

THE



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

## 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 day of September 1869, and was promulgated for general information in the *Gazette of India* of 25th September 1869 :—

#### Act No. XXII. of 1869.

AN ACT to remove the Gáro Hills from the jurisdiction of the tribunals established under the general Regulations and Acts and for other purposes.

WHEREAS it is expedient to remove the territory commonly known as the Gáro Hills from the jurisdiction of the Civil, Criminal, and Revenue Courts and offices established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows :—

1. This Act may be called "The Gáro Hills Short title. Act, 1869."
2. This Act shall come into operation on such day as the Lieutenant-Governor of Bengal shall, by notification in the *Calcutta Gazette*, direct.  
Commencement of Act.
3. On and after such day, Act No. VI. of 1835 (so far as relates to the Khási Hills, therein named 'Cossyah' Hills) and the Bengal Regulation X. of 1822 shall be repealed: Provided that such repeal shall not affect any settlement of land revenue or other matters made under the latter enactment with zamindárs or other persons in any place to which this Act applies.  
Repeal of enactments.  
Proviso.

4. Save as hereinafter provided, the territory known as the Gáro Hills, bounded on the north and west by the District of Gawálpára, on the south by the District of Mymensingh as defined by the Revenue Survey, and on the east by the Khási Hills, is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the offices of revenue constituted by the Regulations of the Bengal Code and the Acts passed by any Legislature now or heretofore established in British India, as well as from the law prescribed for the said Courts and offices by the Regulations and Acts aforesaid;  
Gáro Hills removed from operation of general Regulations and Acts.

And no Act hereafter passed by the Council of the Governor General for making Laws and Regulations shall be deemed to extend to any part of the said territory unless the same bespecially named therein :

5. The administration of Civil and Criminal justice and the superintendence of the settlement and realization of the public revenue and of all matters relating to rent within the said territory are hereby vested in such officers as the said Lieutenant-Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint.  
Administration of justice and settlement and collection of revenue vested in certain officers.

The officers so appointed shall, in the matter of the administration and superintendence of the said territory, be subject to the direction and control of the said Lieutenant-Governor, and be guided by such instructions as he may from time to time issue.



6. Any person liable to be imprisoned in any Civil or Criminal Jail, or to be transported beyond sea under any order or sentence passed by any officer or Court empowered as provided in this Act, may be imprisoned in any Civil or Criminal Jail, or transported to any place which the said Lieutenant-Governor may direct.

7. The said Lieutenant-Governor may prevent, by such means as he shall think fit, the collection by zamindárs or other persons of any cesses, tributes, or exactions, on whatsoever pretence the same may be levied, from the inhabitants of the said territory, and may make arrangements either for the remission of such cesses, tributes, and exactions, or for their collection direct by the officers of Government, making such compensation to zamindárs, or others justly entitled thereto, for the relinquishment of the same, as may to him seem proper.

8. The said Lieutenant-Governor may, from time to time, by notification in the *Calcutta Gazette*, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General or of the said Lieutenant-Governor for making Laws and Regulations,

and may on making such extension direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

9. The said Lieutenant-Governor may, from time to time, by notification in the *Calcutta Gazette*, extend, *mutatis mutandis*, all or any of the provisions contained in the other sections of this Act to the Jintía Hills, the Nága Hills, and to such portion of the Khási Hills as for the time being forms part of British India.

Every such notification shall specify the boundaries of the territories to which it applies.

10. Whenever a question arises whether any place falls within the boundary of the territory described in section four, or within the boundary of any of the territories to which provisions of this Act may be extended under section nine, such officers as the said Lieutenant Governor shall from time to time appoint may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.

WHITLEY STOKES,  
Secretary to the Council of the Governor General  
for making Laws and Regulations.



The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 18th day of September 1869, and was promulgated for general information in the *Gazette of India* of 21st September 1869:—

**Act No. XXI. of 1869.**

**THE EUROPEAN VAGRANCY ACT, 1869.**

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**AN ACT to provide against European Vagrancy.**

WHEREAS numerous persons of European extraction are at present wandering in a destitute condition throughout India, and whereas such conduct is prejudicial to public order, and it is expedient to prevent the same; It is hereby enacted as follows:—

**PART I.—PRELIMINARY.**

1. This Act may be called "The European Vagrancy Act, 1869."

Short title.

