



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE,
CONTAINING
Acts and Bills of the Legislative Council of India.

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Legislative Council of India.

17th March 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 23rd February 1860 (communicated to the Legislative Council on the 17th March 1860), and is hereby promulgated for general information:—

ACT No. VI. of 1860.

An Act to Amend Act XIX. of 1847 (Articles of War for the Native Army).

Whereas it is expedient to amend the 78th and 112th Articles of War for the Government of the Native Officers and Soldiers in the Military Service; It is enacted as follows:—

I. There shall be added to the 78th Article of War for the Native Army the words following (that is to say)—

Powers of Commanding Officers of Native Regiments in punishing certain offences committed by Non-Commissioned Officers and Soldiers, and Native Camp-followers.

1. The Commander in Chief of the Presidency, to which any Regiment belongs, may confer the powers specified in this Article on the Commanding Officer for the time being of such Regiment. The Commanding Officer for the time being of such Regiment may summarily try all offences against the Articles of War for the Native Army, committed by any person subject to those Articles (not being a Commissioned Officer), and sentence such offender on conviction, and carry out such sentence without confirmation or any further authority, notwithstanding any provision to the contrary contained in the said Articles of War; provided that such sentence shall not exceed the powers of a District or Garrison Court Martial.

2. A Commanding Officer holding a trial under this Act shall be deemed a Court Martial; and the word "Court Martial" in 64, 66, 67, and 98 of the said Articles of War, so far as such Articles are applicable to persons amenable thereto, shall be deemed to include a Commanding Officer holding such trial.

3. The proceedings on such summary trials by a Commanding Officer shall be conducted in the presence of two or more European or Native Commissioned Officers, and shall be recorded in the English language;

and the evidence shall be taken on oath or affirmation, and interpreted by a competent Interpreter upon solemn affirmation; and when the Commanding Officer shall have recorded the finding and sentence, the proceedings shall be signed by such Commanding Officer and by the Officers in whose presence the trial was held, and shall, without delay, be forwarded to the General Officer Commanding the Division, who is hereby authorised to set aside the trial for reasons based on the merits of the case, but not of a merely technical nature; provided that every sentence, so awarded by the Commanding Officer, may be carried out without waiting for its approval by the reviewing Officer.

II. There shall be added to the 112th Article of War for the Native Army the words following (that is to say)—

Forfeiture of pay and allowances during confinement under the 112th Article of War.

Provided also, that Soldiers, subjected to confinement in the Quarter Guard, or Defaulter's Room, or to solitary confinement as aforesaid, under this Article, shall forfeit all claim to pay and allowances during such confinement, and shall receive subsistence only according to the rates of pay laid down in the Regulations.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

17th March 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 24th February 1860 (communicated to the Legislative Council on the 17th March 1860), and is hereby promulgated for general information:—

ACT No. VII of 1860.

An Act to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability.

Whereas it is expedient to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability; It is enacted as follows:—

I. So much of Section I. of Act XIX. of 1857 (for the incorporation and regulation of Joint Stock

Companies and other Associations either with or without Limited Liability of the Members thereof) as provides that nothing in that Act shall authorise any persons to form themselves into a Joint Stock Company or Association with Limited Liability for the purpose of Banking; and so much of Section XCIX. of the said Act as provides that no Company established for the purpose of Banking shall be registered under that Act as a Limited Company,—are hereby repealed, subject to the following proviso, that no Banking Company claiming to issue notes in India shall be entitled to Limited Liability in respect of such issue, but shall continue subject to unlimited Liability in respect thereof, and that, if necessary, the assets shall be marshalled for the benefit of the general creditors, and the shareholders shall be liable for the whole amount of the issue, in addition to the sum for which they would be liable as Shareholders of a Limited Company.

II. Every existing Banking Company which shall

Existing Company before obtaining registration under this Act to give notice to Customers.

register itself as a Limited Banking Company, shall, at least thirty days previous to obtaining a certificate of Registration with Limited Liability, give notice that it is intended so to register the same to every person and partnership firm who shall have a Banking Account with the Company; and such notice shall be given, either by delivering the same to such person or firm, or leaving the same or putting the same into the Post in a registered letter addressed to him or them at such address as shall have been last communicated or otherwise become known as his or their address to or by the Company; and in case the Company shall omit to give any such notice as is hereinbefore required to be given, then, as between the Company and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further or otherwise, the certificate of registration with Limited Liability shall have no operation.

III. Every Limited Joint Stock Banking Company

Limited Banking Company to furnish a Statement.

shall, before it commences business, or, if a Banking Company at the time carrying on business with unlimited Liability, before it avails itself of the provisions of this Act, and also on the 1st day of February and 1st day of August in every year during which it carries on business, make a statement in the form contained in the Schedule hereto annexed, or as near thereto as circumstances will admit; such statement shall be in addition to the balance sheet required by the said Act to be made out and filed with the Registrar of Joint Stock Companies: a copy of such statement shall be put up in a conspicuous place in the Registered Office of the Company, and in every branch Office or place where the Banking business of the Company is carried on; and if default is made in due compliance with the provisions of this Section, each Director shall be liable to a penalty not exceeding Fifty Rupees for every day during which such default continues, and such penalty shall be recovered in a summary manner.

IV. All such estate or interest in moveable and

Trust Property.

immovable property, and all such deeds, bonds, obligations, and rights as may belong to, or be vested in, any person or persons in trust for any Banking Company at the date of its Registration under this Act, or in trust for any other Company at the date of its Registration under the said Act XIX. of 1857, shall immediately on Registration vest in such Banking or other Company; but no merger shall take place of any estates by reason of their uniting in the Company under this Section, without the express consent of the Company, certified by some instrument under their common seal.

V. Any Banking Company consisting of seven or

Existing Banking Companies may register under this Act.

more persons having a capital of fixed amount, and divided into shares also of fixed amount, legally carrying on the business of Banking previously to the passing of this Act, may, at any time hereafter, with the assent of a majority of such of its Shareholders as may have been present in person, or, in cases where proxies are allowed by the regulations of the Company, by proxy at some General Meeting summoned for the purpose, register itself as a Company under this Act; and when so registered all such provisions contained in any Letters Patent or Deed of Settlement constituting or regulating the Company as are inconsistent with the said Act XIX. of 1857 or with this Act, shall no longer apply to the Company so registered; but such Registration shall not take away or affect any powers previously enjoyed by such Company of Banking, issuing notes payable on demand, or of doing any other thing.

VI. The Registration under this Act of any Banking

Registration under this Act not to affect obligations incurred previously to Registration.

Company existing at the time of the passing of this Act, and hereby authorised to be registered, shall not affect or prejudice the liability of such Company to have enforced against it, or its right to enforce, any debt or obligation incurred, or any contract entered into, by, to, with, or on account of such Company previously to such Registration; and all such debts, obligations, and contracts, shall be binding on the Company when so registered, and the other parties thereto, to the same extent as if such Registration had not taken place.

VII. Every person who, at or previously to the date

Saving of liabilities of persons holding shares before Registration under Act.

of the Registration under this Act of any Banking Company hereby authorised to be registered, may have held shares in such Company, shall, in the event of the same being wound up by the Court or voluntarily, be liable to contribute to the assets of the Company the same amount that he would, if this Act had not been passed, have been liable to pay to the Company, for or on account of any debt of the Company in pursuance of any action, suit, judgment, or other legal proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

VIII. All such actions, suits, and other legal pro-

Continuation of existing actions and suits.

ceedings as may, at the time of the Registration under this Act of any Company hereby authorised to be registered, have been commenced by or against such Company or the Public Officer thereof, may be continued in the same manner as if such Registration had not taken place; nevertheless execution shall not issue against the effects of any individual Shareholder in, or member of, such Company, upon any judgment, decree, or order obtained against such Company in any action, suit, or proceeding so commenced as aforesaid; but in the event of the property and effects of the Company being insufficient to satisfy such judgment, decree, or order, an order may be obtained for winding-up the Company in manner directed by the said Act XIX. of 1857.

