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POORWAH AND KHUDEE IN BANDA.

ACT No. I. OF 1864.

(Received the assent of the G. G. on the 24th February 1864).

Recites expediency of administering Poorwah and Khuddee under the General Regulations.

1—2. Extends to these Jagheers the Laws and Regulations under which the rest of the district of Banda is administered; except (2) that pending suits and proceedings shall be continued as if this Act had not passed.

3—5. But remands made after decision and on appeal to go to same Court as if proceedings were commenced after this Act; and (4) same as to execution of decrees; and (5) same as to appeals after from decrees and orders before the passing of the Act.

6. Act to take effect from date to be fixed by Lieutenant-Governor of the North-Western Provinces.

WHEREAS the Jagheers of Poorwah and Khuddee in the District of Banda are not subject to the Preamble. General Regulations and it is expedient

that the said Jagheers should be administered on the same system as prevails in the rest of the District; It is enacted as follows:—

I. The Laws and Regulations established for the internal administration of the District of Banda shall have full force and effect in the Jagheers of Poorwah and Khuddee, and 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 in the said Jagheers, are hereby vested in the Officers who are or may hereafter be appointed by the Lieutenant-Governor of the North-Western Provinces for the said District of Banda.

II. All suits and proceedings, whether in appeal or otherwise, arising in the said Jagheers, and which, at the time of this Act coming into operation, shall be pending in any Court, or before any Officer, shall be heard and determined in the same manner as if this Act had not been passed.

Saving as to suits pending at the time of passing of this Act.

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

IV. All applications for execution of decrees or orders, which but for the passing of this Act would have been made to any Court or Officer existing at the time of the passing of this Act, shall be made to the Court or Officer who would have had jurisdiction in respect of the matter in dispute, had the suit or proceeding been instituted after the coming into operation of this Act.

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

VI. This Act shall take effect from such date as the Lieutenant-Governor of the North-Western Provinces shall fix by an order to be published in the Official Gazette.

ADMINISTRATION OF JUSTICE, ADEN.

ACT No. II. OF 1864.

(Received the assent of the G. G. on the 12th February 1864.)

Recites expediency of providing a procedure for the Resident at Aden.

1. Interprets the words "Resident," "Assistant Resident," and "Court of the Resident," &c.

2—4. Vests the administration of Civil Justice in the Court of the Resident; and (3) gives him original jurisdiction unlimited, with power (4) to distribute the business commenced in his Court among his Assistants, whose jurisdiction also is unlimited.

5—7. Gives an appeal from Assistant, in what suits relating to immovable property, to Resident; who (6) on such appeals shall have powers of a

district Judge, &c. ; and (7) no appeal to lie from Assistant in suits of less value.

8—13. No appeal at all to lie from Resident, but in suits for value exceeding Rs. 1000, whether before him on appeal or otherwise. Resident may state case for opinion of High Court on any question of Law or construction of a document ; and (9) may pass orders subject to such opinion ; and (10) cases so referred to High Court to be decided by two Judges ; on (11) argument ; and (12) decision of High Court to be transmitted under seal of the Court, &c., to Resident ; and (13) costs to be costs in the cause.

14. Gives the Resident all the powers of Small Cause Court in causes within Small Cause Court Act.

15—16. In Civil Justice, the Law to be the Laws and Regulations of the Bombay Presidency ; and (16) the procedure to be the Code of Civil Procedure, except where otherwise provided.

17—19. Vests the administration of Criminal Justice in the Resident ; and (18) Governor of Bombay may invest Assistants with powers of Magistrate, &c. ; (19) and Assistant may punish with imprisonment not exceeding six months and fine not exceeding Rupees 500, not appealable, but subject to special discretionary order of Resident ; and appeal to lie in all cases where the punishment exceeds that extent.

20. Gives the Resident all the powers of a Court of Session, and of a Magistrate, except in cases triable before himself at a Court of Session.

21—22. Directs the Resident to make general gaol deliveries at convenient periods, and empowers him to try European British subjects, except for offences punishable with death ; and (22) for such offences, European British subjects to be committed for trial to the High Court.

23—27. Establishes the Code of Criminal Procedure for Aden ; and (24) entitles Europeans and Americans to a jury ; and (25) provides for making a Jury List ; and (26) for the publication of such List ; subject (27) to all the provisions of the Code respecting Juries.

28. Sentence of death not to be carried out till confirmed by High Court, which may commute the sentence.

29. No appeal to lie in Criminal cases.

30. Provides for a review on points of Law, or on certificate of Advocate General.

31. Empowers the High Court to make general Rules for the Court of the Resident, &c.

WHEREAS the administration of Civil and Criminal Justice at Aden is now entrusted to the Resident and in subordination to him to the Assistant Resident ; and whereas Her Majesty has by Her Letters Patent, dated the twenty-second June 1860, appointed the Re-

Preamble.

sident at Aden to be Judge of Her Majesty's Vice Admiralty Court at Aden for the purposes of and according to the provisions of the Statute 12 and 13 Vic, c. 84; and whereas the Criminal law to be administered at Aden is provided for by the Indian Penal Code, but the law to be administered at Aden in Civil matters and the precise nature of the Criminal and Civil jurisdiction of the Resident, and the proper course of procedure in his Court, have never been defined, and it is expedient that they should be provided for; and whereas at present judgments and proceedings of the Resident at Aden are not subject to the superintendence or revision of any Court of Justice, except so far as they are subject to appeal to Her Majesty in Council, and it is expedient to provide for the superintendence or revision of certain of such judgments and proceedings by the High Court at Bombay: It is enacted as follows:—

I. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant thereto, that is to say:—

Interpretation.
 "Resident." The word "Resident" denotes the Chief Civil Officer at Aden appointed by the Government by whatever designation such Officer may be called, and includes any Acting Resident or Officer acting temporarily as such Chief Civil Officer.

"Assistant Resident." The words "Assistant Resident" denote any Officer appointed by the Government to assist the Resident at Aden by whatever designation such Officer may be called, and includes an Acting Assistant.

"Court of the Resident." The words "Court of the Resident" include the Court of any Assistant Resident.

Number. Words importing the singular number include the plural number, and words importing the plural number include the singular number.

Gender. Words importing the masculine gender include females.

CIVIL JURISDICTION.

Administration of Civil Justice vested in the Court of the Resident.

II. The administration of Civil Justice at Aden is hereby declared to be vested in the Court of the Resident.

III. The Resident may hear and determine, in the first instance, all cases instituted in the Court of the Resident of whatever nature and whatever may be the amount or value of the property in dispute.

IV. The Assistant Residents shall have power to hear and determine, in the first instance, all cases instituted in the Court of the Resident of whatever nature and whatever may be the amount or value of the property in dispute. The Resident may from time to time direct in what manner the cases instituted in his Court shall be distributed amongst the Assistant Residents.

V. When any suit which relates to immoveable property, or in which the claim, estimated according to any Law for the valuation of claims for the time being in force, shall exceed five hundred Rupees in value, is tried in the first instance by an Assistant Resident, an appeal shall lie from his decision to the Resident. An appeal shall also lie to the Resident from all orders passed by an Assistant Resident in the execution of a decree or other order from which, had the order been passed by a Court subordinate to the Court of a District Judge in the Presidency of Bombay, an appeal would have been allowed to the District Judge, as well as from all orders passed by an Assistant Resident in cases other than suits as defined in the Code of Civil Procedure.

