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PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th April 1868, and is hereby promulgated for general information:—

Act No. XVI. of 1868.

An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns, and Munsifs in Bengal, and for other purposes.

WHEREAS it is expedient to consolidate and amend the law relating to Principal Sadr Amíns and Munsifs in the territories respectively under the Governments of the Lieutenant Governor of the Lower Provinces and of the Lieutenant Governor of the North-Western Provinces of the Presidency of Fort William in Bengal, and to abolish the office of Sadr Amín, and to alter the designation of the officers now styled Principal Sadr Amíns; And whereas it is also expedient to provide for the investment of Subordinate Judges and Munsifs in such territories with the jurisdiction of Judges of Courts of Small Causes beyond the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature; It is hereby enacted as follows:—

PRELIMINARY.

1. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule.

Interpretation-clause. 2. In this Act—

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“Local Government” means the Lieutenant Governor of the Lower Provinces, or the Lieutenant Governor of the North-Western Provinces of the said Presidency, as the case may be;

“High Court” means the High Court of Judicature at Fort William, or the High Court of Judicature of the North-Western Provinces of the said Presidency, as the case may be; and

“District Judge” means the Judge of a principal civil court of original jurisdiction.

3. This Act extends only to the territories for the time being respectively under the Governments of the Lieutenant Governor of the Lower Provinces and the Lieutenant Governor of the North-Western Provinces of the said Presidency.

SUBORDINATE JUDGES AND MUNSIFS.

4. The present Principal Sadr Amíns shall be the first Subordinate Judges, and (subject to any alteration of the limits if the local jurisdiction which may be made by the Local Government) shall severally exercise the jurisdiction of Subordinate Judges under this Act within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amíns.

The present Sadr Amíns and Munsifs shall be the first Munsifs, and (subject to any alteration of the limits of their local jurisdiction which may

be made by the Local Government) shall severally exercise the jurisdiction of Munsifs under this Act within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

5. Whenever the office of a Subordinate Judge under this Act is vacant, the Local Government may appoint to the office such person as it thinks proper.

Whenever the office of a Munsif under this Act is vacant, the High Court shall nominate such person as it thinks fit to fill such office, and the Local Government shall appoint him accordingly.

It shall be lawful for the Local Government, with the sanction of the Governor General of India in Council, to make rules as to the qualifications of persons to be nominated Munsifs under this Act, and from time to time to alter and add to the rules so made.

When such rules shall have been made, no person, notwithstanding any thing hereinbefore contained, shall be nominated to the office of Munsif, unless he possesses the qualifications prescribed by the said rules.

Acting Appointments.

6. Any District Judge, on the occurrence within his jurisdiction of any vacancy in the office of Munsif, may, pending the orders of the High Court thereon appoint such person as he thinks fit to act in such office. And he shall forthwith report to the High Court the occurrence of every such vacancy and of every such appointment.

Declaration.

7. Every person hereafter appointed under this Act shall, on his first appointment, and previously to entering on the duties of his office, subscribe, before the District Judge to whose control he is subject, the following declaration:—

"I, A. B., appointed Subordinate Judge [or Munsif] of _____, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment."

8. Every Subordinate Judge and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.

Ministerial Officers.

9. All ministerial officers of the Courts of Subordinate Judges and Munsifs shall be nominated and appointed by those Courts respectively, subject to the approval of the District Judge within whose jurisdiction such Courts are situate.

Every such Court may, by order, fine, suspend, or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Suspension of Subordinate Judges and Munsifs.

10. The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.

Whenever the High Court suspends any such Subordinate Judge, it shall forthwith report to the Local Government the circumstances of such suspension, and the Local Government may direct him to be removed from his office, or make such other order as the case may require.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend any Munsif under his control.

Whenever the District Judge suspends any such Munsif, he shall forthwith send to the High Court a full report of the case, with the evidence, and the High Court shall make such order in the matter as it thinks fit.

The High Court may at any time by order remove from his office, or suspend, any Munsif subject to its control.

JURISDICTION.