IX. All Companies registered under this Act shall

Winding-up.

be wound up in the manner directed by the said Act XIX. of 1857.

X. Nothing in this Act shall affect Act VI. of 1839

Act not to apply to Banks of Bengal, Madras, or Bombay.

(relating to the Bank of Bengal), Act III. of 1840 (for the incorporation of a Bank at Bombay), or Act IX. of 1843 (for the incorporation of a Bank at Madras), or shall be deemed to apply to the several Banks of Bengal, Madras, and Bombay incorporated by the said Acts respectively.

- XI. This Act shall be deemed to be incorporated with and to form part of the said Act XIX. of 1857.
- Construction of Act.

SCHEDULE.

Form of Statement to be published by a Limited Joint Stock Banking Company.

The Liability of the Shareholders is limited.

The Capital of the Company is divided into _____ Shares of _____ Rupees each.

The number of Shares issued is _____

Calls to the amount of _____ per Share have been made, under which the sum of _____ Rupees has been received.

The Liabilities of the Company on the first day of January (or July) were—

	Rs. a. p.
Notes issued.....	_____
Deposits not bearing Interest.....	_____
Deposits bearing Interest.....	_____
Seven-Day and other Bills.....	_____
Total.....	_____

The Assets of the Company on that day were—

	Rs. a. p.
Government Securities.....	_____
Bills of Exchange.....	_____
Loans on Mortgage.....	_____
Other Loans.....	_____
Bank Premises.....	_____
Other Securities, exclusive of unpaid Calls on Shares.....	_____
Total.....	_____

Dated the first day of _____ one thousand eight hundred and _____

M. WYLIE, Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 12th March 1860 (communicated to the Legislative Council on the 24th idem), and is hereby promulgated for general information:—

ACT No. VIII. OF 1860.

An Act for Regulating the Establishment and Management of Electric Telegraphs in India.

Whereas it is expedient that better provision should be made for regulating the establishment and management of lines of Electric Telegraph in India; It is enacted as follows:—

I. Act XXXIV. of 1854 (*for regulating the establishment and management of Electric Telegraphs in India.*) Act repealed. is hereby repealed, except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation, and except also as to any licence for the establishment of a line of Electric Telegraph granted under the said Act. All things done under the authority or in pursuance of the said Act, shall be as valid and effectual as if this Act had not been passed.

II. Within the British territories in India, the Governor General in Council shall have the exclusive privilege of establishing Electric Telegraphs.

Governor General in Council shall have the exclusive privilege of establishing lines of Electric Telegraph: provided that

the Governor General of India in Council may grant a licence to any person or company to establish a line of Electric Telegraph within any part of such territories, which licence shall be revocable on the breach of any of the conditions therein contained.

III. Whoever shall, otherwise than under a licence duly granted as aforesaid, establish, or, after revocation of such licence, maintain a line of Electric Telegraph within the said territories, shall be liable to a fine not exceeding one thousand Rupees; and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred Rupees.

IV. Whoever shall use a line of Electric Telegraph, knowing or having reason to believe that it is an unlicensed line, for the purpose of sending or receiving messages, or shall perform any service incidental thereto, shall, for every such offence, be liable to a fine not exceeding fifty Rupees.

V. The Governor General of India in Council may, on the occurrence of any public emergency, take temporary possession of any line of Electric Telegraph established under licence within the said territories.

VI. Any Railway Company, on being required so to do by the Governor General of India in Council, shall permit the Government to establish, upon the land of such Company adjoining the line of Railway, a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.

VII. The Governor General of India in Council may, from time to time, frame rules for the conduct of Electric Telegraphs established by Government not inconsistent with this Act, and therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted.

VIII. The Government shall not be responsible for any loss of damage which may occur in consequence of any person, employed by the Government in the Electric Telegraph Department, failing to transmit with accuracy any message entrusted to him for transmission; and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

IX. Whoever shall, without permission, enter into the signal room of a Government Telegraph Office, or shall refuse to quit the same on being requested to do so by any Officer or servant employed therein, or shall wilfully obstruct or impede any such Officer or servant in the performance of his duty, shall be liable to a fine not exceeding one hundred Rupees.

X. Whoever shall wilfully cause or attempt to cause any interruption to the transmission of signals along a line of Electric Telegraph established by the Government, by cutting or injuring the wire, or by injuring any portion of the line or posts or any instrument or apparatus, or by any other means, shall be liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XI. Whoever, being in the employ of the Govern-

Penalties for omitting to transmit or deliver messages, or for divulging messages, &c.

ment in the Electric Telegraph Department, shall wilfully secrete, make away with, alter, or omit to transmit any message which he may have received for transmission or delivery, or shall wilfully, or otherwise than by the official order of a Secretary to the Government of India, or Government of Madras or Bombay, or Lieutenant Governor of Bengal or of the North-Western Provinces or of the Punjab, or Chief Commissioner of Oude, or such other Officers as the Governor General of India in Council shall authorise to give such order, divulge any message, or the purport of any message or signal, to any person not entitled to receive or to become acquainted with the same, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XII. Whoever offers a bribe to any person in the employ of the Government in the Electric Telegraph

Penalty for offering a bribe.

Department in order to induce such person to act in a manner inconsistent with his duty, shall be liable to be imprisoned for a term not exceeding six months, or to fine, or to both.

XIII. Whoever, being in such employ, shall be

Penalty for misconduct.

guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or who shall loiter or make delay in the transmission or delivery of any message, shall be liable to imprisonment, with or without hard labour for a term not exceeding three months, or to a fine not exceeding one hundred Rupees, or to both.

XIV. Whoever, being in such employ, shall transmit by the Electric Telegraph any message upon

Penalties for sending messages without payment to Government.

which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XV. Whoever shall transmit or cause to be transmitted, by an Electric Telegraph established by Govern-

Penalties for sending fabricated message.

ment, a message which he knows to be false or fabricated, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XVI. Any person not being a European British

Jurisdiction beyond local limits of Supreme Court.

subject, who shall, beyond the local limits of the jurisdiction of a Court of Judicature established by Royal Charter, commit any of the offences mentioned in Sections X., XI., XII., XIII., XIV., and XV. of this Act, shall be punishable, upon conviction, by any Magistrate within whose jurisdiction the offence shall be committed. If any such offence be committed beyond the said local limits by a European British subject, the offender shall be punishable upon conviction before a Court of Judicature established by Royal Charter.

XVII. Any person, whether a European British

Jurisdiction within local limits of Supreme Court.

subject or not, who shall, within the local limits of the jurisdiction of a Court of Judicature established by Royal Charter, commit any of the offences referred to in the last preceding Section, shall be punishable upon conviction before such Court.

XVIII. Any person, whether a European British

Fines how to be adjudged.

subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Magistrate of Police for any of the Presidency Towns of Calcutta, Madras, and Bombay, or for the Settlement of Prince of Wales' Island, Singapore, and Malacca, Magistrate, Joint Magistrate, or person

lawfully exercising the powers of a Magistrate, within whose jurisdiction the offence shall be committed; and any person hereby made punishable by a Magistrate of Police, shall be punishable upon summary conviction.

XIX. All fines imposed under the authority of

Fines how levied.

this Act, for offences punishable by fine only, by any Police Magistrate, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the abovenamed Officers; and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security, to the satisfaction of such Officer, for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognisance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

XX. If any servant of the Government, employed in the Electric Telegraph

Authority to punish Government servants who commit offences against this Act in Foreign territory.

Department, within the dominions of any Foreign Prince or State in alliance with the Government of India in which an Electric Telegraph is established by the Government, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed within the British territories in India, such servant of the Government shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories; and every such person may be tried, convicted, and punished, either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognisance of offences committed in such dominions by servants of the Government, or by any Court or Magistrate or other competent Officer in any part of the British territories in India, in the same manner as if the offence had been committed in such part of the said territories.

