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

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose making Laws and Regulations on the 16th February 1875:—

We, the undersigned Members of the Select Committee to which the Bill to extend certain

From Government of Madras, dated 24th April 1874.

„ Officiating Registrar, High Court, Calcutta, No. 845, dated 7th July 1874.

„ Government of Madras, No. 1187, dated 2nd July 1874.

„ „ „ „ No. 1416, dated 1st August 1874.

Memorial from British Indian Association, dated 24th November 1874.

From Government of Bengal, No. 4651, dated 7th December 1874.

Note by Mr. P. Dickens, dated 30th December 1874.

„ by Hon'ble R. A. Dalrymple, dated 27th January 1875.

From Government of Bombay, No. 755, dated 8th February 1875.

„ „ „ „ No. 790, dated 9th February 1875, and

enclosure.

Notes by Mr. H. T. Prinsep, Judge of Hooghly, dated 12th February 1875.

parts of the Code of Criminal Procedure to the Courts of the Police Magistrates in the Presidency Towns was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

2. We have altered the local extent of the proposed Act so as to make it include the ports of the Presidency Towns.

3. We propose to confer on the Police Magistrates and the Court of Petty Sessions at Bombay the powers of Magistrates of the first class, and to give an appeal from their decisions to the High Court where the sentence involves imprisonment for more than a year or fine of more than Rs. 500. We have declared that cases tried under the proposed Act may be tried summarily, and we have embodied by reference the fourth schedule of the Code of Criminal Procedure.

4. We have carefully revised the first schedule and made some additions to the second.

5. We think that the Bill has been so altered as to require republication.

ARTHUR HOBHOUSE.

B. H. ELLIS.

E. C. BAYLEY.

R. A. DALYELL.

A Bill to extend certain parts of the Code of Criminal Procedure to the Courts of the Police Magistrates in the Presidency Towns, and to increase the jurisdiction of such Courts.

WHEREAS it is expedient to extend certain parts of the Code of Criminal Procedure to the Courts of the Magistrates of Police in the Towns of Calcutta, Madras and Bombay, and whereas it is also expedient to increase the jurisdiction of such Courts; It is hereby enacted as follows:—

1. This Act may be called "The Presidency Police Magistrates Act, 1875".

It extends to all places within the local limits of the ordinary original criminal jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, and within the limits of the Ports of the said towns and of any navigable river or channel leading thereto as such limits are defined under the law for the time being in force for the regulation of Ports and Port-dues.

Commencement. And it shall come into force at once.

2. The enactments specified in the second schedule hereto annexed shall be repealed to the extent mentioned in the third column of the same schedule.

3. The parts of the Code of Criminal Procedure (Act No. X. of 1872 as amended by Act No. XI. of 1874) mentioned in the first column of the first schedule hereto annexed shall apply (so far as they are applicable and subject to the modifications shewn in the second column of the same schedule) to the Courts of the Magistrates of Police in the towns of Calcutta, Madras and Bombay, and to the Court of Petty Sessions at Bombay.

Nothing in this section shall be deemed to restrict any power conferred by any special or local law.

4. In the parts of the said Code so applied, the expressions 'Magistrate,' 'Magistrate of a District,' 'Magistrate of a Division' shall be deemed to include 'Magistrate of Police.'

of a District,' 'Magistrate of the first class,' 'a competent Magistrate,' 'Magistrate having jurisdiction,' and every other expression applicable to a Magistrate of the District, shall be deemed to include a Magistrate of Police and the Court of Petty Sessions at Bombay, and 'District' shall be deemed to mean a Presidency Town as defined in section 4 of the said Code.

5. The said Magistrates of Police and the Court of Petty Sessions at Bombay shall have the powers of Magistrates of the first class under the said Code, or with which such Magistrate may be invested, except powers under the following sections, (namely) sections 44 to 47 (both inclusive), 110, 135 222, 226, 295, 296, 328, 415, 416, 417 and 530.

6. Any person convicted on a trial held by one of the said Magistrates of Police, or by the said Court of Petty Sessions, may appeal to the High Court if the sentence complained of involves imprisonment for a term exceeding one year or a fine exceeding five hundred rupees:

Provided that, where an accused person has been convicted on his own plea, no appeal shall lie except as to the extent or legality of the sentence.