Local Limits of Jurisdiction.

11. The Local Government may define and vary from time to time the local limits of the jurisdictions of Subordinate Judges and Munsifs.

Pending Proceedings.

12. Every Court under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted, as the Principal Sadr Amin, Sadr Amin, or Munsif (as the case may be) of such Court would have had if this Act had not been passed:

Provided that every Munsif exercising jurisdiction under this Act within the local limits of a Sadr Munsif shall have jurisdiction over all proceedings pending in the Court of the Sadr Amin immediately before the passing of this Act.

EXTENT OF JURISDICTION.

(a)—Munsifs.

13. Munsifs are empowered to try all original suits cognizable by the Civil Courts of which the subject-matter does not exceed in amount or value rupees one thousand.

14. In all such suits in which an appeal is, for the time being, allowed by law, an appeal shall lie from the decision of the Munsif to the District Judge to whose control he is subject.

(b)—Subordinate Judges.

15. Subordinate Judges are empowered to try all original suits cognizable by the Civil Court of which the subject-matter exceeds in amount or value rupees one thousand, and (if the District Judge shall have referred them under the Code of Civil Procedure) suits of which the subject-matter is of any less amount or value.

16. The Local Government may invest any Subordinate Judge with the powers of a Munsif under section thirteen, and may define and from

time to time vary the local limits within which such powers are to be exercised.

17. Every District Judge may from time to time, subject to the orders of the High Court, refer to any Subordinate Judge under his control any appeals from decisions passed by Munsifs under section thirteen pending before the District Judge; and such Subordinate Judge shall hear and dispose of such appeals accordingly.

18. In suits decided by any Subordinate Judge in the exercise of his original jurisdiction, of which the amount or value of the subject-matter does not exceed rupees five thousand, an appeal shall lie to the District Judge to whose control such Subordinate Judge is subject.

In all other suits decided by any Subordinate Judge whether in the exercise of his original or appellate jurisdiction, the appeal from the decision of such Judge shall be direct to the High Court.

19. The High Court may from time to time by order authorize the Judge of any District Court to transfer to a Subordinate Judge or Munsif subject to the control of such District Court any civil proceedings (not being suits), or any class of such proceedings, specified in such order, and which may be then pending, or may be thereafter instituted, in such District Court.

All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) according to the rules prescribed for the guidance of District Judges in the like cases:

Provided that an appeal from the order of the Subordinate Judge or Munsif in such cases shall lie to the District Judge, and a special appeal from his order thereon shall lie to the High Court, if an appeal from the decision of the Judge in such proceedings is allowed by the law in force for the time being.

(c).—*Small Cause Court Powers.*

20. The Local Government may invest, within such local limits as it shall from time to time appoint, any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts, up to the amount of rupees five hundred, and any Munsif with the same jurisdiction up to the amount of rupees fifty, and may, whenever it thinks fit, withdraw such jurisdiction from the Subordinate Judge or Munsif so invested.

21. Section 51 Act No. 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) shall be read as if, for the words "Principal Sudder Ameen," the words "Subordinate Judge" were substituted.

SCHEDULE.