XXI. The word "Magistrate" in this Act shall in-

clude Joint Magistrates and persons lawfully exercising the powers of Magistrates; and the word "Fine" shall include a penalty or forfeiture.

XXII. It shall be lawful for the Governor General

Government to frame rules for Telegraphs established by licence.

in Council to frame rules for the conduct of any Electric Telegraphs established by licence under this Act, and to declare, from time to time, what portions of this Act shall be applicable to such Telegraph, and to persons using the same or employed in connexion therewith.

It shall also be lawful for the Governor-General in Council to declare, from time to time, that this Act, or such portions thereof as may be specified, shall be applicable to any Electric Telegraph established or to be established within the British Territories in India by any Foreign Prince or State with the consent of the British Government, and to persons using such Telegraph or employed in connexion therewith.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 12th March 1860 (communicated to the Legislative Council on the 24th idem), and is hereby promulgated for general information:—

ACT No. IX. OF 1860.

An Act to make Provision for the Speedy determination of certain Disputes between Workmen engaged in Railway and other Public Works and their employers.

Whereas it is expedient to make provision for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers; It is enacted as follows:—

I. It shall be lawful for the Executive Government of any Presidency or place within the British Territories in India to invest any Magistrate or other Officer exercising the powers of a Magistrate with power to enquire into and decide disputes on account of wages, hire of carriage, or the price of work, between any workmen employed in the construction of any Railway, Canal, or other public work, the construction of which is or shall be sanctioned by Parliament or by any such Executive Government, and the persons by whom such workmen are employed.

II. Magistrates empowered to decide disputes under the preceding Section shall have jurisdiction only in case the amount in dispute shall not exceed the sum of two hundred Rupees, and the claim is preferred within six months from the date on which the cause of action arose.

III. The Executive Government shall fix, and may, from time to time, alter the local limits of the jurisdiction of any Magistrate invested with jurisdiction under Section I. of this Act. A Magistrate so invested may hold a Court for the investigation of disputes of the nature described in the said Section, at any place within the local limits of his jurisdiction.

IV. The rules for the institution of suits as provided in Act VIII. of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter) shall, as far as circumstances will allow, be followed in the investigation of disputes under the preceding Section, and the procedure adopted shall be that provided for cases in which the suit may be disposed of at the first hearing.

No appeal.

V. There shall be no appeal against any decision passed under this Act.

VI. The Magistrate, having heard and decided the case, shall make an order for the payment of such sum of money (if any) as shall appear to him to be justly due; and if the person ordered to pay shall make default in the payment of such sum immediately, or within such time as the Magistrate shall direct, the Magistrate shall issue his warrant to levy the money by distress and sale of the goods and chattels of the defaulter.

VII. If any question shall arise whether any goods or chattels seized under the warrant of distress belong to the defaulter, or are liable to be distrained and sold as aforesaid, the same shall be determined in the manner provided by the said Act VIII. of 1859 for the determination of the like questions arising in the execution of decrees.

VIII. Any person who shall voluntarily engage for a stipulated period to work on any Railway, Canal, or other public work, the construction of which is or shall be sanctioned in the manner specified in Section I. of this Act, or to execute any specific work in connection with such public work, and who shall wilfully and without lawful or reasonable excuse neglect or refuse to perform the work so stipulated for, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty Rupees. The Magistrate may, at the request of the complainant or of any one authorized to act on his behalf, instead of fining such person, order him to perform or get performed the work according to the terms of his contract or engagement; and if he shall fail to comply with the order, the Magistrate may, upon proof to his satisfaction of such noncompliance, sentence such person to be imprisoned with or without hard labour for any term not exceeding two months.

IX. This Act shall take effect only in those districts or places to which it shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency or place.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 12th March 1860 (communicated to the Legislative Council on the 24th idem), and is hereby promulgated for general information:—

ACT No. X. OF 1860.

An Act to amend Act VII. of 1859 (to alter the Duties of Customs on Goods Imported or Exported by Sea).

Whereas it is expedient to amend the law relating to Customs Duties, it is enacted as follows:—

I. From and after the 18th day of February 1860, in lieu of the Customs Duties authorized to be charged in Acts VII. of 1859 (to alter the Duties of Customs on goods imported or exported by Sea) and XXIII. of 1859 (to alter the rates of duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively), there shall be levied and collected the Duties as contained in the two Schedules A and B annexed to this Act; provided always that nothing herein contained shall be deemed to alter the existing Duties upon Salt and Opium,

Proviso.

or to authorise the levy of Duties in any free Port, or to affect the provisions of Acts VI. of 1848 (*for equalizing the Duties on goods imported and exported on Foreign and British Bottoms, and for abolishing Duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company*) and VII. of 1848 (*to except certain free Ports from the operation of Section III. Act No. VI. of 1848, and otherwise to amend that Act*).

II. In case it shall be proved to the satisfaction of the Collector of Customs Duties, that, in respect to any Cotton Twist or Yarn which, on the said 18th day of February, had arrived in any Port in British India but upon which the Duty of

Customs had not been paid, or which had, on or before that date, been shipped on board any Vessel in a Foreign Port and which had sailed for a Port in British India, the said Cotton Twist or Yarn had, before the said 18th day of February, been sold or contracted to be delivered at a price including the Duty payable in India, then in every such case such Cotton Twist or Yarn shall be admitted at a Duty of five per centum upon the value thereof.

III. If, in a matter concerning the Revenue, any dispute shall arise in respect to the construction of this Act or of any Act relating to Customs Duties or in respect to any other matter whatever relating to the importation or exportation of goods or merchandize, or relating to the levy or collection of the Duties thereon, the Collector or other chief Revenue authority of the Port at which the same may take place shall settle the same, subject, however, to an appeal to the Government of India in the Revenue Department.

IV. Whereas doubts have existed as to the conditions upon which goods or merchandize are bonded, in any Port of India in respect to the liability of such goods or merchandize to be charged with any new rate of Duty that may be imposed while yet such goods or merchandize remain in bond, be it enacted that all goods and merchandize being bonded in any Port in India shall, in the event of any change of Duties taking place, be considered in every respect in relation thereto as if they were new importations.

SCHEDULE A.

Rates of Duty to be charged on the following goods imported by Sea into any Port of India not being a free Port.

1. Bullion and Coin	Free.
2. Precious Stones and Pearls	"
3. Grain and Pulse	"
4. Horses and other living Animals	"
5. Ice	"
6. Coal, Coke, Bricks, Chalk, and Stones	"
7. Cotton Wool	"
8. Wool	"
9. Flax	"
10. Hemp	"
11. Jute	"
12. Hides and Skins, Raw	"
13. Books	"
14. Maps, Prints, and Works of Art	"
15. Seeds when imported by any Public Society for gratuitous distribution	"
16. Agricultural implements	"
17. Machinery of all kinds	"

And the Collector of Customs, subject to the General Orders of the Government of India in the Revenue Department, shall decide what articles come within the definition of Machinery, and such decision shall be final in law.

18. Conveyances and carriages of every description	Free.
19. Military and other Regulation Uniforms and Accoutrements, when imported for private use by persons in the Public Service	"
20. Guano and manures of all kinds	"
21. Porter, Ale, Beer, Cider, and other similar fermented Liquors	4 annas the imperial gallon.
22. Wines and Liqueurs	2 Rupees the imperial gallon.
23. Spirits	3 Rupees the imperial gallon. And the duty to be rateably increased as the strength exceeds London Proof.
24. Tobacco, unmanufactured	8 annas a seer of 80 tolas weight.
25. Tobacco, manufactured	1 Rupee a seer of 80 tolas weight.
26. All Articles not included in the above enumeration	10 per cent. ad valorem.

SCHEDULE B.

Rates of duty to be charged upon goods exported by Sea from any Port in India not being a free Port.