For the purposes of the Indian Limitation Act, all appeals under this section shall be deemed to be appeals under the Code of Criminal Procedure.

7. All cases tried under this Act by Magistrates of Police, or by the said Court of Petty Sessions, may be tried summarily.

8. Whether a warrant or summons shall issue in the first instance, whether an offence is bailable or not, and the Court by which the offence is triable under this Act,

shall be deemed to be indicated respectively by the fourth, fifth and seventh columns of the fourth schedule annexed to the Code of Criminal Procedure, and by the explanatory notes prefixed to such schedule.

THE FIRST SCHEDULE.

(See Section 3.)

Parts of the Code applied.	Modifications.
Chapter I., section 3 (<i>Pending cases</i>) and 4 (<i>Definitions</i>): Chapter VI. (<i>The place of Inquiry and Trial</i>), the first sentence of section 63 and the Explanation thereto, and sections 65 to 70, both inclusive: Chapter X. (<i>Powers of the Police to investigate</i>): section 122, except so far as it relates to section 346, Chapter XI. (<i>Of Complaints to a Magistrate</i>):	<i>Omit</i> clause (a) of section 140. <i>Omit</i> the penultimate clause of section 141. In section 143, for 'Court of Session,' read 'High Court.' <i>Omit</i> the second clause of section 144, and the whole of section 146: In section 148, in the last line of clause one, after the words "such Magistrate," insert the words "as may then be there."

THE FIRST SCHEDULE—continued.

Parts of the Code applied.	Modifications.
Chapter XII. (<i>Of the Summons</i>): Chapter XIII. (<i>Of the Warrant</i>), sections 159 to 174, both inclusive: Chapter XIV. (<i>Preliminary</i>): Chapter XV. (<i>Of Inquiry into Cases triable by the Court of Session or High Court</i>): Chapter XVI. (<i>Of the Trial of Summons Cases by Magistrates</i>): Chapter XX. (<i>Appeals</i>), sections 272, 275 to 286: Chapter XXIII. (<i>Execution</i>), sections 303, 307 to 318 (both inclusive): Chapter XXIV. (<i>Special Rules of Evidence in Criminal Cases</i>): Chapter XXV. (<i>Evidence how taken</i>), sections 331, 340, 342 to 345 (both inclusive), 347 and 349: Chapter XXVI. (<i>Of securing the Attendance of Witnesses</i>): Chapter XXVII. (<i>Of Search Warrants</i>): Chapter XXVIII. (<i>Bail</i>): Chapter XXX. (<i>Miscellaneous Provisions</i>), sections 418, 422 and 422: Chapter XXXI. (<i>Lunatics</i>): Chapter XXXII. (<i>Contempts of Court</i>): Chapter XXXIII. (<i>Of the Charge</i>): Chapter XXXIV. (<i>Of the Judgment, Order, and Sentence</i>), section 461:	In section 152, <i>omit</i> the words "in duplicate." In section 154, <i>for</i> the words "one of the copies," <i>read</i> "the original," and <i>for</i> the words "the other copy," <i>read</i> "a copy." Except so far as they relate to the issue of warrants to persons other than Police Officers. <i>Omit</i>, in section 189, the words 'Court of Session or' To the second clause of section 193, <i>add</i> the words 'or false answers.' In section 195, <i>omit</i> the words "Court of Session or," and <i>for</i> "Chapter XVI, XVII, or XVIII," <i>read</i> 'Chapter XVI.' <i>Omit</i> section 197, and <i>for</i> the last three clauses of section 198, <i>substitute</i> the following clause, (namely) "Such instrument, the record of the original inquiry, and any weapon or other article of property necessary to produce in evidence shall be sent to the Clerk of the Crown or other officer appointed by the High Court." In section 199, <i>omit</i> the words 'or translation.' <i>Omit</i> section 201, the second clause of section 202 and, in the first clause of the same section, the words "Court of Session or," in each of the places where they occur. To be applicable to all cases (whether summons cases or warrant cases) tried and disposed of by the Courts of the Magistrates of Police, or the Court of Petty Sessions at Bombay. In section 203, <i>for</i> the words '(coming under this chapter),' <i>read</i> 'which he is competent to try and.' <i>Omit</i>, in section 206, the last fourteen words. <i>Omit</i>, in section 212, the second clause. <i>Omit</i>, in section 276, the words "and in cases tried by jury, of the Judge's charge to the jury," and in section 279, the words "if the appeal be to the Session or High Court." In section 315, <i>for</i> "Court of Session," <i>read</i> "High Court," and <i>omit</i> the proviso. In the last paragraph of section 330, <i>for</i> the words after "such Magistrate," <i>read</i> "may issue a Commission in the manner hereinbefore provided." <i>Add</i> to section 343 the words 'or false answers.' <i>Omit</i> the last nineteen words of section 357. <i>Omit</i> in section 361, the second and third paragraphs. <i>Omit</i> the last sentence of the second paragraph of section 362. <i>Omit</i> sections 363 and 364. <i>Omit</i> section 379 to section 387 (both inclusive). <i>Omit</i> section 390, and the last two paragraphs of section 398. <i>Omit</i> the second clause of section 424. <i>Omit</i> the third clause of section 436. <i>Omit</i> section 438. <i>Omit</i> section 451.

