



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE,
CONTAINING
ACTS FINALLY PASSED.

Published by Authority.

THURSDAY, 28TH FEBRUARY 1867.

 Separate Pricing is given to these Supplements, in continuation from one to the other, that the Acts may be collected into a separate Compilation. Republications of Acts have rider folios (thus 91a, 91b), so that the Copies may, if desired, be detached.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 15th February 1867, and is hereby promulgated for general information:

Act No. X. of 1867.

An Act to empower Courts of Small Causes in the Mofussil to refer for decision questions arising previous to the hearing of suits, or in the execution of decrees or orders.

Whereas it is expedient to enable the Courts constituted under Act No.

Preamble.
XI. of 1865 (to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Courts of Judicature) to refer for the decision of the High Court within whose jurisdiction they may respectively be situate, questions of law or usage having the force of law arising previous to the hearing of suits under the said Act, or in the execution of decrees or orders in such suits; It is hereby enacted as follows:—

1. If at any point in the proceedings previous to the hearing of a suit under the said Act, or if in the execution of the decree or order in any such suit, any question of law or usage having the force of law

shall arise, the Court, in suits for an amount not exceeding five hundred Rupees, may, either of its own motion or on the application of any of the parties to the suit, and in suits for an amount greater than five hundred Rupees, shall draw up a statement of the case, and refer it with the Court's own opinion thereon, to the decision of the High Court within whose jurisdiction such Court may be situate. If the question has arisen previous to the hearing, the Court may either stay such proceedings, or proceed in the case notwithstanding such reference, and pass a decree contingent upon the opinion of the High Court upon the point referred. If a decree has been made, the execution of the decree shall be stayed until the receipt of the order of the High Court upon such reference. All the provisions contained in this Section shall apply, *mutatis mutandis*, to the stating of a case by a Registrar.

2. This Act shall be read with and taken as part of Act No. XI. of 1865; and the provisions contained in Sections 24, 25, 26, 27, and 28 of that Act shall, *mutatis mutandis*, apply to cases referred under this Act.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st February 1867, and is hereby promulgated for general information:—

Act No. IV. of 1867.

An Act to enlarge the meaning of the word 'offence' in certain Sections of the Indian Penal Code, and for other purposes.

Whereas it is expedient to enlarge the meaning of the word 'offence' in certain Sections of the

Preamble.

Indian Penal Code, so as to make it denote not only anything made punishable by the said Code, but also anything made punishable by any special or local law as therein defined; It is hereby enacted as follows:—

1. Sections 187, 194, 195, 203, 211, 213, 214, 221, 222, 223, 224, 225,

'Offence' in certain Sections of Penal Code to include anything punishable only by a special or local law.

327, 328, 329, 330, 331, 347, 348, 388, 389, and 445, of the Indian Penal Code shall be construed as if the word 'offence' denoted anything made punishable by the said Code, or by any special or local law as therein defined; and Sections 141, 176, 177, 201, 202, 212, 216, and 441 of the said Code shall be construed in the same

way when the thing made punishable by the special or local law is punishable by such law with imprisonment for a term of six months or upwards, whether with or without fine.

2. Sections 222 and 223 of the said Code shall be construed as if after the word 'offence' the following words were inserted; (that is to say), 'or lawfully committed to custody,' and section 222 of the said Code shall also be construed as if the following words were added to the same Section; (that is to say), 'or if the person was lawfully committed to custody.'

3. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing to furnish any security required under Chapter XIX. of the Code of Criminal procedure, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to one year, or with fine, or with both.

4. Nothing contained in this Act shall be taken to affect any of the provisions of any special or local law.

Saving of provisions of special and local laws.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Department (Legislative).*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st February 1867, and is hereby promulgated for general information:—

Act No. V. of 1867.

An Act to extend the Indian Penal Code to the Straits' Settlement.

Whereas it is expedient to extend, with certain

Preamble. modifications, the provisions of the Indian Penal

Code to the Settlement of Prince of Wales' Island, Singapore, and Malacca; It is hereby enacted as follows:—

1. From and after such day as the Governor of the said Settlement

Penal Code to extend to Straits' Settlement from such day as Governor shall appoint. shall appoint in this behalf, the provisions of the Indian Penal Code shall,

with the modifications hereinafter mentioned, apply to and take effect throughout the said Settlement; and in construing the said Code, two Rupees shall be deemed equivalent to one Dollar.

2. In applying the said provisions to the said

In Straits' Settlement, Settlement, Sections 187, certain Sections to be 194, 195, 203, 211, 213, construed as if 'offence' 214, 221, 222, 223, 224, included anything made 225, 327, 328, 329, 330, punishable by a special or 331, 347, 348, 388, 389, local law. and 445 of the said Code

shall be construed as if the word 'offence' denoted anything made punishable by the said Code, or by any special or local law as therein defined; and Sections 141, 176, 177, 201, 202, 212, 216, and 441 of the said Code shall be construed in the same way when the thing made punishable by the special or local law is punishable by such law with imprisonment for six months or upwards, whether with or without fine.

3. Sections 222 and 223 of the said Code shall

Sections 222 and 223 of be construed as if after the word 'offence' the Penal Code to apply to the following words were inserted; (that is to say), commitments to custody.

'or lawfully committed to custody,' and Section 222 of the said Code shall also be construed as if the following words were added to the same Section; (that is to say), 'or if the person was lawfully committed to custody.'

4. This Act to be read with and taken as

This Act to be read with part of the Indian Penal Code. the Penal Code.

WHITLEY STOKES,

Assist. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st February 1867, and is hereby promulgated for general information :—

Act No. VI. of 1867.