1. Bullion and Coin	Free.
2. Precious Stones and Pearls	"
3. Horses and other living Animals	"
4. Sugar and Rum	"
5. Spirits	"
6. Tobacco, and all preparations thereof	"
7. Tea	"
8. Coffee	"
9. Raw Silk	"
10. Cotton Wool	"
11. Wool	"
12. Flax	"
13. Hemp	"
14. Jute	"
15. Hides and Skins, Raw	"
16. Books	"
17. Maps, Prints, and Works of Art	"
18. Teak Timber exported from the Arracan, Pegu, Martaban, and Tenasserim Provinces	"
19. Grains and Pulse of all sorts	2 annas the Indian Maund.
20. Saltpetre	2 Rupees the Indian Maund.
21. Indigo	3 Rupees the Indian Maund.
22. Lac Dye and Shell Lac	4 per cent. ad valorem.
23. All country articles not enumerated or named above	3 per cent. ad valorem.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Bill was read a second time in the Legislative Council of India on the 24th March 1860, and was referred to a Select Committee, who are to report thereon (under a suspension of the Standing Orders) within a week :—

A Bill to Amend Act V. of 1858 (for the punishment of certain Offenders who have escaped from Jail, and of persons who shall knowingly harbour such Offenders).

Whereas it is expedient to amend Act V. of 1858
Preamble. (for the punishment of certain Offenders who have

escaped from Jail, and of persons who shall knowingly harbour such Offenders); It is enacted as follows:—

I. It shall be competent to the Executive Government of any Presidency or place to declare, by an order, as regards any or all of the Districts under such Government, the time within which the persons, who within such District or Districts shall, since the 1st of May 1857, have escaped from jail or other lawful custody whilst detained either under sentence of imprisonment for any of the crimes mentioned in Section III. of the said Act, or under committal for trial or under a charge of being guilty of any such crimes, could and ought to have surrendered themselves to a Magistrate or Police Officer; and no such person, who shall have so surrendered himself within the period fixed as aforesaid, shall be liable to be prosecuted under the said Act.

II. So much of Sections I. and II. Act V. of 1853 as enacts that the persons therein mentioned shall, upon conviction, be sentenced to transportation for life, is hereby repealed. Every person, who, since the 1st of May 1857, shall have escaped from jail or other lawful custody whilst detained as aforesaid, and who shall not have surrendered himself within the time declared by the Executive Government as aforesaid, may be sentenced to transportation for life or for any shorter period not being less than five years, or to imprisonment with or without hard labour in irons for any period not exceeding three years, in addition to any unexpired term of his original sentence. In any case falling within the provisions of this Section in which the Magistrate shall be of opinion that a more severe sentence than three years' imprisonment

In what cases Magistrate may pass sentence without commitment to Sessions Court.

with or without labor is not called for, it shall not be necessary for the Magistrate to order the commitment of the offender to the Sessions Court, but he may himself pass sentence within the limit abovementioned, and proceed to carry the sentence into execution.

III. All sentences already passed which would be valid under Sections I. and II. Act V. of 1853 as now amended, shall be deemed valid sentences.

IV. If any person, subject to the penalty prescribed in Section I. Act V. of 1853, shall, before the passing of this Act, have been remanded to jail, under the order of a Magistrate, to undergo the portion of his sentence remaining unexpired at the date of his escape from jail or other lawful custody, such person shall not be liable to be prosecuted under this Act.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Bill was read a second time in the Legislative Council of India on the 24th March 1860, and was referred to a Select Committee, who are to report thereon after the 28th May next:—

A Bill to remove the Pergunnahs of Koonch and Calpee in Zillah Jaloun from the operation of the general Regulations.

Whereas the Zillah of Jaloun, with the exception of the Pergunnahs of Koonch and Calpee, has never been brought under the operation of the general Regulations; and whereas it is expedient that those Pergunnahs should, for the sake of uniformity and public

convenience, be administered on the same system as prevails in the rest of the Zillah; It is enacted as follows:—

I. Regulation VIII. of 1805 of the Bengal Code (for extending to the conquered Provinces situated within the Dooab, and on the right bank of the river Jumna, and to the Territory ceded to the Honorable the English East India Company in Bundelkhand by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations), in so far as it relates to the Pergunnahs of Koonch and Calpee in the Zillah of Jaloun, is hereby repealed, and the said Pergunnahs shall be subject to the same Laws as are now or may hereafter be in force in the said Zillah.

II. All suits and proceedings which, at the time of the passing of this Act, shall be pending in any Court or before any Officer in the said Pergunnahs shall be heard and determined in the same manner as if the said Pergunnahs had never been brought under the operation of the general Regulations.

III. Any suit which, before the passing of this Act, had been determined and which hath been or shall be remanded by any Appellate Court, shall be tried before the Court which, for the time being, would be competent to try such a suit if instituted after the passing of this Act.

IV. All appeals or proceedings now pending in the Court of Sudder Dewanee Adawlut, or in the Court of Nizamut Adawlut, or before the Sudder Board of Revenue for the North-Western Provinces, shall be determined by such Court or Board in the same manner as if this Act had not been passed; and all applications for execution of decrees or orders in pending suits or proceedings, which, but for the passing of this Act, would have been made to any Court or Officer existing at the period abovementioned, shall be made to the Court or Officer that would have had jurisdiction in respect of the matter in dispute, had the suit or proceeding been instituted after the passing of this Act.

V. All appeals from decrees or orders, passed before the passing of this Act, shall be received, heard, and determined by the Court or Officer who would have had jurisdiction over such appeals, had the decrees or orders to which they relate been passed after the passing of this Act.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

31st March 1860.

The following Bill, as read a third time this day, is published for general information:—

A Bill to enforce the fulfilment of Indigo Contracts, and to provide for the Appointment of a Commission of Inquiry.

Whereas it is expedient to issue a commission of inquiry into the practice of Indigo planting in Bengal, and the relations between the Indigo Planter and the Ryots and holders of land in Bengal, and to make temporary provision for enforcing, by summary process,

Preamble.

the execution of agreements entered into for the cultivation of Indigo plant; and better to provide for the punishment of certain unlawful acts connected with such cultivation; It is enacted as follows:—

I. If any person, who has received a cash advance upon his agreement to cultivate Indigo plant during the season now current, shall wilfully delay or omit, from and after the 4th day of April 1860 to cultivate according to the conditions of such agreement the whole quantity of land which he has agreed to cultivate, or otherwise to fulfil his engagement, it shall be competent to the Magistrate to entertain a complaint made to the above effect, on oath, by the Planter who has made the advance, or by any person on his behalf, and to summon the person complained of to appear before him, in order to the investigation of the complaint preferred. If the Magistrate has reason to believe that the person complained of will not appear in obedience to the summons, he may issue a warrant for the arrest of such person.

II. On hearing the answer of the person complained of, and on taking such evidence as both parties may adduce, if the complaint be established, to the satisfaction of the Magistrate, the Magistrate shall assess a certain sum as damages sustained by reason of the breach of the contract. If it shall appear to the Magistrate that the person who has agreed to cultivate the Indigo plant is still able to perform his contract, the Magistrate shall order him specifically to perform the same, and shall also, in such case, award a certain sum to be paid as damages as an alternative. In cases in which the land to be cultivated with the Indigo plant is defined by the agreement, the Magistrate may order the attachment, as a security for the amount of the damages assessed or to be assessed for the breach of the agreement, of any other crop of the defaulter that may, at any time during the present season, be growing on such land. If, after an order for specific performance of agreement, the defendant fail to perform the agreement, or to pay the amount of damages ordered to be paid as an alternative, or if, after an order for payment of damages the same be not immediately paid, the Magistrate may order the defendant to be imprisoned in the Civil Jail for a term not exceeding three months; and may, on the motion of the complainant, furthermore proceed to levy the damages assessed from the property of the defendant, in the mode provided for enforcing decrees of Court under Act VIII. of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*). Provided that, if the amount of the said damages is paid or levied within the aforesaid term of three months, the defendant shall be released from Jail on that amount being paid or levied.