Number of Regulation or Act.	Title or Subject.	Extent of Repeal.
Bengal Regulation XXIII. of 1814.	A Regulation for reducing into one Regulation, with amendments and modifications, the several Rules which have been passed regarding the Office of Moonsiffs or Native Commissioners, and of Sudder Aumeens or Head Commissioners; for modifying and extending their respective powers in the Trial and Decision of Civil Suits, and for authorizing them to discharge certain additional Duties under the Direction of the Zillah and City Judges.	So much as has not been repealed.
Bengal Regulation XVIII. of 1817.	A Regulation to modify the Rules in Force which prescribe an Oath of Office to be taken by certain Native Officers; and to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.	So far as relates to Principal Sadr Amins, Sadr Amins, and Munsifs.
Bengal Regulation V. of 1831.	A Regulation for extending the Powers of Moonsiffs and Sudder Aumeens in the Trial of Civil Suits, and for authorizing the Appointment of Principal Sudder Aumeens at the Zillah and City Stations; for modifying the Powers and Duties of the Zillah, City, and Provincial Courts in connection with those Arrangements; and for enlarging the Sphere of Selection with regard to the offices of Moonsiff and Vakceel.	So much as has not been repealed.
Bengal Regulation VII. of 1832.	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing Supplementary Rules to that Enactment.	The whole Regulation, except so much of section 8 as provides that the rule contained in section XV. Regulation IV. 1793, and the corresponding enactment contained in clause first, section XVI. Regulation III. 1803, shall be the rule of guidance in all suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, that may arise between persons professing the Hindoo and Mahomedan persuasions respectively.
Act No. VIII. of 1836.	Bengal judiciary system.	The whole.
Act No. XXV. of 1837.	Bengal judiciary system.	So much as has not been repealed.
Act No. XXXVII. of 1850.	For regulating Inquiries into the Behaviour of Public Servants.	Section 24.

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 17th April 1868, and is hereby promulgated for general information:—

Act No. XIV. of 1868.

An Act for the Prevention of certain Contagious Diseases.

WHEREAS it is expedient to provide for the better prevention of certain Contagious Diseases; It is hereby enacted as follows:—

Preamble.

Preliminary.

1. This Act may be cited as "The Indian Contagious Diseases' Act, 1868."

Short title.

Interpretation Clause. 2. In this Act—

"Magistrate" means any person exercising the powers of a Magistrate or of a Subordinate Magistrate of the first class, and includes a Magistrate of Police in a Presidency Town:

"Magistrate."

"Contagious Disease"

"Contagious disease." means any contagious venereal disease:

"Brothel-keeper" means the occupier of any house, room, or place to or in which women resort

or are for the purpose of prostitution and every person managing or assisting in the management of any such house, room, or place.

3. The places to which this Act applies shall be such place as the Local

Extent of Act.

Government shall from time to time, with the previous sanction of the Governor General of India in Council, specify by notification in the official Gazette. The limits of such places shall, for the purposes of this Act, be such as are defined in the said notification, and may from time to time, with such sanction as aforesaid, be altered by a like notification.

Unregistered Prostitutes and Brothel-keepers.

4. In any place to which this Act applies, no

Punishment of unregistered prostitutes and brothel-keepers.

woman shall carry on the business of a common prostitute, and no person shall carry on the business of a brothel-keeper, without being registered under this Act at such place, and without having in her or his possession such evidence of registration as hereinafter provided.

Any woman carrying on the business of a common prostitute, and any person carrying on the business of a brothel-keeper, without having been registered as aforesaid, or without having in her or his possession such evidence as aforesaid, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Registration of Prostitutes and Brothel-keepers.

5. The Local Government shall make rules

Local Government to make rules for registration, and appoint officers.

for the registration of common prostitutes and of brothel-keepers, and shall appoint officers for the conduct of such registration, and may, with

the previous sanction of the Governor General of India in Council, assign salaries and establishments to the said officers. The Local Government shall also provide such books and forms as may be necessary for the purposes of this Act.

Every woman complying with such rules (so far as they relate to prostitutes) and every brothel-keeper complying with such rules (so far as they relate to brothel-keepers) shall be deemed to be registered under this Act, and the registering officer shall furnish her or him with such evidence of registration as the Local Government shall from time to time direct.

The name, age, caste (if any), and residence of every such woman, and such other particulars respecting her as the Local Government shall from time to time direct, shall be entered in a book to be kept for that purpose.

The name and residence of every such brothel-keeper, and the situation of the house, room, or place in which he carries on his business shall be entered in a book to be kept for that purpose.

6. Whenever any such woman changes her residence, she shall give notice thereof to such person and in such manner as the Local Government shall from time to time direct, and the necessary alterations shall be made in the said book and in the evidence of registration furnished to her as aforesaid.