THE FIRST SCHEDULE—continued.

Parts of the Code applied.	Modifications.
Chapter XXXV. (<i>Prosecutions in certain Cases</i>): Chapter XXXVII. (<i>Of Security for keeping the Peace</i>): Chapter XXXVIII. (<i>Of Security for Good Behaviour</i>):	Omit sections 472, 474, 475, 476 and 477. Omit the two last clauses of section 489. Omit the last two clauses of section 504. In sections 506, 507, 508, 509 and 512, for "Court of Session," read 'High Court.' Omit the third paragraph of section 515. Omit section 517.
Chapter XXXIX. (<i>Local Nuisances</i>): Chapter XL. (<i>Possession</i>), section 534: Chapter XLI. (<i>Of the Maintenance of Wives and Families</i>): Chapter XLII. (<i>Miscellaneous</i>), section 539.	

THE SECOND SCHEDULE.

(See Section 2.)

Acts.

No. and year.	Title or Subject.	Extent of repeal.
XIII. of 1856	Presidency Towns Police	Sections twenty-six to thirty-one, (both inclusive), thirty-seven, forty-one, forty-two, forty-four, ninety-seven, ninety-eight, one hundred, and one hundred and eleven.
XLVIII. of 1860	Amending Act XIII. of 1856	Sections four, six and ten.
XXI. of 1864	An Act for the extension of the jurisdiction of the Magistrates of Police in Calcutta.	Sections two and three.
Madras Act VIII. of 1867 ...	Madras Town Police and Police Magistrates...	Sections thirteen, fourteen, sixteen, twenty-one, sixty-one, sixty-two, seventy-one, seventy-two and seventy-four.
Bengal Act IV. of 1866 ...	The Calcutta Police Act, 1866	Sections twenty-six, twenty-seven, twenty-eight, thirty, eighty-five, eighty-six, ninety-six, ninety-seven, and ninety-eight.
Bengal Act VIII. of 1866 ...	Amending Bengal Act IV. of 1866	The whole.

WHITLEY STOKES,

Secretary to the Government of India.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th February 1875:—

We, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Probates and Letters of Administration was referred, have considered the papers, noted in the margin, and we have the honour to present this further report.

From Secretary to Chief Commissioner of Coorg, No. 684-1, dated 25th January 1875.

From Government, North-Western Provinces, No. 68A, dated 29th January 1875 and enclosure.

From Government of the Panjáb, No. 379, dated 27th January 1875.

From Acting Registrar, High Court, Bombay, No. 97, dated 30th January 1875, and enclosure.

From Government of Bengal, No. 523, dated 2nd February 1875.

From Government of Bombay No. 607, dated 1st February 1875, and enclosure.

From Government of Fort St. George, No. 245, dated 4th February 1875, and enclosure.

Of Administration shall be valid as to trust-property, though the value thereof is not covered by the Court-fee.

2. We have added two clauses, one (founded on 55 Geo. III, c. 184, s. 51) granting relief from Court-fees in certain cases where debts due from a deceased person have been paid out of his estate by his executor or administrator; the other (founded on 48 Geo. III., c. 149, s. 35) declaring that Probates and Letters

3. We have also added clauses providing for cases where too low a Court-fee has been paid on probates or letters of administration and imposing a penalty on executors and administrators not paying the full Court-fee within six months after the discovery of the underpayment. These clauses are founded on sections 41 to 43 of 55 Geo. III., c. 184.