III. In case it shall appear, to the satisfaction of the Magistrate, that the agreement has been obtained by means of fraud, force, or unlawful intimidation, the complaint shall be dismissed.

IV. If any complaint preferred under this Act be dismissed for want of proof or appearance of the complainant, or for any other cause, the Magistrate may order the complainant to pay such amount for costs and compensation as he may think reasonable. In default of payment of any such amount, the same may be levied by distress and sale of the property of the person ordered to pay the same.

V. If any person, from and after the 4th day of April 1860, shall, by violence, threats, or otherwise

intimidate or attempt to intimidate any other person who shall have entered into any such agreement as aforesaid, with the intention of inducing such person to break the conditions thereof, he shall, on conviction before a Magistrate, be liable to a sentence of imprisonment, with or without labour, for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

VI. If any person shall maliciously destroy or damage, or if any person shall maliciously command, compel, or persuade any other person to destroy or damage any growing crop of Indigo, he shall, on conviction before a Magistrate, be liable to be sentenced to imprisonment, with or without labour, for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both; such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

VII. No appeal shall lie from the decision of a Magistrate under this Act.

VIII. The power of a Magistrate under this Act may be exercised by any person vested with the full powers of a Magistrate, and by any Assistant Magistrate, or Deputy Magistrate specially empowered on that behalf by the local Government.

IX. A decision of a Magistrate shall be a bar to any further proceeding for the same breach of agreement. No decision under this Act shall have any force or effect in regard to anything not to be performed during the current season.

X. This Act shall have effect from and after the 4th day of April 1860, and shall not extend beyond the Territories subject to the Lieutenant Governor of Bengal. And no complaint or prosecution shall be entertained under this Act, unless preferred within six months from the date aforesaid.

XI. All orders made or acts done before the 4th day of April 1860, which would have been lawful if the Bill "to enforce the fulfilment of Indigo Contracts," as read a second time on the 24th day of March 1860, had then become law, are hereby declared to be valid. And all Magistrates and other Public Officers are hereby indemnified for any acts done before the said 4th day of April 1860, which would have been justifiable under the said Bill if the same had become law on the said 24th day of March 1860.

XII. The Lieutenant Governor of Bengal shall, as soon as conveniently may be, issue a Commission to such persons as the said Lieutenant Governor shall think fit, for the purpose of inquiring into and reporting on the system and practice of Indigo planting in Bengal, and the relations between the Indigo Planter and the Ryots and holders of land in Bengal aforesaid. The said Commissioners shall fully inquire into the matters aforesaid, and shall, as soon as they conveniently can, report to the Lieutenant Governor the result of their inquiries; and shall, in their report or reports, suggest such alterations, if any, as may, in their opinion, be beneficially made in the law relating to the system and practice and the relations aforesaid.

XIII. In case of the death or resignation of any of the said Commissioners, or of any of them becoming unable or refusing to act, it shall be lawful for the other Commissioners or Commis-

sioner to act alone; and all the powers by this Act given to Commissioners shall and may be exercised by the continuing Commissioners or Commissioner alone, but only until such vacancy can be filled up. It shall be lawful for the said Lieutenant Governor, from time to time, and he shall, as soon as conveniently may be, without issuing a new Commission, appoint some other person or persons to act as a Commissioner or Commissioners jointly with the continuing Commissioners or Commissioner; and in such case, all the powers conferred by this Act shall and may be exercised by the said newly appointed Commissioner or Commissioners jointly with the continuing Commissioner or Commissioners.

XIV. It shall be lawful for the Commissioners ^{Attendance of witnesses.} ^{by a summons} ^{under the hand of any one} of them, to require the attendance before them, at a time and place to be mentioned in such summons, of any person or persons whomsoever, residing or being within the Lieutenant Governorship of Bengal, whose evidence shall, in the judgment of the Commissioners aforesaid, be material to any of the matters of the inquiry aforesaid; and to require the person or persons so summoned to bring and produce before them all such books, papers, deeds, and writings as to them, the said Commissioners, shall appear necessary for arriving at the truth of the matters directed to be inquired into by the said Commissioners, all which persons shall accordingly attend before the said Commissioners, and shall produce such books, papers, deeds, and writings as shall be required of them, and shall be in their custody and control, or in the custody and control of any one of them, according to the tenor of the summons.

^{Provided always, that no} ^{person shall be compelled to} ^{attend before the said Commissioners or to give his} ^{evidence at a greater distance than fifty miles from the} ^{place where such person shall be residing.}

XV. It shall be lawful for the Commissioners aforesaid, or one of them, to administer an oath, or in the case of persons allowed by law to make affirmation instead of taking an oath, an affirmation in such form as to them, the said Commissioners, shall seem fit, to all persons who shall be examined before them touching the matters to be inquired into by them as aforesaid. ^{Provided, that nothing} ^{herein contained shall} ^{render it necessary for the} ^{said Commissioners to take evidence upon oath or} ^{affirmation, unless they shall think fit or expedient} ^{so to do.}

XVI. If any person, upon whom any such summons shall be served by the delivery thereof to him or by the leaving thereof at his usual place of abode, being a person living within fifty miles of the place at which he shall be required to attend, without reasonable cause (to be allowed by the Commissioners aforesaid), fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be), or shall not make answer to such questions as shall be put to him touching the matters directed, or which may hereafter be directed to be inquired into by the Commissioners aforesaid, or shall refuse or fail without reasonable cause (to be allowed by the Commissioners aforesaid), to produce and show to the said Commissioners any such paper, book, deed, or writing, being in his possession or under his control, as to the Commissioners aforesaid shall appear necessary for arriving at the truth of the matters to be inquired into by them, the Commissioners aforesaid shall have the same powers in all respects touching any such person so failing to appear or refusing to be sworn or to make affirmation, or not answering such questions as shall be put to him, or refusing to produce and show any such

book, paper, deed, or writing as aforesaid, as the principal Court of original Civil jurisdiction, within the limits of which the said person shall be residing, may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence on any issue joined in any action depending in such Court.

XVII. Whenever a summons is issued for the attendance of a witness under this Act, the Commissioners may, if they think fit, order such witness to receive from the Collector such travelling and other expenses as he would have been entitled to receive had he been summoned to appear and give evidence in the principal Court of original Civil jurisdiction in the District.

XVIII. Every person who, upon examination upon oath or affirmation before the Commissioners aforesaid, shall wilfully give false evidence, shall be liable to the punishment of perjury.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

31st March 1860.

The following Bill, as read a second time in the Legislative Council on the 24th March 1860, is referred to in the foregoing Bill:—

A Bill to enforce the Fulfilment of Indigo Contracts.

Whereas it is expedient, pending a commission of enquiry into the practice of Indigo planting in Bengal, which the Executive Government purposes to appoint after the close of the present season of cultivation, to make temporary provision for enforcing by summary process the execution of agreements entered into for the cultivation of Indigo plant; and better to provide for the punishment of certain unlawful acts connected with such cultivation; It is enacted as follows:—

I. If any person who has received a cash advance upon his agreement to cultivate Indigo plant during the season now current, shall wilfully delay or omit, from and after the 24th day of March 1860, to cultivate, according to the conditions of his agreement, the whole quantity of land which he has agreed to cultivate, and for the cultivation of which the cash advance was made, it shall be competent to the Magistrate to entertain a complaint made to the above effect on oath by the Planter who has made the advance, or by any person on his behalf, and to summon the person complained of to appear before him in order to the investigation of the complaint preferred. If the Magistrate has reason to believe that the person complained of will not appear in obedience to the summons, he may issue a warrant for the arrest of such person.

