recruit in the regular forces, and the following sections

Attestation
of men en-
listing in re-
serve forces.

44 & 45 Vict.,
c. 58.

of the Army Act, 1881; (that is to say)—

- Section eighty (relating to the mode of enlistment and attestation);
 - Section ninety-eight (imposing a fine for unlawful recruiting);
 - Section ninety-nine (making recruits punishable for false answers);
 - Section one hundred (relating to the validity of attestation and enlistment, or re-engagement);
 - Section one hundred and one (relating to the competent military authority);
- and

So much of section one hundred and sixty-three as relates to an attestation paper, or a copy thereof, or a declaration, being evidence, shall apply in like manner as if they were herein re-enacted, with the substitution—

- (a) Of "man," or, if the context so requires, "reserve" man; for "soldier," and of "army reserve or militia reserve, as the case may be," for "regular forces"; and
- (b) In section one hundred, so far as relates to the militia reserve, of "one whole period of annual training" for "three months."

¹ Printed *ante*, p. 614.

(Secs. 26-28.)

dealing with the case by the commanding officer, this Act shall apply to the Channel Islands and the Isle of Man.

26. With respect to the trial and punishment of men charged with offences which in pursuance of this Act are cognizable both by a court-martial and by a court of summary jurisdiction, the following provisions shall have effect:—

Provisions as to offences both by court-martial and by court of summary jurisdiction.

- (1) An alleged offender shall not be liable to be tried both by court-martial and by a court of summary jurisdiction, but may be tried by either of such courts, according as may be prescribed by orders or regulations under this Act.
- (2) Proceedings against an alleged offender, before either a court-martial or his commanding officer or a court of summary jurisdiction, may be instituted whether the term of this reserve service has or has not expired, and may, notwithstanding anything in any other Act, be instituted at any time within two months after the time at which the offence becomes known to an officer who under the orders or regulations in force under this Act has power to direct the offender to be tried by a court-martial or by a court of summary jurisdiction, if the offender is apprehended at that time, or if he is not apprehended at that time, then within two months after the time at which he is apprehended, whether such apprehension is by a civil or military authority, and any limitation contained in any other Act with respect to the time for hearing and determining an offence shall not apply in the case of any proceedings so instituted.
- (3) For the purposes of this section the expression "tried by court-martial" shall include "dealt with summarily by his commanding officer."

44 & 45 Vict.,
c. 58.

27. (1) Section one hundred and sixty-four of the Army Act, 1881¹ (which relates to evidence of the civil conviction or acquittal of a person subject to military law), shall apply to a man belonging to the army or militia reserve who is tried by a civil court, whether he is or is not at the time of such trial subject to military law.

Evidence.

(2) Section one hundred and sixty-three of the Army Act, 1881¹ (relating to evidence), shall apply to all proceedings under this Act.

28. In this Act, unless the context otherwise requires—

Definitions.

The expression "man" includes a warrant officer not holding an honorary commission, and a non-commissioned officer.

The expression "out-pensioners of Chelsea Hospital" includes all persons

¹ Printed ante, p. 614.

session, or, if not, as soon as may be after the commencement of the then next session of Parliament.

14. This Act shall extend to the Channel Islands and Isle of Man as if they were part of England and the United Kingdom.

Application of Act to Channel Islands and Isle of Man.

15. It shall be lawful for Her Majesty in Council from time to time to direct that this Act shall apply, as if, subject to the conditions, exceptions, and qualifications (if any) contained in the Order, any place out of Her Majesty's dominions in which Her Majesty has jurisdiction, and which is named in the Order, were a British possession and part of Her Majesty's dominions, and to provide for carrying into effect such application.

Application of Act to place under foreign jurisdiction Act. See 41 & 42 Vict., c. 67.

16. (1) Nothing in this Act shall affect the provisions of the Army Savings Act,¹ 1881.

44 & 45 Vict., c. 58.

(2) This Act shall not affect any agreement made either before or after the passing of this Act under the Colonial Prisoners Removal Act, 1869,² nor any provisions contained in the Act of the session of the fourteenth and fifteenth years of the reign of Her present Majesty, chapter eighty-one, intituled "An Act to authorise the removal from India of insane persons charged with offences, and to give better effect to inquisitions of lunacy taken in India."

32 & 33 Vict., c. 10.

17. This Act shall apply to a prisoner who has been convicted, and to a criminal lunatic who has become a criminal lunatic, before the passing of this Act, in like manner as if he had been convicted and become a criminal lunatic after the commencement of this Act.

Application of Act to existing and criminal lunatics.

18. In this Act, unless the context otherwise requires, the following expressions have the following meanings; that is to say,

Definitions.