VI. For the hearing and determination of appeals from decisions and orders under the last preceding Section, the Resident shall (save as herein is otherwise provided) possess and exercise the powers of a District Judge in the Bombay Presidency with reference to the Courts subordinate to him.

VII. No appeal shall lie from the decision of an Assistant Resident in any suit not relating to im-
 No appeal in other cases. moveable property in which the claim estimated as aforesaid shall not exceed five hundred Rupees in value; but the Resident may, within the period allowed for appeal in appealable cases, call for any proceedings of the Assistant Resident at any stage thereof, and may pass such orders thereon as he may think fit.

VIII. No appeal shall lie from any decision or order of the Resident given or made by him, whether
 No appeal from Resident. in the exercise of his original jurisdiction, or in the exercise of his jurisdiction as a Court of Appeal or of Revision; but if in the trial of any suit in which the claim estimated as aforesaid shall not exceed one thousand Rupees in value, any question of law or of usage having the force of law or of the construction of a document affecting the merits of the decision shall arise, on which the Resident shall entertain doubts, the Resident may, either of his own motion, or on the application of any of the parties to the suit, draw up a statement of the case and submit it, with his own opinion, for the decision of the High Court of Judicature at Bombay: and if in the trial of any suit or the hearing of an appeal in any suit in which the claim, estimated as aforesaid, shall exceed one thousand Rupees in value, any question of fact or of law or of usage having the force of law or of the construction of a document affecting the merits of the decision shall arise, the Resident shall, on the application of any of the parties to the suit, or he may of his own motion, draw up a statement of the case and submit it with his own opinion for the decision of the said High Court.

But he may refer question of law, &c., to High Court.

IX. The Resident may proceed in the case notwithstanding a reference to the High Court, and may pass a decree contingent upon the opinion of the High Court on the point referred; but no execution shall be issued
 Resident may pass decree contingent upon the opinion of the High Court, pending which execution not to issue.

in any case in which a reference shall be made to the High Court, until the receipt of the order of that Court.

X. Cases referred for the opinion of the High Court shall be heard by two or more Judges of that Court. Before giving judgment the High Court may call for and peruse the whole or any part of the proceedings of the Court of the Resident, but shall not be bound so to do.

Full bench of the High Court to decide cases referred under this Act.

Parties may appear and be heard in person or by pleader.

XI. The parties to the case may appear and be heard in the High Court in person or by a pleader.

XII. The High Court, when it has heard and considered the case, shall transmit to the Resident a copy of its judgment, under the seal of the Court and the signature of the Registrar; and the Resident shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the High Court.

Decision of High Court how to be transmitted.

XIII. Costs, if any, consequent on the reference of a case for the opinion of the High Court, shall be costs in the suit.

XIV. When any suit tried in the first instance by the Resident is of such a nature as to be cognizable under Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter*), the Resident shall, in such suit, have all the powers conferred on, and shall be guided by all the provisions applicable to, a Court of Small Causes constituted within the Presidency of Bombay under the said Act or any other Act for the time being in force not being an Act relating to Courts of Small Causes in the Presidency Towns: and every Assistant Resident who shall have been vested by the Governor of Bombay in Council with the powers of a Judge of a Court of Small Causes as defined in the said Act XLII of 1860 or any Act passed in supersession thereof, shall have the like powers and be guided by the like provisions in any suit tried by him in the

Resident to have powers of a Small Cause Court.

first instance and of a nature cognizable under the said Act XLII of 1860, any thing in Section V of this Act contained to the contrary notwithstanding.

XV. In the administration of Civil Justice, the Court of the Resident shall be guided by the spirit and principles of the Laws and Regulations in force in the Presidency of Bombay, and administered in the Courts of that Presidency not established by Royal Charter, and in the High Court in the exercise of its jurisdiction as a Court of appeal from those Courts.

Administration of Civil Justice to be according to spirit and principles of the Bombay Laws and Regulations.

CIVIL PROCEDURE.

XVI. Except as otherwise provided in this Act, the proceedings in suits and cases of every description between party and party brought in the Court of the Resident shall be regulated by the Code of Civil Procedure, and by any other Act or Acts in relation to Civil Procedure in force for the time being.

Code of Civil Procedure applicable.

CRIMINAL JURISDICTION.

XVII. The administration of Criminal Justice at Aden is hereby declared to be vested in the Court of the Resident, save as is herein otherwise provided.

Administration of Criminal Justice vested in Court of the Resident, subject to proviso.

XVIII. The Governor of Bombay in Council may invest any Assistant Resident with the powers of a Magistrate, or of a subordinate Magistrate of the first or second class as described in the Code of Criminal Procedure, and such Assistant Resident shall exercise such powers under the said Code, but subject to the provisions of this Act.

Governor of Bombay may give Assistant Residents certain powers.

XIX. In every case tried by an Assistant Resident in which the punishment awarded shall be imprisonment for a period exceeding six months with or without fine, or shall be only a fine exceeding five hundred Rupees, an appeal shall lie from the sentence of the Assistant Resident to the Resident.

Appeal from Assistant Resident to Resident, in what cases.

No appeal shall lie from the sentence of an Assistant Resident in any case in which the punishment awarded shall be imprisonment for a period not exceeding six months with or without fine, or shall be only a fine not exceeding five hundred Rupees; but the Resident may in all cases, within the period allowed for appeal in appealable cases, call for any proceedings whatever of the Assistant Resident at any stage thereof, and may pass such order thereon as he may think fit.

XX. The Resident shall except as in this Act is otherwise provided exercise all the powers of a Court of Session as defined in the Code of Criminal Procedure, and he may also when it shall seem to him proper so to do, exercise the powers of a Magistrate as defined in the said Code, except in cases triable before himself as a Court of Session.

XXI. The Resident in the exercise of his powers as a Court of Session shall hold gaol deliveries at convenient periods, of which due notice shall be given, for the trial of all persons charged with offences punishable under the Indian Penal Code, or under any other law in force for the time being, who may be committed to take their trial before him as a Court of Session. Provided that the

Resident shall not have power to try any European British subject charged with an offence punishable with death under the said Code. The commitment of any European British subject charged with any such offence shall be made to the High Court at Bombay. In all other cases the commitments made within the limits of the jurisdiction of the Court of the Resident for offences punishable under the Indian Penal Code, shall be made to the Court of the Resident.

XXII. If any European British subject shall be charged in Aden with any offence (other than an offence punishable with death under the Indian Penal Code) which a Justice of the Peace shall not be competent to punish, and there shall be sufficient grounds for committing him for

trial, such European British subject shall be committed to the Court of the Resident, and shall be tried by the Resident.

CRIMINAL PROCEDURE.

XXIII. Save as in this Act otherwise provided, the proceedings in all Criminal cases of any description brought in any Court in Aden shall be regulated by the Code of Criminal Procedure.

Proceedings in Criminal cases how to be regulated.