4. We have made the provisions of the Bill relating to Court-fees on Probates and Letters of Administration apply, *mutatis mutandis*, to certificates under Acts XL. of 1858 and XX. of 1864.

5. To section 3 clause (a) of the Bill as introduced, we have added words providing for the case of stamp having been already cancelled, and in clause (c) we have omitted as useless the words "if the difference be considerable."

6. We have slightly altered the form of the Bill and arranged it so that its enacting parts shall fit into the Indian Succession Act and the Court-fees Act, the two enactments which it proposes to amend.

7. We have made no other changes, and recommend that the Bill thus altered be passed.

8. We think it had better be republished; but that its passing need not be deferred for more than three weeks.

ARTHUR HOBHOUSE.

E. C. BAYLEY.

JOHN INGLIS.

R. A. DALYELL.

The 15th February 1875.

A Bill to amend the law relating to Probates and Letters of Administration.

WHEREAS, under the Indian Succession Act, 1865, the effect of an unlimited grant of probate

or letters of administration made by any Court in British India is confined to the Province in which such grant is made: And whereas it is expedient to extend over British India the effect of such grants when made by a High Court; And whereas it is also expedient to amend the Court-fees Act, 1870, as to probates, letters of administration, and certificates of administration: It is hereby enacted as follows:—

1. To section 242 of the Indian Succession Act, 1865, the following proviso shall be added, (namely):—

Addition to Act No. X. of 1865, section 242.

"Provided that probates and letters of administration granted by a High Court after the first day of April, 1875, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

Unlimited grants of probate or letters of administration made by a High Court after 1st April 1875, to take effect throughout British India.

of April, 1875, shall, unless otherwise directed by the grant, have like effect throughout the whole of British India."

2. The following section shall be inserted after the said proviso, (namely):—

"242A. Whenever a grant of probate or letters of administration is made by a High Court with such effect as last aforesaid, the Registrar or

Each other officer as the High Court making the grant appoints in this behalf shall send to each of the other High Courts a certificate to the following effect:—

"I, A. B., Registrar [or as the case may be] of the High Court of Judicature at [or of the Chief Court of the Panjáb, or of the Court of the Judicial] Commissioner of hereby certify that on the day of 187 the High Court of Judicature at [or, as the case may be] granted

probate of the will [or letters of administration of the estate] of C. D., late of deceased to E. F. and G. H. of , and that such probate [or letters] has [or have] effect over all the property of the deceased throughout the whole of British India;"

and such certificate shall be filed by the High Court receiving the same.

3. After section 246 of the Indian Succession Act, 1865, the following section shall be inserted, (namely):—

"246A. Every person applying to a High Court for probate of a will or letters of administration of an estate, intended to have effect throughout British India, shall state in his petition, in addition to the matters respectively required by section 244 and section 246 of this Act, that to the best of his belief no application has been made to any other High Court for a probate of the same will or for letters of administration of the same estate, intended to have such effect as last aforesaid.

or, where any such application has been made the High Court by which it was made, the person or persons by whom it was made, and the proceedings (if any) had thereon.

And the High Court to which any application is made under the proviso to section 242 of this Act may, if it think fit, reject the same."

4. After section 277 of the Indian Succession Act, 1865, the following section shall be inserted, (namely):—

"278A. In all cases where it is sought to obtain a grant of probate or letters of administration intended to have effect throughout the whole of British India, the executor, or the person applying for administration after the first day of April, 1875, to the effects of any person dying in British India and leaving property in more than one Province shall include in the inventory of the

Inventory may include property in any part of British India.

effects of the deceased his moveable or immoveable property situate in each of the Provinces :

And the value of such property situate in the said Provinces, respectively, shall be separately stated in such inventory, and the probate or letters of administration shall be chargeable with a fee corresponding to the entire amount or value of the property affected thereby wheresoever situate within British India."

5. After section nineteen of the Court-fees Act, 1870, the following Addition to Act No. VII, of 1870. chapter shall be inserted, (namely):

"CHAPTER III.