Any such woman failing to give notice as aforesaid shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Whenever any brothel-keeper changes his residence, or acquires or enters into the occupation of any such house, room, or place as last aforesaid, other than the house, room, or place of which the situation has been registered as aforesaid, he shall give notice thereof to such person and in such manner as the Local Government shall from time to time direct, and the necessary alterations or additions shall be made in or to the said book and in the evidence of registration furnished to him as aforesaid.

Any such brothel-keeper failing to give notice as last aforesaid shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Refusal to show evidence of Registration.

7. Any registered woman or brothel-keeper

Penalty for refusing to show evidence of registration.

who, without reasonable excuse, neglects or refuses to produce and show the evidence of her or his registration with which she or he shall have been furnished as aforesaid, when required so to do by such officer as the Local Government shall from time to time appoint in this behalf, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Information of the class of officers for the time being authorized to make requisitions under this section shall be furnished to register women and brothel-keepers under such rules as the Local Government shall from time to time prescribe.

Special Provisions relating to Brothels.

8. If any brothel-keeper, whether registered as such under this Act or not, has reasonable cause to believe any woman to be a prostitute and not to be registered under this Act, and induces or suffers her to resort or be, for the purpose of prostitution, to or in the house, room, or place in which he carries on his said business, he shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that nothing in this or any other section of this Act shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house, or for the nuisance thereby occasioned.

9. Every such brothel-keeper shall be legally bound to furnish information on any subject relating to his business to such officers and in such manner and at such times as the Local Government shall from time to time prescribe in this behalf. Every such officer shall, for the purposes of this section, be deemed to be a public servant.

Examination of Prostitutes.

10. The Local Government shall have power to appoint persons to make periodical examinations of registered women, in order to ascertain whether at the time of each such examination they are affected with contagious disease.

11. For each of the places to which this Act applies, the Local Government may make rules consistent with this Act respecting the times and places of examination under this Act at that place, and generally respecting the arrangements for the conduct of those examinations and for recording the results thereof; and a copy of rules purporting to be rules under this section shall, if signed by a Secretary to such Government, be evidence of such rules for the purposes of this Act.

The Local Government may also require the persons making such examination to send in reports to such persons at such times and in such form as the Local Government shall from time to time prescribe.

Any person, not a medical officer, appointed to make such examination, and any registered woman, disobeying any rule made under this section, shall, on conviction before a Magistrate, be punished with simple imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Certified Hospitals.

12. The Local Government may from time to time provide any buildings or parts of buildings as Hospitals for the purposes of this Act.

Any building or part of a building so provided, and certified in writing by a Secretary to the Local Government to be so provided, shall be deemed a certified Hospital under this Act.

Every certified Hospital so provided shall be placed under the control and management of such persons as to the Local Government shall from time to time seem fit.

13. The Local Government shall make regulations for the inspection, management, and government of the Hospitals as far as regards women authorized by this Act to be detained therein for medical treatment or being therein under medical treatment for a contagious disease.

A copy of regulations purporting to be regulations made under this section shall, if signed by a Secretary to such Government, be evidence of such regulations for the purposes of this Act.

14. Any woman registered under this Act shall, on receiving notice from any such officer as the Local Government shall from time to time appoint in this behalf, proceed to the certified Hospital named in such notice, and place herself there for medical treatment.

If after the notice is delivered to her she neglects or refuses to proceed to the said Hospital within the time specified in the said notice, an officer of Police shall apprehend her and convey her with all practicable speed to such Hospital, and place her there for medical treatment.

15. Whenever any such woman affected with contagious disease places herself or is placed as aforesaid in a certified Hospital for medical treatment, she shall be detained there for that purpose by such medical officer of the Hospital as the Local Government shall from time to time appoint in this behalf, until discharged by him by writing under his hand.

Medical treatment, lodging, clothing, and food, shall be provided gratis for every such woman during her detention in the Hospital.