XXIV. Criminal trials before the Resident as a Court of Session, in which a European (whether a British subject or not) or an American is the accused person or one of the accused persons, shall be by jury, and in such case the jury, if such European or American shall desire it, shall consist of at least one half Europeans or Americans, if such a jury can be procured.

Trial of European or American by the Resident to be by Jury.

XXV. The Resident shall from time to time prepare and make out in "alphabetical order, a list of persons residing at Aden who are in the judgment of the Resident qualified from their education and character to serve as Jurors. The list shall contain the names, places of abode, and quality or business of every such person, and shall mention the race to which he belongs.

List of Jurors.

XXVI. Copies of such list shall be stuck up in the Court of the Resident, and every such copy shall have subjoined to it a notice stating that objections to the list will be heard and determined by the Resident at a time and place mentioned in the notice.

Publication of List.

XXVII. All the provisions of the Criminal Procedure Code as to Jurors and the list of Jurors shall be applied, so far as the same can be applied respectively, to Jurors and the list of Jurors under this Act: provided that no person shall be exempt from the liability to serve as a Juror on the ground only of his being in the Military Service: provided also that the Jurors shall be summoned by the Resident.

Provisions of Criminal Procedure Code to apply to Jurors.

Persons in Military Service not exempted from serving as Jurors.

XXVIII. If on any trial, sentence of death shall be passed by the Resident, such sentence shall not be carried into execution until it shall have been confirmed by the High Court at Bombay. It shall be lawful for the High Court at Bombay, in any case in which it shall seem proper so to do, to commute a sentence of death to a sentence of transportation for life, or for any shorter period not less than seven years.

XXIX. No appeal shall lie from an order or sentence passed by the Resident in any Criminal case. But it shall be at the discretion of the Resident to reserve any point or points of law for the opinion of the said High Court.

• No appeal from order of Resident, but he may reserve points for High Court.

XXX. On such point or points of law being so reserved as in the last preceding Section mentioned, or on its being certified by the Advocate-General at Bombay that in his judgment there is an error in the decision of a point or points of law decided by the Resident, or that a point of law decided by the said Resident should be further considered, the said High Court shall have full power and authority to review the case or such part of it as may be necessary, and finally determine such point of law, and thereupon to pass such judgment and sentence as to the said High Court shall seem right.

Review of case by High Court.

GENERAL RULES.

XXXI. The High Court at Bombay shall have power to make and issue general rules for regulating the practice and proceedings of the Court of the Resident, and also to frame forms for every proceeding in the said Court for which the said High Court shall think it necessary that a form should be provided, for keeping all books, entries, and accounts to be kept by the Officers, and for the preparation and submission of any statements to be prepared and submitted by the Court of the Resident, and from time to time to alter any such rule or form: provided that such rules and forms shall not be inconsistent with the provisions of this Act, or of any other law in force.

High Court to frame rules for Resident's Court.

FOREIGNERS.

ACT. No. III. OF 1864.

(Received the assent of the G. G. on the 12th February 1864.)

Recites the expediency of enabling the Government to prevent Foreigners residing, &c., in British India.

1. Interprets the words "British India," "Local Government," "Foreigner," "Magistrate of the district," "Vessel," and words of gender and number.

2. On the question under this Act, whether a person is a Foreigner, he is to prove he is not.

3—4. Empowers the Government of India or any Local Government to order a Foreigner to remove himself out of India; and (4) any Foreigner not carrying out such order, or returning without license, may be apprehended and detained.

5. Empowers the Governor-General in Council to put this Act in operation in any part of India, by a Notification in the *Gazette of India*, except as against Foreign Ministers and Consuls.

6—8. Requires Foreigners on arrival at any place or port under the operation of the Act to report himself to the Commissioner of Police, &c.; which report (7) shall be in writing, with particulars specified, but (8) not to apply to Commanders of vessels, so long as they remain such.

9. Foreigner not reporting himself, may be dealt with as a Foreigner without license.

10—13. Where this Act is in force, no Foreigner to pass or travel without license; (11) under the signature of officer empowered to sign; and (12) which shall state particulars specified; and (13) may be subject to conditions, and be revoked.

14—16. Foreigner travelling without license, or contrary to license, may be apprehended without warrant, by any Magistrate, European Commissioned Officer, or Member of a Volunteer Corps, whilst on duty, or Police Officer; and (15) shall be delivered over as soon as possible to Magistrate, who shall report to Government, &c.; but (16) may be admitted to bail.

17. Government may order deportation of person apprehended.

18—19. Empowers the Government of India, and (19) the Local Governments, to prohibit persons not being natural-born subjects of Her Majesty, from travelling, &c., without license.

20—23. Empowers specified officers to board vessels to ascertain if Foreigners be on board, and requires Commanders to give information; and (21) subjects Commander to penalty if he give false information; and (22) to fine if he refuse to comply with Act; and (23) makes intentional obstruction of officer an offence.

24. Fines under the Act may be recovered, how.

25. Empowers the Governments to exempt any person or class of persons from the operation of the Act.

WHEREAS it is expedient to make provision to enable the Government to prevent the subjects of Foreign States from residing or sojourning in British India, or from passing through or travelling therein, without the consent of the Government; It is enacted as follows:—

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

The words “British India” shall denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria, Chap. 106, entitled “An Act for the better Government of India”:

The words “Local Government,” shall denote the persons authorized to administer the Executive Government in any part of British India, or the Chief Executive Officer of any part of British India under the immediate administration of the Governor-General of India in Council, when such Chief Executive Officer shall, by an order of the Governor-General of India in Council published in the Gazette of India, be authorized to exercise the powers vested by this Act in a local Government:

The word “Foreigner” shall denote a person, not being either a natural-born subject of Her Majesty within the meaning of the Statute 3 and 4 William IV., Chap. LXXXV., Section 81, or a Native of British India:

The words “the Magistrate of the District,” shall denote the Chief Officer charged with the Executive administration of a District and exercising the powers of a Magistrate, by whatever designation the Chief

Officer charged with the Executive administration is styled, or, in the absence of such Officer from the Station at which his Court is usually held, the Senior Officer at the Station exercising the powers of a Magistrate as defined in the Code of Criminal Procedure:

“ Vessel.” The word “ Vessel” shall include any thing made for the conveyance by water of human beings or property :

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number :

Number.

Gender.

Words importing the masculine gender shall include females.

II. If a question shall arise whether any person alleged to be a Foreigner and to be subject to the provisions of this Act is a Foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a Foreigner, or is not subject to the provisions of this Act, shall lie upon such person.

Proof of being a Foreigner

III. The Governor-General of India in Council may, by writing, order any Foreigner to remove himself from British India, or to remove himself therefrom by a particular route to be specified in the order ; and any local Government may, by writing, make the like order with reference to any Foreigner within the jurisdiction of such Government.

Government may order any Foreigner to remove himself.

IV. If any Foreigner ordered to remove himself from British India, or ordered to remove himself therefrom by a particular route, shall neglect or refuse so to do ; or if any Foreigner, having removed himself from British India in consequence of an order issued under any of the provisions of this Act, or having been removed from British India under any of the said provisions, shall wilfully return thereto without a license in writing granted by the Governor-General of India in Council or by the local Government under

Foreigner refusing to remove, or returning without license after removal, may be apprehended and detained.

whose order he shall have removed himself or been removed,—such Foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Governor-General of India in Council, or of the local Government within whose jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor-General of India in Council or local Government shall deem sufficient for the peace and security of British India, and of the Allies of Her Majesty, and of the neighbouring Princes and States.