"PROBATES, LETTERS OF ADMINISTRATION, AND CERTIFICATES OF ADMINISTRATION.

"19A. Where any person on applying for the probate of a will or letters of administration has estimated the property of the deceased to be of greater value than the same has afterwards proved to be, and has consequently paid too high a Court-fee thereon, if within six months after the true value of the property has been ascertained, such person produces the probate or letters to the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted,

and delivers to such Authority a particular inventory and valuation of the property of the deceased, verified by affidavit or affirmation,

and if such Authority is satisfied that a greater fee was paid on the probate or letters than the law required,

the said Authority may—

- (a) cancel the stamp on the probate or letters, if such stamp has not been already cancelled;
- (b) substitute another stamp for denoting the Court-fee which should have been paid thereon; and
- (c) make an allowance for the difference between them as in the case of spoiled stamps, or repay the same in money, at his discretion.

"19 B. Whenever it is proved to the satisfaction of such Authority that an executor or administrator has paid debts due from the deceased to such an amount as, being deducted out of the amount or value of the estate, reduces the same to a sum which, if it had been the whole gross amount of value of the estate, would have occasioned a less Court-fee to be paid on the probate or letters of administration granted in respect of such estate, than has been actually paid thereon under this Act,

such Authority may return the difference, provided the same be claimed within three years after the date of such probate or letters.

But when, by reason of any legal proceeding, the debts due from the deceased have not been ascertained and paid, or his effects have not been recovered and made available, and in consequence thereof the executor or administrator is prevented from claiming the return of such difference within the said term of three years, the said Authority

may allow such further time for making the claim as may appear to be reasonable under the circumstances.

"19 C. Whenever such a grant of probate or letters of administration has been or is made in several grants, respect of the whole of the property belonging to an estate, and the full fee chargeable under this Act has been or is paid thereon, no fee shall be chargeable under the same Act when a like grant is made in respect of the whole or any part of the same property belonging to the same estate;

Whenever such a grant has been or is made in respect of any property forming part of an estate, the amount of fees then actually paid under this Act shall be deducted when a like grant is made in respect of property belonging to the same estate, identical with or including the property to which the former grant relates.

"19 D. The probate of the will, or the letters of administration of the effects, of any person deceased heretofore or hereafter granted shall be deemed valid and available by his executors or administrators for recovering, transferring, or assigning any moveable or immoveable property whereof or whereto the deceased was possessed or entitled, either wholly or partially as a trustee, notwithstanding the amount or value of such property is not included in the amount or value of the estate in respect of which a Court-fee was paid on such probate or letters of administration.

"19 E. Where any person on applying for probate or letters of administration has estimated the estate of the deceased to be of less value than the same has afterwards proved to be, and has in consequence paid too low a Court-fee thereon, the Chief Controlling Revenue Authority of the Province in which the probate or letters has or have been granted, may, on the value of the estate of the deceased being verified by affidavit or affirmation, cause the probate or letters of administration to be duly stamped on payment of the full Court-fee which ought to have been originally paid thereon in respect of such value and of the further penalty, if the probate or letters is or are produced within one year from the date of the grant, of five times, or if it or they is or are produced after one year from such date, of twenty times, such proper Court-fee, without any deduction of the Court-fee originally paid on such probate or letters :

Provided that if the application be made within six months after the ascertainment of the true value of the estate and the discovery that too low a Court-fee was at first paid on the probate or letters, and if the said Authority is satisfied that such fee was paid in consequence of a mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, and without any intention of fraud or to delay the payment of the proper Court-fee, the said Authority may remit the said penalty, and cause the probate or letters to be duly stamped on payment only of the sum wanting to make up the fee which should have been at first paid thereon.

" 19 F. In case of letters of administration on

Administrator to give proper security before letters stamped under section 19 E.

which too low a Court-fee has been paid at first, the said Authority shall not cause the same to be duly stamped in manner aforesaid until the administrator has given such security to the Court by which the letters of administration have been granted as ought by law to have been given on the granting thereof in case the full value of the estate of the deceased had been then ascertained.