II. On hearing the answer of the person complained of, and on taking such evidence as both parties may adduce, if the complaint be established to the satisfaction of the Magistrate, the Magistrate shall assess a certain sum as damages, not exceeding five times the said advance made, and five times the value of any seed that may have been furnished to him for such cultivation, to be paid by the defendant; and, failing the immediate payment of the damages assessed, may order the defendant to be imprisoned in the Civil Jail for a term not exceeding three months; and may, on the motion of the complainant, furthermore proceed to levy the damages assessed from the property of the defendant, in the mode provided for enforcing decrees

of Court under Act VIII. of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter). Provided that if the amount of the said damages is paid or levied within the aforesaid term of three months, the defendant shall be released from jail on that amount being paid or levied.

III. If any person, from and after the 24th day of March 1860, shall, by violence, threats, or otherwise, intimidate or attempt to intimidate any other person who shall have entered into any such agreement as aforesaid, with the intention of inducing such person to break the conditions thereof; or if any person, from and after the date aforesaid, shall conspire with any other person or persons for the purpose of causing the breach of any such contract or contracts as aforesaid, he shall, on conviction before a Magistrate, be liable to a sentence of imprisonment with or without labour for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both; such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

IV. If any person shall maliciously destroy or damage, or if any person shall maliciously command, compel, or persuade, or shall,

with others, maliciously conspire to command, compel, or persuade any other person to destroy or damage any growing crop of Indigo, he shall, on conviction before a Magistrate, be liable to be sentenced to imprisonment with or without labour for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both; such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

V. No appeal shall lie from the decision of a Magistrate under this Act.

VI. The power of a Magistrate under this Act may be exercised by any person vested with the full powers of a Magistrate, and by any Assistant Magistrate or Deputy Magistrate specially empowered on that behalf by the local Government.

VII. This Act shall have effect from and after the 24th day of March 1860, within the Territories subject to the Lieutenant-Governor of Bengal. And no complaint or prosecution shall be entertained under this Act, unless preferred within six months from the date aforesaid.

M. WYLIE,
Clerk of the Council.

ACT No. X. of 1860.—Murathee.

सन १८६० चा आक्ट १० वा.

इंडियाचे लेजिस्लेटिव्ह कोन्सिलाने ठरविले तो, गवर्नर जनरल याणी
सन १८६० चे मार्च महिन्याचे १२ वे तारिखेस मंजूर केला :—

जलमार्गाने माल येईल जाईल त्यावरील जकातींत फेरफार करण्या बाबत
सन १८५९ चा ७ वा आक्ट आहे तो सुधारण्याविषयी आक्ट.

जकातीविषयीचा कायदा सुधारणे योग्य आहे यास्तव, खाली लिहिल्या प्रमाणे
ठरविले आहे :—

उद्देश.

१. जलमार्गाने माल येईल जाईल त्यावरील जकातींत फेरफार करण्याविषयी
सन १८५९ चा ७ वा आक्ट आहे त्यांत आणि “काही पर राज्यांतले मुलकांतून खुष्कीने
माल मद्रास किंवा मुंबई प्रेसिडेन्सींत येईल जाईल त्यावर घेण्याचे जकातीचे दरांत फेरफार
करण्याविषयी” सन १८५९ चा २३ वा आक्ट आहे त्यांत जकात घेण्याची ठरविली आहे
तिजवढल सन १८६० चे फेब्रुआरी महिन्याचे १८ वे तारिखे पासून या आक्टास जोडलेले
अ. आणि ब. परिशिष्टांत लिहिल्या प्रमाणे जकाती वसवून वसूल कराव्या. परंतु असे
ठरविले आहे कीं मिठावर व अफिनावर हकी जकात आहे तीत या कलमांतील कोणतेही
ठरावा वरून फेरफार होतो; अथवा जा बंदरांत जकातीची माफी असेल त्या बंदरांत जकात
घेण्याचा अधिकार येतो; अथवा “परराज्याचे वावट्याचे व इंग्रजी वावट्याचे गलबतावरून
येणारे जाणारे माला वरील जकातीचे दर सारखे करण्या विषयी व ईस्ट इंडिया कंपनीचे
राज्यांत एका बंदराहून दुसरे बंदरास जाणारे माला वरील जकात काढून टाकण्या विषयी”
सन १८४८ चा ६ वा आक्ट आहे त्यातील ठरावास व्यत्यय येतो; अथवा “जकात माफीचे
बंदराविषयी सन १८४८ चे ६ वे कायद्याचे ३ रे कलम लागू नाही असे दाखविण्या विषयी,
आणि त्या कायद्याला आणखीहि सुधारण्या विषयी” सन १८४८ चा ७ वा आक्ट आहे
त्यातील ठरावांस व्यत्यय येतो असे समजून नये.

या आक्टास जोडलेले प-
रिशिष्टांत सांगितल्या प्रमाणे
जकाती घ्याव्या.

विशेष ठराव.

२. कापसाचे सूत फेब्रुआरी महिन्याचे १८ वे तारिखेस हिंदुस्थानांतले इंग्रज सरकारचे
मुलकांतील कोणतेही बंदरीं आले असेल, व त्याची जकात दिली नसेल; अथवा ते परराज्या-
तील बंदरांत सदरू तारिखेस किंवा त्या तारिखेपूर्वी गलबतावर चढवून ते हिंदुस्थानांतले
इंग्रज सरकारचे मुलकांतील बंदरास हंकारले असेल ते कापसाचे सूत हिंदुस्थानांत देण्याचे
जकाती सुद्धां अमुक क्रिंमतीस फेब्रुआरी महिन्याचे सदरू १८ वे तारिखे पूर्वी विकले आहे,
किंवा देण्याचा करार केला आहे असे जकातीचे कलेक्टराचे खात्रीनिशी शकित केले असतां
त्या सुताची जकात, त्याचे क्रिंमतीवर दर झेकडा पांच टके प्रमाणे घ्यावी.

कापसाचे सुताची जकात
आम्ही देऊं अशे शर्तीने ते
सन १८६० चे फेब्रुआरी म-
हिन्याचे १८ वे तारिखे पूर्वी
विकले असेल किंवा देण्याचे
कबूल केले असेल त्याची
जकात.

३. या आक्टाचे किंवा जकातीसंबंधी कोणतेही आक्टाचे अर्थाविषयी वसुलाचे बाबतींत
तक्रार उरून होईल; अथवा माल येण्याजण्यासंबंधी, किंवा त्यावर जकात वसविण्यासंबंधी,
किंवा वसूल करण्यासंबंधी तक्रार उरून होईल तर ती तक्रार जा बंदरांत उरून होईल
तेथील कलेक्टराने, किंवा वसुलाचे मुख्य अधिकाऱ्याने तिचा निकाल करावा; परंतु त्यावर इंडि-
या सरकारास रेविन्यू डिपार्टमेंटांत अपील चालेल.

वसुलासंबंधी तक्रारीचा
निकाल कोणी करावा.

सरकारी वखारीत ठेवलेला माल नवीन आलेल्या प्रमाणे समजावा.

४. हिंदुस्थानातील कोणतेही बंदरांत (सरकारी) वखारीत माल भरतात तो वखारीत असतां जकातीचा नवीन दर ठरला तर त्यावर कोणते दराने जकात घ्यावी याबाबत संशय आहे यास्तव, असें ठरविलें आहे की हिंदुस्थानातील कोणतेही बंदरीं माल वखारीत असेल तो जकातीत फेरफार झाला असतां तेवढ्यापूर्वी, नवीन आलेला आहे असें समजावें.

परिशिष्ट अ.

जकातमाफीचें बंदर नसेल अशे कोणतेही हिंदुस्थानातील बंदरीं जलमार्गाने खाली लिहिलेला माल येईल त्या मालावर घेण्याचे जकातीचा दर.