V. Whenever the Governor-General of India in Council

Governor-General may order all the provisions of this Act to be in force in British India, or in any part thereof.

shall consider it necessary to take further precautions in respect of Foreigners residing or travelling in British India or any part thereof, it shall be lawful for the Govern-

or General of India in Council, by a Notification published in the Gazette of India, to order that the provisions of this and the subsequent Sections of this Act shall be in force in British India, or in such part thereof as shall be specified in such Notification, for such period as shall be therein declared; and thereupon, and for such period, the whole of this Act including this and the subsequent Sections shall have full force and effect in British India or such part thereof as shall have been so specified. The Governor-General of India in Council may from time to time, by a Notification published as aforesaid, cancel or alter any former Notification which may still be in force, or may extend the period declared therein. Provided that none of the provisions of

Proviso.

this or the subsequent Sections of this Act shall extend to any Foreign Minister duly accredited by his Government; to any Consul or Vice-Consul; to any person under the age of fourteen years; or to any person in the service of Her Majesty.

VI. Every Foreigner on arriving in any part of British India

Every Foreigner to report his arrival in India in certain cases.

in which all the provisions of this Act are for the time being in force under an order issued as provided in the last preceding Section, from any port or place not within British India or from

any port or place within British India where all the provisions of this Act are not in force, shall, if he arrive at a Presidency Town, forthwith report himself to the Commissioner of Police of such Town, or, if he arrive at any other place then he shall forthwith report himself to the Magistrate of the District, or to such other Officer as shall be appointed to receive such reports, by the Governor-General of India in Council or by the local Government of such place.

VII. The report shall be in writing and shall be signed by the person reporting himself, and shall specify his name or names, the Nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival in such Presidency Town or other place. The report shall be recorded by the Officer to whom it is made.

VIII. The provisions of the last two preceding Sections shall not extend to any person being the Master or Commander of a vessel or employed therein, but if any such person shall be in any part of British India in which all the provisions of this Act are for the time being in force, after he shall have ceased to be actually employed in a vessel, he shall forthwith report himself in manner aforesaid.

IX. If any Foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of Foreigners travelling without a license.

X. No Foreigner shall travel in or pass through any part of British India in which all the provisions of this Act are for the time being in force without a license.

XI. Licenses under this Act may be granted by the Governor-General of India in Council or by any of the local Governments, under the signature of a Secretary to the Government of India or to such local Government as the case may be, or by such other Officers

as shall be specially authorized to grant licenses by the Governor-General of India in Council, or by any of the local Governments.

XII. Every such license shall state the name of the person to whom the license is granted, the Nation to which he belongs, the District or Districts through which he is authorized to pass, or the limits within which he is authorized to travel, and the period (if any) during which the license is intended to have effect.

XIII. The license may be granted subject to such conditions as the Governor-General of India in Council or the local Government may direct, or as the Officer granting the license may deem necessary. Any license may be revoked at any time by the Governor-General of India in Council, or by the local Government of any part of British India in which all the provisions of this Act are for the time being in force and in which the Foreigner holding the same may be, or by the Officer who granted the license.

XIV. If any Foreigner travel in or attempt to pass through any part of British India without such license as aforesaid, or beyond the Districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by any Officer exercising any of the powers of a Magistrate, or by any European Commissioned Officer in the service of Her Majesty, or by any member of a Volunteer Corps enrolled by authority of Government whilst on duty, or by any Police Officer.

XV. If any person be apprehended by a person not exercising any of the powers of a Magistrate and not being a Police Officer, he shall be delivered over as soon as possible to a Police Officer, and forthwith carried before the Magistrate of the District.

Procedure upon apprehension.

Magistrate to report to Government.

Whenever any person shall be apprehended by or taken before the Magistrate of the District, such Magis-

trate shall immediately report the case to the local Government to which he is subordinate, and shall cause the person brought before him to be discharged, or to be conveyed to one of the Presidency Towns, or pending the orders of such Government to be detained.

XVI. Any person apprehended or detained under the provisions of this Act, may be admitted to bail by the Magistrate of the District, or by any Officer authorized to grant licenses, and shall be put to as little inconvenience as possible during his detention in custody.

XVII. The local Government of any part of British India in which all the provisions of this Act are for the time being in force, may order any person apprehended or detained under the provisions of this Act to remove himself from any such part of British India by sea or by such other route as the said local Government may direct; or the said local Government may cause him to be removed from such part of British India by such route and in such manner as to such local Government shall seem fit. The Governor-General of India in Council may exercise all the powers given by this Section to any local Government.

XVIII. The Governor-General of India in Council may by order prohibit any person or any class of persons not being natural-born subjects of her Majesty within the meaning of the Statute 3 and 4 William IV, chap. LXXXV, Section 81, from travelling in or passing through any part of British India in which all the provisions of this Act may for the time being be in force, and from passing from any part thereof to another without a license to be granted by such Officer or Officers as shall be specified in the order: and if any person so prohibited shall wilfully disobey such order, he may be apprehended without warrant by any of the Officers specified in Section XIV of this Act, and carried before the Magistrate of the District, and dealt with under the provisions of Section XVII in the same manner as if he were a Foreigner:

Governor-General may prohibit persons not being natural-born subjects from travelling or passing through any part of India without a license.

by order prohibit any person or any class of persons not being natural-born subjects of her Majesty within the meaning of the Statute 3 and 4 William IV, chap.

and the Governor-General of India in Council may order such person to be detained in safe custody or under the surveillance of the Police so long as it may be deemed necessary for the peace and security of British India or any part thereof.

XIX. The local Government of any Presidency or place in

Also the local Governments within their respective jurisdictions.

which all the provisions of this Act may for the time being be in force, may by order prohibit any person or any class of

persons not being natural-born subjects of Her Majesty within the meaning of the Statute 3 and 4 William IV, chap. LXXXV Section 81, from travelling in or passing through such Presidency or place or any part thereof, and from passing from any part thereof to another, without a license to be granted by such Officer or Officers as shall be specified in the order; and if any person so prohibited shall wilfully disobey such order, he may be apprehended without warrant by any of the Officers specified in Section XIV of this Act, and carried before the Magistrate of the District, and dealt with under the provisions of Section XVII in the same manner as if he were a Foreigner; and the local Government may order such person to be detained in safe custody or under the surveillance of the Police so long as it may be deemed necessary for the peace and security of British India or any part thereof.