" 19 G. Where too low a Court-fee has been paid on any probate or letters of administration

Executors, &c., not paying full Court-fee on probates, &c., within six months after discovery of underpayment.

in consequence of any mistake or of its not being known at the time that some particular part of the estate belonged to the deceased, if any executor or administrator acting under such probate or letters does not, within six months after the first day of April, 1875, or after the discovery of the mistake or of any effects not

known at the time to have belonged to the deceased, apply to the said Authority and pay what is wanting to make up the Court-fee which ought to have been paid at first on such probate or letters, he shall forfeit the sum of one thousand rupees and also a further sum at the rate of ten rupees per cent. on the amount of the sum wanting to make up the proper Court-fee.

" 19 H. The provisions of Sections 19 A to 19 G (both inclusive)

Sections 19A to 19G applied to certificates under Acts XL. of 1858 and XX. of 1864.

shall, *mutatis mutandis*, apply to certificates granted under Act No. XL. of 1858 (for making

better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal) or Act No. XX. of 1864, (for making better provision for the care of the persons and property of Minors in the Presidency of Bombay) and to the holders of such certificates."

WHITLEY STOKES,

Secy. to the Govt. of India.

[Published with the "Bombay Government Gazette" on the 4th March 1875.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th February 1875 :—

We, the undersigned Members of the Select Committee to which the Bill to extend certain

- From Government of Madras, dated 24th April 1874. parts of the Code of Criminal Procedure to the Courts of the Police Magistrates in the Presidency Towns was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.
- " Officiating Registrar, High Court, Calcutta, No. 845, dated 7th July 1874.
- " Government of Madras, No. 1187, dated 2nd July 1874.
- " " " " No. 1416, dated 1st August 1874.
- Memorial from British Indian Association, dated 24th November 1874.
- From Government of Bengal, No. 4651, dated 7th December 1874.
- Note by Mr. P. Dickens, dated 30th December 1874.
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- From Government of Bombay, No. 755, dated 8th February 1875.
- " " " " No. 790, dated 9th February 1875, and enclosure.
- Notes by Mr. H. T. Prinsep, Judge of Hooghly, dated 12th February 1875.

2. We have altered the local extent of the proposed Act so as to make it include the ports of the Presidency Towns.

3. We propose to confer on the Police Magistrates and the Court of Petty Sessions at Bombay the powers of Magistrates of the first class, and to give an appeal from their decisions to the High Court where the sentence involves imprisonment for more than a year or fine of more than Rs. 500. We have declared that cases tried under the proposed Act may be tried summarily, and we have embodied by reference the fourth schedule of the Code of Criminal Procedure.

4. We have carefully revised the first schedule and made some additions to the second.
5. We think that the Bill has been so altered as to require republication.

ARTHUR HOBHOUSE.

B. H. ELLIS.

E. C. BAYLEY.

R. A. DALYELL.

The 16th February 1875.

A Bill to extend certain parts of the Code of Criminal Procedure to the Courts of the Police Magistrates in the Presidency Towns, and to increase the jurisdiction of such Courts.

WHEREAS it is expedient to extend certain

Preamble. parts of the Code of Criminal Procedure to the

Courts of the Magistrates of Police in the Towns of Calcutta, Madras and Bombay, and whereas it is also expedient to increase the jurisdiction of such Courts; It is hereby enacted as follows:—

1. This Act may be called "The Presidency Police Magistrates Act, 1875".

It extends to all places within the local limits of the ordinary original criminal jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, and within the limits of the Ports of the said towns and of any navigable river or channel leading thereto as such limits are defined under the law for the time being in force for the regulation of Ports and Port-dues.

vi.—9a

Commencement.

And it shall come into force at once.

2. The enactments specified in the second schedule hereto annexed shall be repealed to the extent mentioned in the third column of the same schedule.

3. The parts of the Code of Criminal Procedure (Act No. X. of 1872 as amended by Act No. XI. of 1874) mentioned in the first column of the first schedule hereto annexed shall apply (so far as they are applicable and subject to the modifications shewn in the second column of the same schedule) to the Courts of the Magistrates of Police in the towns of Calcutta, Madras and Bombay, and to the Court of Petty Sessions at Bombay.

Nothing in this section shall be deemed to restrict any power conferred by any special or local law.