16. If any woman authorized by this Act to be detained in a certified Hospital for medical treatment, quits the Hospital without being discharged therefrom by the chief medical officer thereof, by writing under his hand (the proof whereof shall lie on the accused), or

If any woman authorized by this Act to be detained in a certified Hospital for medical treatment, or any woman being in a certified Hospital under medical treatment for a contagious disease, refuses or wilfully neglects while in the Hospital to conform to the regulations thereof approved under this Act,

Then and in every such case such woman shall, on conviction before a Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the

case of a second or any subsequent offence, for any term not exceeding three months; and in case she quits the Hospital without being discharged as aforesaid, she may be taken into custody without warrant by any officer of police.

On the expiration of her term of imprisonment under this section, such woman shall be sent back from the prison to the certified Hospital, and shall be detained there, unless the medical officer of the prison at the time of her discharge from imprisonment certifies in writing that she is free from contagious disease (the proof of which certificate shall lie on her).

Out-door Treatment of Prostitutes.

17. It shall be lawful for the Local Government to empower such Surgeons or other persons as it shall from time to time appoint, to prescribe, by order to be served on any woman, registered under this Act, who has not received a notice under section fourteen, the times and places at which she shall attend for medical treatment, and, if necessary, the medical treatment to which she shall submit.

Every such woman disobeying or failing to comply with any such order, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to a month, or with fine not exceeding one hundred rupees, or with both.

18. If any registered woman on whom such order as last aforesaid shall have been served, conducts herself as a common prostitute before such surgeon or other person empowered as last aforesaid certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her) she shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

19. During the interval between the service of such order upon any registered woman and the granting of such certificate, an allowance for her subsistence shall be provided of such amount and in such manner as the Local Government shall from time to time prescribe.

Segregation of Prostitutes.

20. In any place to which the Local Government shall, by notification in the official Gazette, have specially extended this section, it shall be lawful for such officer as the Local Government shall from time to time appoint in this behalf, to cause a notice to be served on any registered woman, requiring her, after an interval of not less than seven days to be mentioned in the notice, not to reside in any street or place therein specified.

Any registered woman on whom such notice shall have been served disobeying the requisition therein contained shall, on conviction before a Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or

any subsequent offence, for any term not exceeding three months.

Removal from Registry.

21. The Local Government shall lay down rules prescribing a procedure in accordance with which any woman registered under this Act, and desirous of ceasing to carry on the business of a common prostitute in the place at which she is registered and of having her name removed from the said book may have her name removed accordingly.

Miscellaneous.

22. No prosecution shall be instituted under this Act except at the instance of such officer as the Local Government shall from time to time appoint in this behalf.

23. In any proceeding under this Act, any notice, order, certificate, copy of regulations, or other document purporting to be signed by any person in the service of Government, or by any person whom the Local Government shall have, in exercise of the powers conferred on it by this Act, appointed to sign such document, shall on production be received in evidence, and shall be presumed to have been duly signed by the person and in the character by whom and in which it purports to be signed, until the contrary is shown.

24. Every notice and order required by this Act to be served on a woman shall be served by delivery thereof either to her personally or to some person for her at her usual place of abode.

25. Any suit against any person for any thing done in pursuance of this Act shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such suit, and of the cause thereof, shall be given to the intended defendant one month at least before the commencement of the suit.

The plaintiff shall not recover if tender of sufficient amends is made before suit, or if a sufficient sum of money is paid into Court after suit brought or by on behalf of the defendant.

26. The Local Government shall have power from time to time to declare by what officer anything directed to be done by this Act shall be done, and by what class of officers information regarding anything made an offence by this Act shall be exclusively furnished.

The Local Government may also from time to time make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

The Local Government may also from time to time alter and add to any rules or regulations made under this Act: Provided that such alterations and additions are not inconsistent with any of the provisions hereinbefore contained.

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 11th April 1868, and is hereby promulgated for general information :—

Act No. XII. of 1868.

An Act to empower the Governor General of India in Council to suspend the operation of section 17 of Act No. XI. of 1841.

1. It shall be lawful for the Governor General of India in Council, by notification in the *Gazette of India*, to suspend in any Military Cantonment beyond the limits of British India the operation of section seventeen of Act No. XI. of 1841 (*for consolidating and amending the Regulations concerning Military Courts of Requests for Native officers and soldiers in the service of the East India Company*) from such day as shall be specified in the said notification until further notice, or to such other day as shall be specified in such notification.