XX. It shall be lawful for the Commissioner of Police, or

Certain Officers may board vessels to ascertain whether Foreigners are on board.

for the Magistrate of the District, or for any Officer appointed to receive reports as mentioned in the sixth Section of this

Act, or for any Police Officer under the authority of such Commissioner or Magistrate, to enter any vessel in any port or place within British India in which all the provisions of this Act may for the time being be in force, in order to ascertain whether any Foreigner bound to report his arrival under the said Section VI of this Act is on board of such vessel; and it shall be lawful for such Commissioner of Police, Magistrate, or other Officer as aforesaid, to adopt such means as may be reasonably necessary for that purpose; and the Master or Commander of such vessel

Master of vessel to furnish list of passengers, and to give information respecting them.

shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, Magistrate, or other Officer as aforesaid, deliver to him a list in writing of the passengers on board, specifying the ports or places at which they embarked, and the ports or places of their disembarkation or intended disembarkation, and answer to the best of his knowledge all such questions touching the passengers on board the said vessel, or touching those who may have disembarked in any part of British India, as shall be put to him by the Commissioner of Police, Magistrate, or other Officer as aforesaid. If any Foreigner on board such

Foreigner refusing to give account of himself, not to be allowed to disembark.

vessel in any part of British India shall refuse to give an account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the Officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a Foreigner travelling in British India without a license.

XXI. If the Master or Commander of a vessel shall wilfully give a false answer to any question which by Section XX of this Act he is bound to answer, or shall make any false report, he shall be held to have committed the offence specified in Section 177 of the Indian Penal Code.

Penalty for false answer or report.

XXII. If the Master or Commander of any vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before the Magistrate of the District or a Justice of the Peace, be liable to a fine not exceeding two thousand Rupees.

XXIII. Whoever intentionally obstructs any Officer in the exercise of any of the powers vested in him by this Act, shall be held to have committed the offence specified in Section 186 of the Indian Penal Code.

Penalty for neglect by Master of vessel to comply with requisitions of Act.

Penalty for obstructing Officers.

XXIV. All fines imposed under this Act may, according as they shall have been imposed for offences committed within or for offences committed beyond the limits of the Towns of Calcutta, Madras and Bombay, be recovered by a Magistrate of Police or by the Magistrate of the District in the manner prescribed in Section XXVI of Act XLVIII of 1860 (*to amend Act XIII of 1856 for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.*)

Fines imposed under this Act how to be recovered.

XXV. The Governor-General of India in Council, or the local Government of any part of British India in which this Act may for the time being be in force, may exempt any person, or any class of persons, either wholly or partially or temporarily or otherwise, from all or any of the provisions of this Act contained in any of the Sections subsequent to Section V, and may at any time revoke any such exemption.

Persons may be exempted from provisions of this Act.

SMALL CAUSE COURT.—KURRACHEE.

ACT No. IV. OF 1864.

(*Received the assent of the G. G. on the 18th Februry 1864.*)

Recites that Small Cause Court was established without the previous sanction of the Government of India, and doubts as to the validity of its proceedings before 28th November 1863.

1. Establishes its competency as a Court, from the 28th November 1863.

WHEREAS the Court of Small Causes of Kurrachee was constituted by the Governor in Council of Bombay on the fifth day of July 1861 without the previous sanction of the Governor-General of India in Council as required by Section 1 of Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the local limits of the Jurisdiction of the Supreme Courts of Judicature established by Royal Charter*) having been given: and whereas the sanction of the Governor-General of India in Council to the

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constitution of the said Court was granted on the twenty-eighth day of November 1863: and whereas doubts are entertained as to the validity of the orders and decisions passed and the proceedings held by the said Court before the twenty-eighth day of November 1863, and it is desirable that such doubts should be removed; It is enacted as follows:—

I. The sanction given by the Governor-General of India in Council on the twenty-eighth day of November 1863 to the constitution of the Court of Small Causes of Kurrachee, shall have the same effect as if it had been given before the fifth day of July 1861:

Sanction given by Governor-General to constitution of Small Cause Court at Kurrachee to have effect as if given before 5th July 1861.

and no order or decision passed, and no proceeding held by the said Court on or after the said fifth day of July 1861, and before the said twenty-eighth day of November 1863, shall be deemed to be invalid merely by reason of such order or decision having been passed, or such proceeding having been held, without the sanction of the Governor-General of India in Council to the constitution of the said Court having been previously given.

CODE OF CIVIL PROCEDURE.—SCINDE.

ACT No. V. OF 1864.

(Received the assent of the G. G. on the 18th February 1864.)

Recites that the Code of Civil Procedure was extended, to Scinde from 1st January 1862, without the previous sanction of the Government of India, and doubts as to the validity of proceedings under the Code for the want of that sanction.

1. Retrospectively gives validity to proceedings according to the Code, from 1st January 1862.

WHEREAS the Province of Scinde is a part of the territories subordinate to the Government of Bombay, but not subject to the General Regulations of Bengal, Madras, and Bombay: and whereas the Code of Civil Procedure, subject to certain restrictions, limitations, and provisos, was on and from the first day of January 1862 extended, by the Governor in Council of Bombay to the said Province, without the previous sanction of the Governor-

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General of India in Council as required by Section 39 of Act XXIII of 1861 (*to amend Act VIII of 1859*): and whereas the Governor-General of India in Council on the twenty-eighth day of November 1863 gave his sanction to the extension of the Code of Civil Procedure, subject to the said restrictions, limitations, and provisos, to the said Province: and whereas doubts are entertained as to the validity of orders and decisions passed and proceedings held by the Courts in Scinde under the said Code of Civil Procedure, before the grant of the sanction of the Governor-General of India in Council as aforesaid: It is enacted as follows:—

1. The sanction given by the Governor-General of India in Council on the twenty-eighth day of November 1863 to the extension of the Code of Civil Procedure to the Province of Scinde, shall have the same effect as if it had been given before the first day of

Sanction given by Governor-General to the extension of the Code of Civil Procedure to Scinde, to have effect as if given before 1st January 1862.

January 1862: and no order or decision passed and no proceeding held by any Court in the said Province on or after the said first day of January 1862 and before the said twenty-eighth day of November 1863, shall be deemed to be invalid merely by reason of such order or decision having been passed or of such proceeding having been held under the said Code of Civil Procedure as extended to the said Province by the Governor in Council of Bombay as aforesaid without the sanction of the Governor-General of India in Council.

WHIPPING ACT.

ACT No. VI. OF 1864.

(Received the assent of the G. G. on the 18th February 1864.)

Recites the expediency of introducing the punishment of whipping.

1. Adds the punishment of whipping to the punishments described in Section 53 of the Indian Penal Code.

2. Whipping may be ordered in lieu of any other punishment, under the Indian Penal Code, for specified offences—*viz.*, Theft, under Sections 378, 380, 381, 382: Extortion, under Sections 388, 389: Dishonestly receiving stolen property, under Sections 411, 412: Lurking, House Trespass, or House break-

ing, under Sections 443, 445: Lurking, House Trespass by Night, and House breaking by Night, under Sections 444, 446.

3. And on second conviction of these offences, whipping may be ordered either in lieu of, or in addition, to other punishment.

4. Whipping may be ordered on second conviction, in addition to any other punishment under the Code for the following offences—*viz.*, giving or fabricating false evidence, under Sections 193, 194, 195. Falsely charging any person with an unnatural offence, under Sections 211, 377: Assaulting or using criminal force to a woman, under Section 354: Rape, under Section 375: Unnatural offence, under Section 377: Robbery or Dacoity, under Sections 390, 391: Attempt to commit robbery, under Section 393: Voluntarily causing hurt in committing robbery, under Section 394: Habitually receiving, &c., stolen property, under Section 413: Forgery, under Sections 463, 466, 467, 468, 469: Lurking, House Trespass, or House breaking, under Sections 443, 444, 445, 446.