4. In the parts of the said Code so applied, the expressions 'Magistrate of District' to include 'Magistrate of Police,' 'Magistrate of a Division of a District,' 'Magistrate of the first class,' 'a competent Magistrate,' 'Magistrate having jurisdiction,' and every other expression applicable to a Magistrate of the District, shall be deemed to include a Magistrate of Police and the Court of Petty Sessions at Bombay, and 'District' shall be deemed to mean a Presidency Town as defined in section 4 of the said Code.

5. The said Magistrates of Police and the Court of Petty Sessions at Bombay shall have the powers of Magistrates of the first class under the said Code, or with which such Magistrates may be invested, except powers under the following sections, (namely) sections 44 to 47 (both inclusive), 110, 135 222, 226, 295, 296, 328, 415, 416, 417 and 530.

6. Any person convicted on a trial held by one of the said Magistrates of Police, or by the said Court of Petty Sessions, may appeal to the

High Court if the sentence complained of involves imprisonment for a term exceeding one year or a fine exceeding five hundred rupees :

Provided that, where an accused person has been convicted on his own plea, no appeal shall lie except as to the extent or legality of the sentence.

For the purposes of the Indian Limitation Act, all appeals under this section shall be deemed to be appeals under the Code of Criminal Procedure.

7. All cases tried under this Act by Magistrates of Police, or by the said Court of Petty Sessions, may be tried summarily.

8. Whether a warrant or summons shall issue in the first instance, Reference to schedule IV. to Code of Criminal Procedure. whether an offence is bailable or not, and the Court by which the offence is triable under this Act,

shall be deemed to be indicated respectively by the fourth, fifth and seventh columns of the fourth schedule annexed to the Code of Criminal Procedure, and by the explanatory notes prefixed to such schedule.

THE FIRST SCHEDULE.

(See Section 3.)

Parts of the Code applied.	Modifications.
Chapter I., sections 3 (<i>Pending cases</i>) and 4 (<i>Definitions</i>): Chapter VI. (<i>The place of Inquiry and Trial</i>), the first sentence of section 63 and the Explanation thereto, and sections 65 to 70, both inclusive : Chapter X. (<i>Powers of the Police to investigate</i>): section 122, except so far as it relates to section 346, Chapter XI. (<i>Of Complaints to a Magistrate</i>) :	<i>Omit</i> clause (a) of section 140. <i>Omit</i> the penultimate clause of section 141. In section 143, for 'Court of Session,' read 'High Court.' <i>Omit</i> the second clause of section 144, and the whole of section 146 : In section 148, in the last line of clause one, after the words "such Magistrate," insert the words "as may then be there." In section 152, <i>omit</i> the words "in duplicate." In section 154, for the words "one of the copies," read "the original," and for the words "the other copy," read "a copy." Except so far as they relate to the issue of warrants to persons other than Police Officers.
Chapter XII. (<i>Of the Summons</i>) :	<i>Omit</i> , in section 189, the words 'Court of Session or.'
Chapter XIII. (<i>Of the Warrant</i>), sections 159 to 174, both inclusive :	To the second clause of section 193, add the words 'or false answers.'
Chapter XIV. (<i>Preliminary</i>) :	In section 195, <i>omit</i> the words "Court of Session or," and for "Chapter XVI, XVII, or XVIII," read 'Chapter XVI.'
Chapter XV. (<i>Of Inquiry into Cases triable by the Court of Session or High Court</i>) :	<i>Omit</i> section 197, and the last sentence of the first clause of section 198, and for the last three clauses of section 198, substitute the following clause,

THE FIRST SCHEDULE—continued.