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 11th April 1868, and is hereby promulgated for general information :—

Act No. XIII. of 1868.

An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.

WHEREAS it is expedient to exempt the King of Oudh from the jurisdiction of the Civil Courts, and to render him incapable of entering into certain contracts; It is hereby enacted as follows :—

1. Section four of Act No. VIII. of 1862 (*to Repeal of Act VIII. of 1862, section 4. protect the personal dignity of His Majesty the King of Oudh*) is hereby repealed.

2. No suit shall be commenced or prosecuted, and no writ or process shall at any time be sued for against the person or property of His Majesty the King of Oudh, unless such suit shall be commenced, or such writ or process shall be sued for, with the consent of the Governor General of India in Council first had and obtained.

Such consent shall be certified by the signature of one of the Secretaries to the Government of India, and every such signature shall be judicially noticed.

And any suit which at any time shall have been or shall be commenced, and any writ or process which at any time shall have been or shall be sued for against the person or property of His said Majesty without such consent so certified as aforesaid, shall be null and void.

3. His said Majesty shall be incapable of entering into any contract which may give rise to any pecuniary obligation on his part.

4. Nothing herein contained shall be deemed to render the Secretary of State for India in Council, or the Government of India, liable for any debt heretofore contracted by or on behalf of His said Majesty, or in respect of any claim to be reimbursed which may be made by any person supplying His said Majesty with necessaries.

5. This Act may be called "The King of Oudh's Act, 1868," and shall come into operation on the first day of May 1868.

Short title.
Commencement of Act.

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 17th April 1868, and is hereby promulgated for general information :—

Act No. XV. of 1868.

An Act to provide for the collection of Fees, by means of Stamps, in the High Courts and the Courts of Small Causes at the Presidency Towns.

WHEREAS it is expedient to amend the law relating to the collection of fees in the High Courts of Judicature and the Courts of Small Causes at Fort William in Bengal, Madras, and Bombay; It is hereby enacted as follows :—

1. This Act may be called "The High Court Fees' Act, 1868."
2. Sections one, three, and four of Act No. XX. of 1862 (to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII. of 1859 in the said High Court) are hereby repealed.
3. All fees for the time being chargeable in the High Courts of Judicature and the Courts of Small Causes at Fort William in Bengal, Madras, and Bombay, and their several offices, shall be collected by stamps from such date, in the said High Court of Judicature in Fort William, as the Governor General of India in Council shall notify in the *Gazette of India*, and from such date, in the said other High Courts, and in each of the said Courts of Small Causes, as the Local Government shall notify in the local official Gazette.
4. All or any stamps to be used under this Act shall be impressed or adhesive, as the Local Government may from time to time direct.
5. The Local Government, with the concurrence of the Chief Justice of the High Court, in the case of such Court, and with the concurrence of the First Judge of the Court of Small Causes, in the case of such Court, may, from time to time, make rules for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be

used for the purposes of such stamps, and for insuring the proper cancellation of such stamps, the renewal of damaged or spoilt stamps, and keeping accounts of all stamps used under this Act.

6. No document which ought to bear a stamp under this Act shall be of any validity unless and until it is properly stamped; but if any such document is, through mistake or inadvertence received, filed, or used, in the High Court or the Court of Small Causes, without being properly stamped, a Judge of the High Court or of the Court of Small Causes (as the case may be) may, if he thinks fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

7. Where any such document is amended, in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

8. Nothing in this Act shall apply to the fees allowed to the sheriff, or attorneys of the High Court, or to the fees which any officer of such Court shall be allowed to receive in addition to any fixed salary.

9. If any difference arise between the officer whose duty it is to see that any stamp is affixed under this Act and any suitor or attorney, as to the necessity of imposing a stamp or the amount thereof, the question shall, when the difference arises in the High Court, be referred to the Taxing Officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court.

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the Clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the First Judge of such Court.

WHITLEY STOKES,

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