The expression "British possession" does not include any place within the United Kingdom, the Isle of Man, or the Channel Islands, but includes all other territories and places being part of Her Majesty's dominions, and all territories and places within Her Majesty's dominions which are not part of India and are under one legislature shall be deemed to be one British possession, and any part of India under a Governor or Lieutenant-Governor shall be deemed to be one British possession.

The expression "India" means³ all territories and places within Her Majesty's dominions which are subject to the Governor General of India in Council.

The expression "legislature" where there are local legislatures, as well as a central legislature, means the central legislature only, and in every part of India means the Governor General in Council.

¹ Printed *ante*, p. 614.

² Not printed in these volumes.

³ Cf. definition in Interpretation Act, 1889 (52 & 53 Vict., c. 63), s. 18 (5), *post*, p. 862.

(Secs. 1-5.)

expedient that the Governor General of India in Council should have power to make laws for the purpose of maintaining discipline in that service:

* * * * *

1. This Act may be cited as the Indian Marine Service Act, 1884.

Short title.
Power for
Governor
General in
Council to
make laws
for Indian
Marine
Service.

2. The Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861,¹ as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws for all persons employed or serving in or belonging to Her Majesty's Indian Marine Service:

24 & 26 Vict.,
c. 67.

Provided as follows:

(a) A law made under this section shall not apply to any offence, unless the vessel to which the offender belongs is at the time of the commission of the offence within the limits of Indian waters as defined by this Act:

(b) The punishments imposed by any such law for offences shall be similar in character to and shall not be in excess of the punishments which may at the time of making the law be imposed for similar offences under the Acts relating to Her Majesty's Navy, except that in the case of persons other than Europeans or Americans imprisonment for any term not exceeding fourteen years, or transportation for life or any less term, may be substituted for penal servitude.²

3. For the purposes of this Act the expression "Indian waters" includes the high seas between the Cape of Good Hope on the west and the straits of Magellan on the east, and all territorial waters between those limits.

Definition
of Indian
waters.

4. A law under this Act shall, until the Governor General makes known that he has received a notification of the disallowance thereof by Her Majesty or until the repeal thereof, be, subject to the provisions of this Act, of the same force and effect as an Act of Parliament, and shall be taken notice of by all courts of justice in the same manner as if it were a Public Act of Parliament.

Effect and
judicial
notice of
laws made
under Act.

5. Nothing in this Act shall authorise the Governor General in Council, without the previous approval of the Secretary of State for India in Council, to make any law whereby power is given to any court other than the High Court established under the Act of the session held in the twenty-fourth and twenty-fifth years of Her Majesty, chapter one hundred and four "for establishing High Courts of Judicature in India," to sentence to the punishment of death any of Her Majesty's natural-born subjects born in Europe, or any child of any such subject.

Restriction
on or power
to make law
imposing
sentence of
death.

¹ Printed in Vol. I of the Collection of Statutes relating to India, Ed. 1899, p. 389.

² See the Indian Marine Act, 1887 (XIV of 1887). Printed, Genl. Acts, Volume V, Ed. 1898.

(Secs. 4-6.)

person from any liability under this Act or otherwise to pay the cost of repairing such breakage or injury.

(5) Any person who within or (being a subject of Her Majesty) without Her Majesty's dominions in any manner procures, counsels, aids, abets, or is accessory to the commission of any offence under this section, shall be guilty of a misdemeanour, and shall be liable to be tried and punished for the offence as if he had been guilty as a principal.

4. [*Rep. 50 Vict., c. 3, s. 3.*]

25 & 26 Vict.,
c. 68,

5. (1) It is hereby declared that the enactments of the Merchant Shipping Act, 1862,¹ and the enactments amending the same, touching regulations as to lights and to signals and for the avoiding of collisions, shall extend to authorise regulations for carrying into effect Articles five and six of the schedule to this Act, within as well as without the territorial waters of Her Majesty's dominions, and regulations may be made, applied, altered, and revoked, and the contravention thereof punished accordingly under the said enactments, and section six of the Sea Fisheries Act, 1833, shall extend to the enforcement of the said regulations as regards sea fishing boats within the limits of that Act.

Application
of law as to
lights and
signals or
carrying into
effect of
Articles five
and six of
Convention.

(2) If any vessel engaged in the laying or repairing of a submarine cable to which the Convention for the time being applies, interferes contrary to the said regulations or articles with any vessel engaged in fishing, or if the operations of any vessel in connection with any such submarine cable are wilfully delayed so as to interfere with sea fishing, the master of the vessel, or the owner thereof, if it appear that he was in fault, shall be deemed guilty of a breach of the said regulations and may be punished accordingly.