5. Makes Juvenile offenders liable to whipping in lieu of any other punishment, for any offence under the Code not punishable with death.

6. In frontier districts and wild tracts, whipping may be given in lieu of any other punishment, for offences named in Section 4, after Notification in *Gazette*.

7. The following classes not to be liable to whipping—*viz.*, Women, persons sentenced to death, transportation, penal servitude, or to more than five years' imprisonment.

8. Officers inferior to first class subordinate Magistrate not to sentence to whipping unless expressly empowered by Government.

9. Whipping not to be inflicted till fifteen days after sentence, or confirmation of an appeal.

10—11. Whipping to be inflicted with instrument and in mode and on part directed by Government; and on juvenile offender by a light rattan; and not to exceed 150 lashes if by cat of nine tails, or 30 stripes if by rattan; and to be inflicted in presence of Magistrate, &c.; and (11) not to be inflicted if the offender is not in a fit state of health, nor by instalments.

12. Provides for revision of sentence, &c., for case in which sentence of whipping cannot be carried out.

WHEREAS it is expedient that in certain cases offenders should be liable, under the provisions of the Indian Penal Code, to the punishment of whipping; It is enacted as follows:—

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Whipping added to the punishments described in Section 53 of the Penal Code.

I. In addition to the punishments described in Section 53 of the Indian Penal Code, offenders are also liable to whipping under the provisions of the said Code.

II. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Indian Penal Code, that is to say :—

1. Theft, as defined in Section 378 of the said Code.
2. Theft in a building, tent, or vessel, as defined in Section 380 of the said Code.
3. Theft by a clerk or servant, as defined in Section 381 of the said Code.
4. Theft after preparation for causing death or hurt, as defined in Section 382 of the said Code.
5. Extortion by threat, as defined in Section 388 of the said Code.
6. Putting a person in fear of accusation in order to commit extortion, as defined in Section 389 of the said Code.
7. Dishonestly receiving stolen property, as defined in Section 411 of the said Code.
8. Dishonestly receiving property stolen in the commission of a Dacoity, as defined in Section 412 of the said Code.
9. Lurking house-trespass, or house-breaking, as defined in Sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this Section.
10. Lurking house-trespass by night or house-breaking by night, as defined in Sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this Section.

III. Whoever, having been previously convicted of any one of the offences specified in the last preceding Section, shall again be convicted of the same offence, may be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence be liable under the Indian Penal Code.

On second conviction of any offence mentioned in last Section, whipping may be added to other punishment.

IV. Whoever, having been previously convicted of any one of the following offences, shall be again convicted of the same offence, may be punished with whipping in addition to any other punishment to which he may be liable under the Indian Penal Code, that is to say :—

Offences punishable, in case of second conviction, with whipping in addition to other punishment.

1. Giving or fabricating false evidence in such manner as to be punishable under Section 193 of the Indian Penal Code.
2. Giving or fabricating false evidence with intent to procure conviction of a capital offence, as defined in Section 194 of the said Code.
3. Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment, as defined in Section 195 of the said Code.
4. Falsely charging any person with having committed an unnatural offence, as defined in Sections 211 and 377 of the said Code.
5. Assaulting or using criminal force to any woman with intent to outrage her modesty, as defined in Section 354 of the said Code.
6. Rape, as defined in Section 375 of the said Code.
7. Unnatural offences, as defined in Section 377 of the said Code.
8. Robbery or Dacoity, as defined in Sections 390 and 391 of the said Code.
9. Attempting to commit Robbery, as defined in Section 393 of the said Code.
10. Voluntarily causing hurt in committing robbery, as defined in Section 394 of the said Code.
11. Habitually receiving or dealing in stolen property, as defined in Section 413 of the said Code.
12. Forgery, as defined in Section 463 of the said Code.
13. Forgery of a document, as defined in Section 466 of the said Code.
14. Forgery of a document, as defined in Section 467 of the said Code.

15. Forgery for the purpose of cheating, as defined in Section 468 of the said Code.

16. Forgery for the purpose of harming the reputation of any person, as defined in Section 469 of the said Code.

17. Lurking house-trespass or house-breaking, as defined in Sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this Section.

18. Lurking house-trespass by night or house-breaking by night, as defined in Sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this Section.

V. Any juvenile offender who commits any offence which is not by the Indian Penal Code punishable with death, may, whether for a first or any other offence, be punished with whipping in lieu of any other punishment to which he may for such offence be liable under the said Code.

Juvenile offenders punishable with whipping for offences not punishable with death.

VI. Whenever any local Government shall by Notification in the Official Gazette have declared the provisions of this Section to be in force in any Frontier District or any wild tract of country within the jurisdiction of such local Government, any person who shall in such district or tract of country after such Notification as aforesaid commit any of the offences specified in Section IV of this Act, may be punished with whipping in lieu of any other punishment to which he may be liable under the Indian Penal Code.

When offences specified in Section IV may be punished with whipping in Frontier Districts and wild tracts.

VII. No female shall be punished with whipping, nor shall any person who may be sentenced to death, or to transportation, or to penal servitude, or to imprisonment for more than five years, be punished with whipping.

Exemption of females.

Officers inferior to Subordinate Magistrate of the 1st Class not to pass sentence of whipping unless expressly empowered by Government.

VIII. No sentence of whipping shall be passed by any Officer inferior to a Subordinate Magistrate of the first class, unless he shall have been expressly empowered by the local Government to pass sentences of whipping.

IX. When the punishment of whipping is awarded in addition to imprisonment, by a Court whose sentence is open to revision by a superior Court, the whipping shall not be inflicted until fifteen days from the date of such sentence, or if an appeal be made within that time, until the sentence is confirmed by the superior Court: but the whipping shall be inflicted immediately on the expiry of the fifteen days, or in case of an appeal immediately on the receipt of the order of the Court confirming the sentence if such order shall not be received within the fifteen days.

X. In the case of an adult, the punishment of whipping shall be inflicted with such instrument in such mode and on such part of the person as the local Government shall direct, and in the case of a juvenile offender, it shall be inflicted in the way of school discipline with a light rattan. In no case, if the cat of nine tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or if the rattan be employed shall the punishment exceed thirty stripes. The punishment shall be inflicted in the presence of a Justice of the Peace, or of an Officer authorized to exercise any of the powers of a Magistrate, and also, unless the Court which passed the sentence shall otherwise order, in the presence of a Medical Officer.

XI. No sentence of whipping shall be carried into execution unless a Medical Officer, if present certifies, or unless it appears to the Justice of the Peace or other Officer present, that the offender is in a fit state of health to undergo the punishment; and if during the execution of a sentence of whipping a Medical Officer certifies, or it appears to the Officer present, that the offender is not in a fit state of health to undergo the remainder of the punishment, execution shall be stayed. No sentence of whipping shall be executed by instalments.

XII. In any case in which, under the last preceding Section of this Act, no part of a sentence of whipping is carried into execution, the offender

which passed the sentence can revise it, and the said Court may, at its discretion, either order the discharge of the offender, or sentence him in lieu of whipping to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence; provided that the whole period of imprisonment shall not exceed that to which the offender is liable under the provisions of the Indian Penal Code, or that which the said Court is competent to award.