An Act to enable the Lieutenant-Governor of the Panjáb to alter the limits of existing Districts in any part of the Territories under his Government.

Whereas it is expedient to empower the Lieutenant-Governor of the Panjáb to alter the limits of existing districts in the territories under his Government; It is hereby enacted as follows:—

Preamble.

1. It shall be lawful for the Lieutenant-Governor of the Panjáb, by a Notification in the Local Gazette, from time to time to alter the limits of existing Districts in any part of the Territories under his Government.

2. Nothing contained in this Act shall affect the power conferred on the Governor General of India in Council by Act No. XXI. of 1836.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st February 1867, and is hereby promulgated for general information:—

Act No. VII. of 1867.

An Act to reduce the pecuniary penalty for purchasing from soldiers arms, ammunition, clothes, and other articles.

Whereas by the Act for punishing mutiny and desertion, and for the better payment of the Army and their quarters, it is enacted as follows:—

Preamble.

“Any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter, or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguished service, or other service, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks provided under barrack regulations, or regimental necessities, or any article of forage provided for any horses belonging to Her Majesty’s service, or who shall have in his or her possession or keeping any such arms, ammunition, medals, clothes, furniture, provisions, spirits, articles, necessities, or forage, and shall not give a satisfactory account how he or she came by the same, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles of which such offender shall so become or be possessed; and if any person having been so convicted shall afterwards be guilty of any such offence, he shall for every such offence forfeit any sum not exceeding twenty pounds, but not less than five pounds, and the treble value of all or any of the several articles of which such offender shall have so become possessed, and shall in addition to such forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without hard labour, for such term, not exceeding six calendar months, as the convicting Justice or Justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction, and if any credible person shall depose on oath before a Justice of the Peace, or person exercising like authority according to the laws of the part of Her Majesty’s dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description hereinbefore described, on or with respect to which any such offence shall have been committed, such Justice may grant a warrant to search for such property, as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be seized by the officers charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to law: Provided always that it shall be lawful for the legislature of any of Her Majesty’s foreign dominions, on the recommendation of the officer or officers for the time being administering the government thereof, but not otherwise, to make provision by law for reducing such pecuniary penalty, if not exceeding twenty pounds, to such amount as may to such legislature appear to be better adapted to the ability and pecuniary means of Her Majesty’s subjects and others inhabiting the same, which reduced penalty shall be sued for and recovered in such and the same manner as the full penalty hereby imposed: Provided also that it shall be competent to Her Majesty, or to the person or persons administering the government of any such foreign dominions as aforesaid, to exercise, in respect of the laws so to be passed as aforesaid, all such powers and authorities as are by law vested in Her Majesty or in any such officer or officers as aforesaid in respect of any other law made or enacted by any such legislature.”

And whereas the officers now administering the government of British India have recommended that the pecuniary penalty aforesaid, if not exceeding twenty pounds, shall be reduced to the amount hereinafter mentioned, as being better adapted to the ability and pecuniary means of Her Majesty’s subjects and others inhabiting British India; And whereas it is expedient to give effect to such recommendation;—In exercise of the said power for this purpose contained in the said Act and of every other power enabling the Governor General of India in Council in this behalf, and on the recommendation aforesaid; it is hereby enacted as follows:—

1. From and after the passing of this Act, wherever the pecuniary penalty which might have been imposed under the said recited Section if this Act had not been passed shall not exceed twenty pounds or two hundred rupees, the first part of the said Section shall be read as if for the words “twenty pounds,” wherever they occur, the words “fifty rupees” were substituted, and as if for the words “five pounds,” the words “five rupees” were substituted.

Reduction of pecuniary penalties provided by Mutiny Act.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st February 1867, and is hereby promulgated for general information :—

Act No. VIII. of 1867.

An Act to amend the law regarding Horse-racing in India.

Whereas it is expedient to exempt certain transactions connected with horse-racing from the operation of Act No. XXI. of 1848 (*for avoiding wagers*) ; it is hereby enacted as follows :—

1. No subscription or contribution, or agreement to subscribe or contribute, made or entered into after the passing of this Act, for or toward any plate, prize, or sum of money, of the value or

amount of five hundred Rupees or upwards, to be awarded to the winner or winners of any horse-race, shall be deemed unlawful by reason of anything contained in the said Act No. XXI. of 1848.

2. Nothing in this Act shall be deemed to legalize any transaction connected with horse-racing to which the provisions of Act No. V. of 1844 (*for the suppression of all lotteries not authorized by Government*), apply.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,

Home Dept. (Legislative.)

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th February 1867; and is hereby promulgated for general information:—

Act No. IX. of 1867.

An Act to make further provision for suits by and against the Comptoir d'Escompte of Paris.

Whereas it is expedient to make further provision for suits and other proceedings by or on behalf of or against the Comptoir d'Escompte of Paris; It is hereby enacted as follows:—

1. In Act No. VIII. of 1864 (to enable the "Comptoir d'Escompte of Paris" to sue and be sued in the name of the Chief Manager of the Indian

Construction of certain Sections of Act No. VIII. of 1864.

Agencies of the said Company), Sections 2, 3, 4, 5, 12, and 13, the expressions 'Chief Manager of the Agencies in British India of the said Comptoir d'Escompte,' and 'Chief Manager,' shall be taken to include any person for the time being acting as chief Manager of the said Agencies, or being or acting as Manager of such one of the same Agencies as may be situate within the jurisdiction of the Court in which the suit or proceeding mentioned in any of the said Sections may be instituted or carried on.

2. This Act shall be read with and taken as part of the said Act No. VIII. of 1864.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).*