6. (1) For the purpose of carrying into effect the Convention, a person commanding a ship of war of Her Majesty or of any foreign state for the time being bound by the Convention, or a ship specially commissioned for the purpose of the Convention by Her Majesty or by the government of such foreign state, may exercise and perform the powers and duties vested in and imposed on such officer by any article in the Schedule to this Act.

Powers of
British
and foreign
officers.

(2) If any person obstructs any such officer in such exercise or performance, or refuses or neglects to comply with any demand or direction lawfully made or given by him in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to be imprisoned for a term not exceeding two months, with or without hard labour.

(3) Any action, prosecution, or proceeding against any officer for any act done in pursuance or execution or intended execution of this Act, or in

¹ See now the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), printed *post*, p. 971.

(Secs. 7-12.)

7. (1) * * * * *

Provision as to lunatics.

(2) Where any annuity, whether pension, superannuation, or other allowance, is payable out of moneys provided by Parliament to a person in respect either of service as a civil servant or of military or naval service, and such person is or becomes a lunatic towards whose maintenance a contribution is made out of money provided by Parliament, then as long as the contribution is made his annuity shall be reduced by an amount equal to that contribution, and if the amount of the contribution exceeds the amount of the annuity, the annuity shall cease to be payable.

8. On the death of a person to whom any sum not exceeding one hundred pounds is due from a public department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then, if the prescribed public department so direct, but subject to the regulations (if any) made by the Treasury, probate or other proof of the title of the personal representative of the deceased person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the public department to be beneficially entitled to the personal estate of the deceased person, or to or among any one or more of those persons, or in case of the illegitimacy of the deceased person or his children, to or among such persons as the department may think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.

Distribution of money not exceeding 100*l.* without probate.

9. The decision of the Treasury on any question which arises as to the application of any section of this Act to any person, or as to the amount of any allowance or gratuity under this Act, or as to the reckoning of any service for such allowance or gratuity, shall be final.

Decision of Treasury.

10. Nothing in this Act shall be construed so as in any way to interfere with the rights existing at the passing of this Act of any civil servant then holding office.

Saying for existing interests.

11. Every warrant and minute under this Act which is required to be laid before Parliament shall be laid before both Houses of Parliament in manner provided by section thirteen of the Superannuation Act, 1859.

Laying of warrant and minutes before Parliament.

12. In this Act, unless the context otherwise requires,—

Definitions.

The expression "civil servant" means a person who has served in an established capacity in the permanent civil service of the State within the meaning of section seventeen of the Superannuation Act, 1859 :

¹ Sub-section (1), which was repealed by 52 & 53 Vict., c. 41, s. 94, has been omitted.

(Secs. 6-8.)

(3) A trustee having power to invest money in the debentures or debenture stock of any railway or other company may, unless the contrary is expressed in the instrument authorising the investment, invest in any nominal debentures or nominal debenture stock issued under the Local Loans

38 & 39 Vict., Act, 1875.
c. 83.

(4) A trustee having power to invest money in securities in the Isle of Man, or in securities of the government of a colony, may, unless the contrary is expressed in the instrument authorising the investment, invest in any securities of the Government of the Isle of Man, under the Isle of Man

43 & 44 Vict., Loans Act, 1880.
c. 8.

(5) A trustee having a general power to invest trust moneys in or upon the security of shares, stock, mortgages, bonds, or debentures of companies incorporated by or acting under the authority of an Act of Parliament, may invest in, or upon the security of, mortgage debentures duly issued under and

26 & 29 Vict., in accordance with the provisions of the Mortgage Debenture Act, 1865.
c. 78.

6. A trustee having power to invest in the purchase of land or on mortgage of land may invest in the purchase, or on mortgage of any land, notwithstanding the same is charged with a rent under the powers of the Public Money Drainage Acts, 1846 to 1856, or the Landed Property Improvement (Ireland) Act, 1847, or by an absolute order made under the Improvement of Land Act, 1864, unless the terms of the trust expressly provide that the land to be purchased or taken in mortgage shall not be subject to any such prior charge.

Power to invest, notwithstanding drainage charges.

10 & 11 Vict.,
c. 32.

7. (1) A trustee, unless authorised by the terms of his trust, shall not apply for or hold any certificate to bearer issued under the authority of any of the following Acts, that is to say:—

Trustees not to convert inscribed stock into certificates to bearer.

- 26 & 27 Vict.,
c. 73. (a) The India-Stock Certificate, 1863;
33 & 34 Vict.,
c. 71. (b) The National Debt Act, 1870;
38 & 39 Vict.,
c. 88. (c) The Local Loans Act, 1875;
40 & 41 Vict.,
c. 59. (d) The Colonial Stock Act, 1877.