Parts of the Code applied.	Modifications.
Chapter XVI. (<i>Of the Trial of Summons Cases by Magistrates</i>):	(namely) "Such instrument, the record of the original inquiry, and any weapon or other article of property necessary to produce in evidence shall be sent to the Clerk of the Crown or other officer appointed by the High Court." In section 199, <i>omit</i> the words 'or translation.' <i>Omit</i> section 201, the second clause of section 202 and, in the first clause of the same section, the words "Court of Session or," in each of the places where they occur.
Chapter XX. (<i>Appeals</i>), sections 272, 275 to 286:	To be applicable to all cases (whether summons cases or warrant cases) tried and disposed of by the Courts of the Magistrates of Police, or the Court of Petty Sessions at Bombay. In section 203, <i>for</i> the words '(coming under this chapter),' <i>read</i> 'which the Magistrate is competent to try and.' <i>Omit</i>, in section 206, the last fourteen words. <i>Omit</i>, in section 212, the second clause. <i>Omit</i>, in section 276, the words "and in cases tried by jury, of the Judge's charge to the jury," and in section 279, the words "if the appeal be to the Session or High Court."
Chapter XXIII. (<i>Execution</i>), sections 303, 307 to 318 (both inclusive):	In section 315, <i>for</i> "Court of Session," <i>read</i> "High Court," and <i>omit</i> the proviso.
Chapter XXIV. (<i>Special Rules of Evidence in Criminal Cases</i>):	In the last paragraph of section 330, <i>for</i> the words after "such Magistrate," <i>read</i> "may issue a Commission in the manner hereinbefore provided."
Chapter XXV. (<i>Evidence how taken</i>), sections 331, 340, 342 to 345 (both inclusive), 347 and 349:	<i>Add</i> to section 343 the words 'or false answers.'
Chapter XXVI. (<i>Of securing the Attendance of Witnesses</i>):	<i>Omit</i> the last nineteen words of section 357. <i>Omit</i> in section 361, the second and third paragraphs. <i>Omit</i> the last sentence of the second paragraph of section 362. <i>Omit</i> sections 363 and 364. <i>Omit</i> section 379 to section 387 (both inclusive). <i>Omit</i> section 390, and the last two paragraphs of section 398.
Chapter XXVII. (<i>Of Search Warrants</i>):	<i>Omit</i> the second clause of section 424.
Chapter XXVIII. (<i>Bail</i>):	<i>Omit</i> the third clause of section 436.
Chapter XXX. (<i>Miscellaneous Provisions</i>), sections 418, 421 and 422:	<i>Omit</i> section 438.
Chapter XXXI. (<i>Lunatics</i>):	<i>Omit</i> section 451.
Chapter XXXII. (<i>Contempts of Court</i>):	<i>Omit</i> sections 472, 474, 475, 476 and 477. <i>Omit</i> the two last clauses of section 489.
Chapter XXXIII. (<i>Of the Charge</i>):	<i>Omit</i> the last two clauses of section 504.
Chapter XXXIV. (<i>Of the Judgment, Order, and Sentence</i>), section 461:	In sections 506, 507, 508, 509 and 512, <i>for</i> "Court of Session," <i>read</i> "High Court."
Chapter XXXV. (<i>Prosecutions in certain Cases</i>):	<i>Omit</i> the third paragraph of section 515.
Chapter XXXVII. (<i>Of Security for keeping the Peace</i>):	<i>Omit</i> section 517.
Chapter XXXVIII. (<i>Of Security for Good Behaviour</i>):	
Chapter XXXIX. (<i>Local Nuisances</i>):	
Chapter XL. (<i>Possession</i>), section 534:	
Chapter XLI. (<i>Of the Maintenance of Wives and Families</i>):	
Chapter XLII. (<i>Miscellaneous</i>), section 539.	

THE SECOND SCHEDULE.

(See Section 2.)

Acts.

No. and year.	Title or Subject.	Extent of repeal.
XIII. of 1856	Presidency Towns Police	Sections twenty-six to thirty-one, (both inclusive), thirty-seven, forty-one, forty-two, forty-four, ninety-seven, ninety-eight, one hundred, and one hundred and eleven.
XLVIII. of 1860	Amending Act XIII. of 1856	Sections four, six and ten.
XXI. of 1864	An Act for the extension of the jurisdiction of the Magistrates of Police in Calcutta.	Sections two and three.
Madras Act VIII. of 1867 ...	Madras Town Police and Police Magistrates...	Sections thirteen, fourteen, sixteen, twenty-one, sixty-one, sixty-two, seventy-one, seventy-two and seventy-four.
Bengal Act IV. of 1866 ...	The Calcutta Police Act, 1866	Sections twenty-six, twenty-seven, twenty-eight, thirty, eighty-five, eighty-six, ninety-six, ninety-seven, and ninety-eight.
Bengal Act VIII. of 1866 ...	Amending Bengal Act IV. of 1866	The whole.

WHITLEY STOKES,

Secretary to the Government of India.