१. सोने व रुपें, व नाणे..	जकात माफ.
२. जवाहीर, व मोत्यें.	"
३. गळा, व काठण.	"
४. धोडे, व इतर जिवंत जनावरें.	"
५. वर्फ.	"
६. विलायती कोळसा, व कोक, व विटा, व चाक, व धोडे.	"
७. कापूस.	"
८. लोकर.	"
९. सण.	"
१०. ताग.	"
११. जुट.	"
१२. तयार न केलेलीं कातडी, व चामडी.	"
१३. पुस्तकें.	"
१४. नकाशे, छापलेलीं चित्रें, व कळा कौशल्याने काढलेलीं चित्रें.	"
१५. बीं, सार्वजनिक मंडळीने मोफत वांटण्यासाठीं आणलें असेल तें.	"
१६. शेतकीचे कामाचीं हत्यारें.	"
१७. सर्व प्रकारचीं यंत्रें.	"

आणि यंत्र या शब्दांत कोण कोणते पदार्थांचा समावेश होतो हें इंडिया सरकारचे रेविन्यु डिपार्टमेंटांतील हुकुमास अनुसरून कस्टमचे कलेक्टराने ठरवावें आणि सदहू प्रकारच्या ठराव आखरचा आहे असें कोर्टांनी समजावें.

१८. वाहने व गाड्या, सर्व प्रकारचा.	"
१९. सरकार चाकरांतील मनुष्यांनी आपले उपयोगासाठीं लश्करी किंवा इतर कायदेशीर पोशाख, व हत्यारें आणलीं असतील तीं.	"
२०. ग्वानो, व सर्व प्रकारचें खत.	"
२१. पोर्टर, व एल, व बीर, व सैडर, व तशा धान्यापासून तयार केलेल्या इतर दारू जांवर फेंस येतो त्या.	४ आणे.
२२. वैन, व लीक्युर (म्हणजे साकर मिश्रित विलायती दारू)	२ रुपये.
२३. गाळलेली दारू.	दर इंपीरियल ग्यालनास. ३ रुपये. आणि लंडन प्रकाहून जितका अधिक कस असेल त्याप्रमाणे जकात वाढेल.

२४. तंबाखू, तयार न केलेला ८० तोळे वजनाचे दर शेरस . . ८ आणे
 २५. तंबाखू, तयार केलेला ८० तोळे वजनाचे दर शेरस . . १ रुपया
 २६. सदरील यादीत जे पदार्थ लि- } किमतीवर दर शेंकडा १० टक्के
 हिले नाहीत ते सर्व पदार्थ. }

परिशिष्ट ब.

जकात माफीचे बंदर नसेल तसे कोणतेहि हिंदुस्थानातील बंदरांतून जलमार्गाने माल रवाना होईल त्या मालावर घेण्याचे जकातीचा दर.

१. सोने व रुपें, व नाणे.	जकात माफ.
२. अवाहीर, व मोत्यें	"
३. घोडे व इतर जिवंत जनावरें	"
४. साकर, व रम दारू	"
५. गाळलेली दारू	"
६. तंबाखू, व त्या पासून तयार केलेले पदार्थ	"
७. चाहा	"
८. काफी	"
९. रेशीम, कच्चे	"
१०. कापूस	"
११. लोंकर	"
१२. सण	"
१३. ताग	"
१४. जुट	"
१५. तयार न केलेली कातडी, व चामडा	"
१६. पुस्तकें	"
१७. नकाशे, व छापलेली चित्रें, व कळाकौशल्याने केलेले पदार्थ	"
१८. आराकान व पेगू व मारताबान व तेना सरीम या प्रांतांतून } आणलेली सागवानी लांकडे. }	"
१९. गळा व काठण, सर्व प्रकारचे	२ आणे.
२०. सुर्याखार	२ रुपये.
२१. गुळी	३ रुपये.
२२. रंग करण्याची लाख, व पण्याची लाख	किमती वर दरशेंकडा. ४ टक्के.
२३. या देशांत उत्पन्न झालेले पदार्थांची } नावे या यादीत नाहीत, किंवा वर } सांगितली नाहीत ते सर्व पदार्थ. }	किमती वर दरशेंकडा. ३ टक्के.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

ACT No. X. of 1860.—Guzerathee.

સન ૧૮૬૦ નો આક્ટ ૧૦ નો.

ઇન્ડિયાની લેજિસ્લેટિવ કૌન્સિલે ઠરાવ્યો તે, મધ્યમ જનરલે સન ૧૮૬૦ ના માર્ચ મહિનાની ૧૨ થી તારીખે મંજૂર કર્યો.

“જલ્દમાં મૌલ જાય આવે તેની જકાતમાં ફેરફાર કરવાવાવત” સન ૧૮૫૨ નો ૭ મો આક્ટ છે તે સુધારવા વાવતનો આક્ટ.

ઉદ્દેશ.

જકાત વાવતનો કાયદો સુધારવો યોગ્ય છે; વાસ્તે હેઠલ લખ્યાપ્રમાણે ઠરાવ્યું છે:—

આ આક્ટને જોડેલાં પરિ-
ચિટ્ટોમાં કહ્યા પ્રમાણે જકાત
લેવો.

વિશેષ ઠરાવ.

૧. “જલ્દમાં મૌલ જાય આવે તેની જકાતમાં ફેરફાર કરવા વાવત” સન ૧૮૫૨ નો ૭ મો આક્ટ છે તેમાં, અને “કેટલાક પરરાજના મુલકમાંથી સુક્રીને રસ્તે મદ્રાસ અથવા મુંબઈ પ્રેસિડેન્સીમાં મૌલ આવે જાય તેની જકાતના દરમાં ફેરફાર કરવા વાવત” સન ૧૮૫૨ નો ૨૩ મો આક્ટ છે તેમાં જકાત લેવાનું ઠરાવ્યું છે તેને બદલે સન ૧૮૬૦ ના ફેબ્રુઆરી મહિનાની ૧૮ મી તારીખથી આ આક્ટને જોડેલાં અ. અને બ. નિર્દાશોનાં પરિચિટ્ટમાં લખ્યા પ્રમાણે જકાત વેસાડીને લેવો; પણ એવું ઠરાવ્યું છે કે મીઠાં ઉપર તથા અફીણ ઉપર હાલ જકાત છે તેમાં આ કલમના કોઈ ઠરાવથી ફેરફાર થાય છે અથવા જે વંદરમાં જકાતની માફી હોય તે વંદરમાં જકાત લેવાનો અધિકાર મળે છે, અથવા “પરરાજના વાવતાનાં તથા અંગ્રેજી વાવતાનાં વાંદાણે મૌલ આવે જાય તેની જકાતનો દર સરખો કરવા વિશે, તથા ઈસ્ટ ઇન્ડિયા કંપનીનાં રાજમાં એક વંદરથી બીજે વંદરે મૌલ જાય તેની જકાત કાઢાડી નાખવા વિશે” સન ૧૮૪૮ નો ૬ થો આક્ટ છે તેના ઠરાવને હરકત થાય છે, અથવા “જકાત માફીનાં વંદરો વિશે સન ૧૮૪૮ ના ૬ થા આક્ટની ૩ જી કલમ લામૂ નથી એવું દેખાડવા વિશે અને તે કાયદાને વઢીપણ સમારવા વિશે” સન ૧૮૪૮ નો ૭ મો આક્ટ છે તેના ઠરાવને હરકત થાય છે એવું સમજવું નહીં.

સૂતરની જકાત હમે આપણું
એક સરતથી સન ૧૮૬૦ ના
ફેબ્રુઆરી મહિનાની ૧૮ મી
તારીખ પહેલાં સૂતર વેચ્યું
હોય અથવા આપવાનું કલૂલ
કર્યું હોય તેની જકાત.