2. Sections three, seventeen, eighteen, twenty-one, twenty-two, twenty-three, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three, and thirty-four shall come into operation at once, and shall extend to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty:

Sections twenty-five, twenty-six, and thirty-one shall come into operation on the first day of January 1870, and shall extend to the whole of British India and to the said dominions:

And the rest of this Act shall come into operation in such parts of British India and of the said dominions, and on such day or respective days as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

Interpretation clause. 3. In this Act—

"Person of European extraction" includes "Person of European Americans and Australasians:"

"Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment or visible means of subsistence:

"Master of a ship" includes any person in "Master of a ship." charge of a decked vessel:

And in Parts III. and V. of this Act "Magistrate" means, within the limits of the Towns of Calcutta, Madras, and Bombay, a Magistrate of Police, and outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Subordinate Magistrate of the first class.

**PART II.—PROCEDURE.**

4. Any Police-officer may, within the limits of the towns of Calcutta, Madras, and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to and to appear before the nearest Magistrate of Police, and may, without those limits, require any such person to accompany him or any other Police-officer to and to appear before the nearest Justice of the Peace exercising the full powers of a Magistrate under the Code of Criminal Procedure.

5. The Magistrate of Police or Justice shall make a summary inquiry into the circumstances and character of the alleged vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.



The order of transmission shall certify the fact of the previous conviction.

25. Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in

any other part of Her Majesty's dominions of felony or of an offence which, if committed in England, would be felony, shall, on conviction before a Magistrate, be liable, for every person so landed or allowed to land, to pay a fine not exceeding five hundred rupees and not less than one hundred rupees, and, in default of payment, to imprisonment for any term not exceeding two months,

unless the defendant shall satisfy the Magistrate by evidence (which the defendant is hereby declared competent to give), that he had made due inquiry as to the person so landed or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the said Governor General in Council shall seem fit, and whether in respect of all or of any part of the persons on board such ships.

The said Governor General in Council may in like manner revoke any exemption made under this section.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras, and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

27. All prosecutions under this Act may be instituted and conducted by such officer as the Local Government shall from time to time appoint.

28. In imposing penalties under this Part and Part III. of this Act, no person shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

29. No proceeding under this Act shall be deemed invalid by reason only that the Magistrate of Police or Justice, before whom a person apparently a vagrant was required to appear, or before whom a person was placed under section twenty-four, was not the nearest.

#### PART VI.—MISCELLANEOUS.

30. Any European British subject who, upon the summary inquiry mentioned in section five, has been determined to be a vagrant, or who has been convicted under section

twenty-two or section twenty-three, shall, so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure (other than those contained in Chapter XIX. of the same Code) applicable to an European not being a British subject.

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

An office-copy of the declaration recorded under section five shall be *prima facie* evidence that the European British subject named therein has been, upon such inquiry, determined to be a vagrant.

Liability of importers of Europeans or employers of soldiers becoming grants. 31. Whenever any person of European extraction lands in India,

or, being a Non-Commissioned Officer or Soldier in Her Majesty's Army, leaves that Army in India,

under an engagement to serve any other person, or any Company, Association or Body of persons in any capacity,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the Army, as the case may be, then the person, or Company, Association or Body, to serve whom he has so landed in India or left the Army, shall be liable to pay to the Government the cost of his removal under this Act, and all other charges incurred by the State in consequence of his becoming a vagrant.

Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Secretary of State for India in Council by the person, Company, Association or Body chargeable.

32. The powers and duties conferred and imposed by sections sixteen and eighteen on a Local Government may be exercised and performed by such class of officers as the Local Government shall from time to time, by notification in the official Gazette, appoint in this behalf.

33. The powers and duties conferred and imposed by this Act on States of powers conferred on Magistrates, Justices, and Police. Magistrates, Justices of the Peace exercising the full powers of a Magistrate, and Police officers respectively may, in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

34. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement.

All such rules shall be published in the *Gazette of India*.



## THE FIRST SCHEDULE.

(See Section 9.)

WHEREAS E. F. of a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1869, THESE ARE TO CERTIFY that for the space of months from the date hereof and within the Province [or District] of nothing in sections four, five, six, and seven of the same Act shall be deemed to apply to him, unless he is found asking for alms when he has sufficient means of subsistence, or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist: IN ANY OF WHICH CASES he shall be liable to be imprisoned and otherwise dealt with as provided in sections twenty-three and twenty-four of the said Act.

(Signed) G. H.,

Magistrate of Police for the Town of  
or Justice of the Peace for exercising  
the full powers of a Magistrate.

## THE SECOND SCHEDULE.

(See Section 17.)

ARTICLES OF AGREEMENT made this day of 18 BETWEEN the Secretary of State for India in Council of the one part and C. D. of &c. [the vagrant] of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows:—

1. The said C. D. shall proceed forthwith to the port of [the port of embarkation]

2. The said C. D. shall there embark on board such ship and at such time as an officer appointed in this behalf by the Local Government shall direct.