SALT CUSTOMS DUTIES.—CENTRAL PROVINCES.

ACT No. VII. OF 1864.

(Received the assent of the G. G. on the 25th February 1864.)

Recites expediency of levying duty on Salt in the Central Provinces, and to extend certain specified Acts.

1. Repeals so much of Act XIV., 1843, Section 14, as declares that the Act is not to apply to the Saugor and Nerbudda Territories.

2. Empowers the Governor-General in Council to order levy of Customs duty, not exceeding Rupees 3 per maund, on Salt imported into the Territories administered by the Chief Commissioner of the Central Provinces.

3. Extends to those Provinces specified parts of Act XIV., 1843, Sections 3 to 13, both inclusive; and Act XXXVI., 1855, Sections 1 to 3 and 5 to 9 both inclusive; and Act XIX., 1862, Section 2.

4. Indemnifies Collectors of Customs, &c., for Acts done before this Act passed, which would have been legal if it had passed.

WHEREAS it is expedient to provide for the levy of a Customs duty upon Salt in the Territories administered by the Chief Commissioner of the Central Provinces, and to extend to the said Territories certain provisions of Act XIV of 1843 (*for regulating the levy of Customs duties and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal*), and of Act XXXVI of 1855 to empower Officers of Customs and land revenue to search houses and other enclosed places for contraband Salt in the North-Western Provinces), and of Act XIX of 1862 to extend to the Province of Oude certain provisions of Acts XIV of 1843 and XXXVI of 1855 relating to the ma-

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manufacture of contraband Salt, and to amend the last named Act); It is annexed as follows :—

I. So much of Section XIV of Act XIV of 1843 as declares that nothing in the said Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, is hereby repealed.

Section XIV of Act XIV of 1843 partially repealed.

II. It shall be lawful for the Governor-General in Council to order the levy of a Customs duty not exceeding three Rupees per maund on Salt imported into the Territories administered by the Chief Commissioner of the Central Provinces.

Customs duty on Salt imported into the Central Provinces.

III. So much of Sections III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII of Act XIV of 1843 as relates to the manufacture and importation of alimentary Salt, and to the prevention and punishment of the illicit manufacture and importation of such Salt, and Sections I, II, III, V, VI, VII, VIII, and IX of Act XXXVI of 1855, and Section II of Act XIX of 1862 are hereby extended to the Territories administered by the Chief Commissioner of the Central Provinces.

Certain provisions of Act XIV of 1843, of Act XXXVI of 1855, and of Act XIX of 1862, extended to the Central Provinces.

IV. Every Collector of Customs and other Officer in the Territories administered by the Chief Commissioner of the Central Provinces, however such Officer is designated, is hereby indemnified for any thing done before the passing of this Act, which might lawfully have been done if this Act had been in force, and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of any thing so done.

Indemnity to Collectors of Customs and others.

COMPTOIR D'ESCOMPTE OF PARIS.

ACT No. VIII. OF 1864.

(Received the assent of the G. G. on the 2nd March 1864.)

Recites the establishment of this Bank, for a term of thirty years with limited liability, and with agencies conducted in the same manner as the Bank itself.

Recites also a convention between the Queen and the Emperor for the mutual grant to all Companies of the power to carry on their business, &c., and the expediency of giving effect to the convention so far as the Comptoir D'Escompte and its agencies are concerned.

1. Interprets the word "British India" and "Person," and lays down rule of construction for words of Number and Gender.
2. Suits to be brought by and against the Chief Manager for the time being of the agencies in India, and suits not to abate on his death or removal.
3. In Criminal proceedings, property of the Comptoir may be described as property of the Comptoir, or of the Chief Manager.
- 4—5. Suits by or against the Comptoir on contract not to be defeated by the plaintiff, or defendant being a partner.
- 6—8—10—11. Memorial in Form in Schedule A. to be enrolled among the Records of the High Court; (7) authenticated by the French Financial Minister and H. M.'s Consul General in Paris; and (8) on charge of Chief Manager, new memorial thereof to be enrolled; but (10) registered Manager to remain liable, till new one registered; and (11) examined copy of memorial signed by Registrar to be evidence.
9. Section 199 of I. P. C. to apply to false verification of memorial.
- 10—11. *Supra.*
12. Extends provisions of Civil Code of Procedure as to executions and attachments against property of Comptoir to judgments against the Comptoir.
13. Prohibits multiplicity of suits for same demand.

Schedule A.—The memorial. B. memorial of change of Chief Manager.

WHEREAS certain persons have formed themselves into a Company at Paris for the transaction of Banking business under the name of the "Comptoir D'Escompte of Paris:" and whereas the said Company is constituted and established under and by virtue of various Imperial decrees of the French Government, Notarial Acts, and Articles of Agreement, whereby it is provided (amongst other things) that the said Company may continue to exist and carry on business for a term of thirty years from the eighteenth day of March 1857, that the shareholders of the Company shall be responsible only to the amount of their shares respectively, that the rights and liabilities attached to each share shall follow its transmission into whatever hands it may pass, and that the Company may establish, on its own responsibility, and with the authority of the Minister of Finance, Agencies in France and in French

or Foreign Colonies, such Agencies to be organized and conducted in the same manner as the Comptoir D'Escompte itself : and whereas Agencies of the said Company have been recently established in Calcutta and in Bombay : and whereas on the thirtieth day of April, 1862, a Convention was concluded and signed at Paris between Her Majesty the Queen of great Britain and Ireland and His Majesty the Emperor of the French, comprising the following Articles, that is to say, " First—The High contracting parties declare that they mutually grant to all Companies and other Associations, commercial, industrial, or financial, constituted and authorized in conformity with the laws in force in either of the two countries, the power of exercising all their rights, and of appearing before the Tribunals, whether for the purpose of bringing an action or for defending the same, throughout the dominions and possessions of the other Power, subject to the sole condition of conforming to the laws of such dominions and possessions. Second—It is agreed that the stipulations of the preceding Articles shall apply as well to Companies and Associations constituted and authorized previously to the signature of the present Convention as to those which may subsequently be so constituted and authorized. Third—The present Convention is concluded without limit as to duration. Either of the High Powers shall however be at liberty to terminate it by giving to the other a year's previous notice. The two High Powers moreover reserve to themselves the power to introduce into the Convention, by common consent, any modifications which experience may show to be desirable : " and whereas it is desirable that effect should be given to the said Convention so far as the Comptoir D'Escompte and its Agencies now or hereafter established are concerned : It is enacted as follows :—

I. Unless the contrary appears from the context, in construing this Act, the words " British India " denote the Territories which are or may become vested in Her Majesty the Queen by the Statute 21 and 22 Vic. Ch. 106, entitled " an Act for the better Government of India ", except the settlement of Prince of Wales' Island, Singapore, and Malacca :

the said Comptoir D'Escompte and all suits and proceeding as well for subsisting as future accruing claims, debts or demands to be commenced against the said Comptoir D'Escompte by any person, whether such person is or shall then be a shareholder or partner of or in the said Comptoir D'Escompte or not, shall be commenced and prosecuted against the said Chief Manager for the time being, as the nominal defendant or respondent for and on behalf of the said Comptoir D'Escompte, and the death, removal, resignation or any other act of such Chief Manager, or his bankruptcy or insolvency shall not abate or prejudice any suit or other proceeding commenced under this Act, but the same may be continued, prosecuted and carried on or defended in the name of any other the Chief Manager for the time being of the said Agencies.