૨. સૂતર ફેબ્રુઆરી મહિનાની સદહૂં ૧૮ મી તારીખે હિંદુસ્થાન માહેનાં અંગ્રેજ સરકારના મુલકના કોઈ વંદરે આવ્યું હોય અને તેની જકાત ભરી નહીં હોય, અથવા તે પરરાજનાં વંદરમાં સદહૂં તારીખે અથવા તે તારીખ પહેલાં વાંદાણ ઉપર ચઢાડીને તે હિંદુસ્થાન માહેના અંગ્રેજ સરકારના મુલકના કોઈ વંદરે જવાસારૂં હંકાર્યું હોય તે સૂતર હિંદુસ્થાનમાં આપવાનો જકાત સુદ્ધાં આટલી કિંમતે ફેબ્રુઆરી મહિનાની સદહૂં ૧૮ મી તારીખ પહેલાં વેચ્યું છે અથવા આપવાનો કરાર કર્યો છે એવું જકાતના કલેક્ટરની યાત્રી થાય તે રીતે સાબિત કરશે તો તે સૂતરની જકાત તેની કિંમત ઉપર દર ચોકડે પાંચ ટકા લેશે લેવી.

વસૂલ વાવતની તકરારોનો
નિકાલ કોણે કરવો.

૩. આ આક્ટના, અથવા જકાત વાવતના કોઈ આક્ટના અર્થ વિશે વસૂલની વાવતમાં તકરાર પડે, અથવા મૌલ આવવા જવાવાવત, અથવા તે ઉપર જકાત વેસાડવાવાવત, અથવા વસૂલ કરવાવાવત તકરાર પડે તો તે તકરાર જે વંદરમાં પડે ત્યાંહાના કલેક્ટરે, અથવા વસૂલના મુખ્ય અધિકારીએ તેનો નિકાલ કરવો, પણ તે વાવત ઇન્ડિયા સરકારને ત્યાં રહેવું ડિપાર્ટમેન્ટમાં અપીલ ચાલશે.

૨. હિંદુસ્થાનનાં બંદરની (સરકારી) વચ્ચારમાં મારૂ ભરે છે તે મારૂ વચ્ચારમાં હોય તેટલાંમાં જકાતનો નવો દર ઠરે તો તેની કયા દર પ્રમાણે જકાત લેવી એ બાબત શક પડ્યો છે, વાસ્તે એવું ઠરાવ્યું છે કે હિંદુસ્થાનનાં બંદરની વચ્ચારમાં મારૂ હોય ત્યારે જકાતમાં ફેરફાર થાય તો તે નવો આવેલો મારૂ છે એવું સમજવું.

સરકારી વચ્ચારમાં રાખેલો મારૂ, નવા આવેલા મારૂ પ્રમાણે જાળવો.

પરિશિષ્ટ અ.

જકાતની માફી નહીં હોય એવાં હિંદુસ્થાનમાંહેનાં કોઈ બંદરે જઝમાંગે હેઠઢ લખેલો મારૂ આવશે તે ઉપર જકાત લેવાના દર.

૧. સોનું, રુપું, અને નાણું	જકાત માફ.
૨. જઘ્હેર, તથા મોતી	"
૩. અનાજ, અને કઠોઢ	"
૪. ઘોડા, અને બીજાં જીવતાં જનાવરો	"
૫. વરખ	"
૬. વિલાતી કોયલા, કોક, હંટો, ચાક, અને પથરા	"
૭. રૂ	"
૮. ડન	"
૯. સળ	"
૧૦. સળ (હેમ્પ.)	"
૧૧. જૂટ	"
૧૨. કાચાં ચાંમડાં	"
૧૩. પુસ્તકો	"
૧૪. નકાશા, છાપેલાં ચિત્રો તથા કઢાકૌશલ્યથી કાટેલાં ચિત્રો	"
૧૫. બી, સાર્વજનિક મંડઢીએ મફોત વેહેંચવા સારૂ આંખ્યાં હોય તે	"
૧૬. રેતીવાડીનાં કામનાં હથિયાર	"
૧૭. સઘઢી જાતના યંત્રો	"

અને યંત્ર આ શબ્દમાં કયા કયા પદાર્થનો સમાસ થાય છે

તે હિંડિયા સરકારનો રેવેન્યુ ડિપાર્ટમેંટમાંથી હુકમ આવે

તે પ્રમાણે કસ્ટમના કલેક્ટરે ઠરાવવું; અને તે ઠરાવ

આચરનો છે એવું કોર્ટે સમજવું.

૧૮. સઘઢી જાતનાં વાહન, તથા ગાડીઓ	"
૧૯. સરકારની ચાકરી માંહેનાં માંગસોએ પોતાને વાપરવાસારૂ લકરી અથવા બીજા કાયદાસર પોશાક તથા હથિયારો આંખ્યાં હોય તે	"
૨૦. "ગ્વાનો" અને સઘઢી જાતનું ચાતર	"
૨૧. પોર્ટર, એલ, વીર, સાઈડર, અને તેવોજ બીજાં અના-) દર ઇમ્પિરિઅલ ગ્યાલને જનો તૈયાર કરેલો દારૂ જેની ઉપર ફીળ આવે છે તે .) ૪ આના.	
૨૨. વૈન, અને લીવયૂર (એટલે સાકેરિયા વિલાયતી દારૂ) { દર ઇમ્પિરિઅલ ગ્યા લને ૨ રુપિયા.	
૨૩. ગાઢેલો દારૂ	{ દર ઇમ્પિરિઅલ ગ્યાલને ૩ રુપિયા. અને લંડન પ્રૂફકર્તા જેટલો વ- ધારે કસ હશે તે પ્રમાણે જકાત વધશે.

૨૪. તંબાકુ, તૈયાર કન્યાવગરનો૮૦ રૂપિયા ભારના દર સેરે....૮ આના.
 ૨૫. તંબાકુ, તૈયાર કરેલો૮૦ રૂપિયા ભારના દર સેરે....૧ રૂપિયો.
 ૨૬. ઉપરની યાદીમાં જે જનસો લખી નથી } કિંમત ઉપર દર શેકડે....૧૦ ટકા.
 તે સઘડી જનસો..... }

પરિશિષ્ટ બ.

જકાતની માફી નહીં હોય એવાં હિંદુસ્થાન માહેનાં કોઈ બંદરથી જહાઝાગે મારૂ રવાને થયે તે ઉપર જકાત લેવાના દર.

૧. સોનું, રુપું, અને નાણું	જકાત માફ
૨. જાહેર, તથા મોતી.	"
૩. ઘોડા, અને વીજાં જીવતાં જનાવરો.	"
૪. શાંડ તથા "રમ" દારૂ.	"
૫. ગાંઢેલો દારૂ.	"
૬. તંબાકુ, તથા તંબાકુથી બનાવેલી સઘડી જનસો	"
૭. ચાહા	"
૮. કાફી એટલે બુંદ.	"
૯. કાચું રેસમ	"
૧૦. રૂ	"
૧૧. ઝન	"
૧૨. સળ	"
૧૩. સળ (હેમ્પ).	"
૧૪. જૂટ	"
૧૫. કાચાં ચાંમડાં	"
૧૬. પુસ્તકો	"
૧૭. નકાશા, છાપેલાં ચિત્રો, તથા કલાકૌશલ્યથી કાઢેલાં ચિત્રો.	"
૧૮. આરાકાન, પેગુ, મારતાબાન, અને તેનાસરિમ પ્રાંતથી આંગેલાં } સાગનાં લાકડાં }	"
૧૯. સઘડી જાતનું અનાજ તથા કઠોલ	૨ આના.
૨૦. સૂરોશાર	૨ રૂપિયા.
૨૧. ગઢી	૩ રૂપિયા.
૨૨. રંગ કરવાની લાશ, તથા પત્રાની લાશ, કિંમત ઉપર દર શેકડે	૪ ટકા.
૨૩. આ દેશમાં પેદા થયેલી જનસોનાં નામો } આ યાદીમાં લખ્યાં નથી અથવા ઉપર } કિંમત ઉપર દર શેકડે ૩ ટકા. કદ્યાં નથી તે સઘડી જનસો }	

(True translation)

VENAYEK WASSOODEW,

Oriental Translator to Government.