3. The said C. D. shall remain on board such ship until she shall have arrived at her port of destination.

4. The said C. D. shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.

5. The said Secretary of State in Council shall defray the cost of the transit of the said C. D. to the said port, and of his lodging and subsistence during such transit and during his detention (if any) at the same port, and shall contract with the owner of the said ship or his agent for the passage of the said C. D. on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.

IN WITNESS whereof A. B. (by order of the Governor General of India in Council [or the Governor of in Council, or the Lieutenant-Governor of , or the Chief Commissioner of ], on behalf of the said Secretary of State in Council) and the said C. D. have hereunto set their hands the day and year first above written.

WHITLEY STOKES,

Secretary to the Council of the Governor General  
for making Laws and Regulations.

SIMLA,  
The 17th September 1869. }



The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the tenth day of September 1869, and was promulgated for general information in the *Gazette of India* of 11th September 1869.

**Act No. XX. of 1869.**

AN ACT to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.

WHEREAS many loyal subjects of Her Majesty have volunteered their services for the protection of life and property and the preservation of the peace, and have with the sanction of Government associated and enrolled themselves as military corps under the command of officers appointed for that purpose; and it is expedient to provide for the good order and discipline of such corps, and to invest their members with certain powers; It is hereby enacted as follows:—

*Preliminary.*

1. This Act may be called "The Indian Volunteers' Act, 1869."
2. This Act shall extend to the whole of British India and (so far as regards British subjects) to the dominions of Native Princes and States in alliance with Her Majesty.
3. Act No. XXIII. of 1857 (to provide for the good order and discipline of certain Volunteer Corps, and to invest them with certain powers) is hereby repealed.
4. In this Act "Magistrate" means, within the limits of the Presidency Towns, a Magistrate of Police, and, without those limits, a person exercising the full powers of a Magistrate.

*Formation and Dissolution of Volunteer Corps.*

5. Corps of Volunteers may, with the sanction of the Governor General of India in Council, or of the Local Government, be formed in any part of British India or of the said dominions.
6. A certificate of enrolment in such corps, signed by the Commanding Officer thereof, shall be *prima facie* evidence of such enrolment.
7. The Governor General of India in Council or the Local Government may disband any corps formed or enrolled under the provisions of this Act, or of Act No. XXIII. of 1857, or remove from such corps any member thereof.

*Application of Articles of War.*

8. Every member of a corps of Volunteers shall, for all military offences of which he shall be guilty whilst on actual duty or on parade, be subject to the Articles of War for the time being in force for the better government of Her Majesty's Army, so far as the same are applicable to officers and consistent with the provisions of this Act:

iv.—60 c

Provided that no such member shall for any offence against the said Articles be subject to the punishment of death.

Proviso.

*Courts Martial.*

9. General Courts Martial shall be convened and appointed by the Commanding Officer of the corps, with the sanction of the Local Government, for the trial of military offences of which any member of such corps shall be guilty whilst on actual duty.

No sentence of such Court Martial shall be put into execution until after a report of the whole proceedings shall have been made to, and the sentence shall have been confirmed by, the Local Government.

The Local Government may commute any such sentence for a less punishment, or pardon the offender.

10. General Courts Martial shall consist of not less than nine members of the corps, and every member of the corps, whether an officer or not, shall be competent to sit and act as a member of such Court Martial.

11. Regimental Courts Martial may be convened by the Commanding Officer of the corps, and shall consist of not less than three members of the corps.

12. The proceedings of Courts Martial convened under this Act shall be conducted according to the laws and customs applicable to Courts Martial held under the said Articles of War, except so far as the same are inconsistent with the provisions of this Act.

*Withdrawal from Corps.*

13. Any person enrolled as a member of a corps of Volunteers, whether he shall have been elected or commissioned as an officer in such corps or not, may, except whilst on actual duty, quit the corps upon giving to the Officer Commanding the corps seven days' previous notice in writing of his intention so to do, or without such notice if the Commanding Officer of the corps shall consider it reasonable and allow him so to do.

14. Every commission to any member of a corps of Volunteers appointing him an officer in such corps shall cease upon his retirement or dismissal from the corps.

15. Every member of a corps of Volunteers who shall have received any arms, ammunition, accoutrements, or uniform belonging to Government, or which shall have been furnished from the public stores, or at the public expense, shall, upon his quitting such corps,

or upon his dismissal therefrom, or whenever he shall be required so to do by the Commanding Officer of the corps, or whenever the corps shall be disbanded,



deliver up to the Commanding Officer or such person as he shall appoint to receive the same, all such arms, ammunition, accoutrements, and uniform in good order and condition, reasonable wear thereof only excepted;

and in default thereof he shall pay such sum of money as shall be adjudged by a Regimental Court Martial to be assembled for that purpose by the Commanding Officer of the corps. A copy of such adjudication, signed by the President of the Court Martial, shall be sent to the principal Court of original civil jurisdiction in the District in which the adjudication shall have been given, and shall be executed by such Court as if it were a decree for money under the Code of Civil Procedure.