(2) Nothing in this section shall impose on the Bank of England or of Ireland, or on any person authorised to issue any such certificates, any obligation to inquire whether a person applying for such a certificate is or is not a trustee, or subject them to any liability in the event of their granting any such certificate to a trustee, nor invalidate any such certificate if granted.

8. (1) A trustee lending money on the security of any property in which he can lawfully lend shall not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of

Loans and investments by trustees not chargeable as

(Secs. 1-3.)

THE PRIZE COURTS ACT, 1894.

(57 & 58 Vict., c. 39.)

An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith.

[17th August, 1894.]

* * * * *

1. This Act may be cited as the Prize Courts Act, 1894.

Short title.

2. (1) Any commission, warrant, or instructions from Her Majesty the Queen or the Admiralty for the purpose of commissioning or regulating the procedure of a prize court at any place in a British possession may, notwithstanding the existence of peace, be issued at any time, with a direction that the court shall act only upon such proclamation as herein-after mentioned being made in the possession.

Constitution of prize courts in British possessions.

(2) Where any such Commission, warrant, or instructions have been issued, then, subject to instructions from Her Majesty, the Vice-Admiral of such possession may, when satisfied by information from a Secretary of State or otherwise, that war has broken out between Her Majesty and any foreign State, proclaim that war has so broken out, and thereupon the said commission, warrant, and instructions shall take effect as if the same had been issued after the breaking out of such war and such foreign State were named therein.

(3) The said commission and warrant may authorise either a Vice-Admiralty Court or a Colonial Court of Admiralty, within the meaning of the Colonial Courts of Admiralty Act, 1890, to act as a prize court, and may establish a Vice-Admiralty Court for that purpose.

58 & 54 Vict., c. 27.

(4) Any such commission, warrant, or instructions may be revoked or altered from time to time.

(5) A court duly authorised to act as a prize court during any war shall after the conclusion of the war continue so to act in relation to, and finally dispose of, all matters and things which arose during the war, including all penalties and forfeitures incurred during the war.

3. (1) Her Majesty the Queen in Council may make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864,¹ and this Act, the procedure and practice of prize courts within the meaning of that Act, and the duties and conduct of the officers thereof, and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein.

27 & 28 Vict., c. 25.

Rules of court for and fees in prize courts.

¹ Printed Vol. I, p. 379.

(Secs. 288-289.)

(4) If any person commits an offence against this section and on the application of the master of the steamer, or any other person in the employ of the owner thereof, refuses to give his name and address, or gives a false name or address, that person shall be liable to a fine not exceeding twenty pounds, and the fine shall be paid to the owner of the steamer.

288. The master of any home-trade passenger steamer may refuse to receive on board thereof any person who by reason of drunkenness or otherwise is in such a state, or misconducts himself in such a manner, as to cause annoyance or injury to passengers on board, and if any such person is on board, may put him on shore at any convenient place; and a person so refused admittance or put on shore shall not be entitled to the return of any fare he has paid.

Power to exclude drunken passengers on home-trade passenger steamers.

3. EMIGRANT SHIPS.

Survey of Emigrant Ships.

289. (1) An emigrant ship, in respect of which a passenger steamer's certificate is not in force, shall not clear outwards or proceed to sea on any voyage unless she has been surveyed under the direction of the emigration officer at the port of clearance, but at the expense of the owner or charterer thereof, by two or more competent surveyors to be appointed at any port in the British Islands where there is an emigration officer by the Board of Trade, and at other ports by the Commissioners of Customs, and has been reported by such surveyors to be in their opinion seaworthy and fit for her intended voyage.

Preliminary survey of emigrant ship.

(2) The survey shall be made before any portion of the cargo is taken on board, except so much as may be necessary for ballasting the ship, and such portion of cargo if laden on board shall be shifted, if required by the emigration officer or the surveyors, so as to expose to view successively every part of the frame of the ship.

(3) If any such surveyors report that the ship is not seaworthy, or not fit for her intended voyage, the owner or charterer may, if he thinks fit, by writing under his hand require the emigration officer to appoint three other competent surveyors (of whom two at least must be shipwrights) to survey the ship at the expense of the owner or charterer, and the said officer shall thereupon appoint such surveyors, and they shall survey the ship, and if by unanimous report under their hands, but not otherwise, they declare the ship to be seaworthy and fit for her intended voyage, the ship shall for the purposes of this Part of the Act be deemed seaworthy and fit for that voyage.

(4) If any requirement of this section is not complied with in the case of any emigrant ship, the owner, charterer or master of the ship or any of them shall for each offence be liable to a fine not exceeding one hundred pounds.