#### *Local limits of Service.*

16. No member of a corps of Volunteers shall be bound, without his consent, to serve or proceed on duty beyond the limits within which he shall have voluntarily engaged to serve or proceed on duty in accordance with the terms upon which the corps to which he belongs shall have been constituted; and in case no such limits shall have been fixed, he shall not be liable to serve or proceed on duty beyond four miles from the place at which he was enrolled.

#### *Rules.*

17. The Commanding Officer of every corps of Volunteers may frame such general rules as he may think fit for regulating the times at which and the manner in which the duties of the corps and of the several members or detachments thereof shall be discharged.

Such rules, when sanctioned by the Local Government, shall be binding on the corps and on the several members thereof.

#### *Penalties.*

18. If any member of a corps of Volunteers, being warned for actual duty other than drill or parade, shall, without reasonable excuse, neglect to attend such duty, he shall be liable, upon conviction by a General Court Martial, to a fine not exceeding one hundred rupees, or to simple dismissal from the corps, or to dismissal from the corps as unworthy to belong to it.

19. If any member of such corps shall without reasonable excuse neglect to attend drill or parade at such times as may be appointed for that purpose,

or shall be guilty of any neglect of duty or other military offence which in the judgment of the Commanding Officer of the corps will be sufficiently punished by a small fine, he shall be liable to pay such fine, not exceeding fifty rupees, as a Regimental Court Martial shall impose.

20. If any member of such corps shall neglect or refuse to pay any fine to which he shall be sentenced by any Court Martial, within such time as shall be fixed by the

Commanding Officer of the corps, he may be dismissed by the said Commanding Officer from the said corps; and every such dismissal shall be recorded and reported to the Local Government.

21. Whoever assaults or resists, or abets within the meaning of the Indian Penal Code any person in assaulting or resisting, any member of such corps in the discharge of his duty, shall be punishable, on conviction before a Magistrate, with fine not exceeding two hundred rupees, or with imprisonment for any term not exceeding six months, or with both.

22. In default of payment of any fine imposed by a Court Martial under this Act, a copy of the sentence of the Court Martial imposing the fine, signed by the President of such Court, may be sent to a Magistrate in the Presidency Town or the District in which the fine shall have been imposed, who shall thereupon cause the fine to be recovered as if he had himself imposed it.

Fines imposed under section twenty-one may be recovered, if for offences committed outside the limits of the Presidency Towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

#### *Powers of Volunteers.*

23. Any member of a corps of Volunteers, whenever he may be in discharge of his duty as a member of the corps, and wheresoever he may then be, may disarm any person not being in Her Majesty's military or naval service or a police officer, found between sunset and sunrise in any public street, thoroughfare, or other public place, armed with a sword, spear, gun, or other warlike instrument without a pass or license for that purpose from the Commissioner of Police or other officer authorized by Government to grant the same;

and may also disarm any person found armed at any time contrary to law or to any order of Government in any public street, thoroughfare, or other public place;

and may also apprehend and deliver over to a police officer any person so found armed in order that he may be dealt with according to law;

and the weapon so seized shall be forfeited to Government or otherwise dealt with according to law, or to the orders of Government.

Forfeiture of weapons seized.

24. Any member of such corps, whenever he is on duty, may prevent any disturbance of the public peace, and disperse any persons whom he may find assembled together to the number of five or more without reasonable cause between sunset and sunrise in any public street, thoroughfare, or other public place in which such member of the said corps may be in the discharge of his duty,

Power to prevent disturbances of the public peace.

To disperse unlawful assemblies.



and may also apprehend any person reasonably suspected of having committed, or being about to commit any offence against the State, or of having abetted within the meaning of the Indian Penal Code, or being about to abet, any other person in the commission of such offence; and deliver him over to some police officer.

*Miscellaneous.*

25. Every mounted officer and every mounted orderly of a corps of Volunteers, and every member of such corps, while he belongs to a troop of cavalry in such corps, shall be at liberty to keep one horse without being liable to pay

in respect thereof any municipal or other tax imposed upon horses.

26. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, or the said Act No. XXIII. of 1857, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of suit or other proceeding.

WHITLEY STOKES,

*Secretary to the Council of the Governor General  
for making Laws and Regulations.*