III. From and after the passing of this Act, in all criminal

In criminal proceedings, property whether vested in Comptoir D'Escompte or Trustees, may be described as property of Comptoir or of Chief Manager.

proceedings instituted or carried on by or on behalf of the said Comptoir D'Escompte, for fraud or injury upon or against the said Comptoir D'Escompte, or for any offence whatever relating to any money, notes, bills, effects, securities, or any real or personal property of the said Comptoir D'Escompte, or for any other offence against the said Comptoir D'Escompte, it shall be lawful to state such money, notes, bills, effects and securities, and other real and personal property, in whomsoever the same may be vested, whether in the said Comptoir D'Escompte, or in some person or persons in trust for the said Comptoir D'Escompte, to be the money, notes, bills, effects and securities, or property of the said Comptoir D'Escompte, or of the Chief Manager for the time being of the Agencies in British India of the said Comptoir D'Escompte; and any offence committed with intent to injure or defraud the said Comptoir D'Escompte, shall and lawfully may in such proceedings be said to have been committed with intent to injure or defraud the said Comptoir D'Escompte, or such Chief Manager for the time being as aforesaid, and any offender may thereupon be lawfully convicted of any such offence; and in all other proceedings in which, before the passing of this Act, it would have been necessary to state the names of the persons composing the said

Comptoir D'Escompte, it shall be lawful and sufficient to state the name of such Chief Manager; and the death, resignation, or removal of such Chief Manager shall not abate or render defective, or in any wise affect or prejudice such criminal proceedings.

IV. No suit which may be commenced in any Court in

Actions against the Comptoir on contracts with it not to be defeated because plaintiff is a partner.

British India against the said Comptoir D'Escompte, or the Chief Manager for the time being of the Agencies in British India of the said Comptoir D'Escompte, upon or

arising out of any contract entered into by or on behalf of the said Comptoir D'Escompte, shall be in any wise affected or defeated by reason of the plaintiff therein, or of any other person who may be in any wise interested in such action, being a shareholder or partner of or in the said Comptoir D'Escompte; but any shareholder or partner of or in the said Comptoir D'Escompte, shall have the same right of action and remedy to be proceeded in and enforced in the same manner against the said Comptoir D'Escompte, or such Chief Manager for the time being as aforesaid, upon any contract, and for any debt, damage, or demand whatsoever, which he might have had if he had been a stranger, and not a shareholder or partner of or in the said Comptoir D'Escompte.

V. No suit commenced by or on behalf of the said Comptoir

Suit by Comptoir on contract not to be defeated because defendant is a partner.

D'Escompte in the name of the Chief Manager for the time being as aforesaid by virtue of this Act, upon or arising out of any contract whatsoever, entered into by

or on behalf of the said Comptoir D'Escompte, or for the recovery of any debt, damage, or demand whatsoever due or owing to the said Comptoir D'Escompte, or for any other cause or any other account, shall be in any wise affected or defeated by or by reason of the defendant therein, or any person or persons who may be in any wise interested in such suit, being a shareholder or partner of or in the said Comptoir D'Escompte, but the said Comptoir D'Escompte shall and may have the same right of suit and remedy to be proceeded in and enforced in the same manner against any shareholder or partner of or in the said Comptoir D'Escompte, either alone or jointly with any other person, upon any contract,

and upon and for any debt, damage, or demand whatsoever, which the said Comptoir D'Escompte might have had if such cause of action had arisen with a stranger, and not with a shareholder or partner of or in the said Comptoir D'Escompte.

VI. The Chief Manager of the Agencies in British India of the said Comptoir D'Escompte shall have an Office for the transaction of the business of the Comptoir D'Escompte. He shall cause a memorial, in the form and to the effect set forth in the Schedule (A) to this Act annexed, or as near thereto as the circumstances of the case will admit of, verified by a declaration in writing made by him before a Judge of the High Court of Judicature within the Jurisdiction of which his Office is situated, to be enrolled amongst the records of the said High Court, such memorial shall, prior to being enrolled, be signed by the said Chief Manager, and shall be accompanied by or have annexed thereto, or endorsed thereon, copies of the decrees, notarial acts, articles, and other instruments under which the Company is established, and copies of the various rules under which the business of the Company is conducted. The memorial shall set forth the situation of the Office of the Chief Manager and of every other Office and place in British India in or at which the business of the Comptoir D'Escompte is carried on: and it shall contain a statement of the amount both of the nominal and of the paid-up capital, the number of shares into which the capital is divided, the amount of each share, and the amount of capital (if any) which the Comptoir D'Escompte shall have set aside for their working capital in British India, and if the last mentioned capital be other than money, then a statement of how it stands invested, and in whose name.

VII. No memorial shall be enrolled unless the authority of the Chief Manager by whom it is signed, and the copies of the decrees, acts, deeds, and other documents, accompanying the memorial shall be authenticated by the signature and seal of the French Financial Minister, and countersigned by Her Britannic Majesty's Consul General in Paris for the time being.

Chief Manager to cause a memorial to be enrolled containing certain particulars.

Authority of Chief Manager to be authenticated.

VIII. Whenever any new Chief Manager of the Agencies in British India of the said Company shall be appointed, or any change in or addition to any of the facts stated in any memorial which may have been enrolled shall take place, a like memorial in the form and to the effect set forth in the Schedule (B) to this Act annexed, verified as aforesaid shall, within twelve calendar months after such appointment, change, or addition shall have been made, be enrolled as aforesaid, specifying the name and description of such new Chief Manager, and containing a statement of the change or addition which may have taken place in the facts aforesaid.

IX. If any declaration made for the purpose of verifying a memorial under this Act shall be false or untrue in any material particular, the person wilfully making such declaration shall be guilty of an offence within the meaning of Section 199 of the Indian Penal Code.

X. Until such memorial as first hereinbefore mentioned shall have been duly verified and enrolled, no action or suit shall be brought by the said Comptoir D'Escompte under the authority of this Act : and until the memorial by this Act required to be verified and enrolled in the event of the appointment of a new Chief Manager of the Agencies in British India of the said Comptoir D'Escompte, shall have been duly verified and enrolled, the person whose name shall appear in the last memorial which shall have been duly verified and enrolled, shall be liable to all such suits and executions upon judgment or decree and other proceedings under this Act, and in the same manner, as if he had not ceased to be such Chief Manager, and as if no new Chief Manager had been appointed.

XI. An examined copy of every memorial enrolled pursuant to this Act, certified to be a true copy by and under the hand and signature of a Registrar for the time being of the High

Memorial of change in Chief Manager or in facts set forth in former memorial to be enrolled.

False declaration an offence under the Penal Code.

Comptoir not to sue under this Act till after enrollment of memorial, and person named in last memorial to remain liable till fresh memorial is enrolled.

Examined copy to be a proof of contents of memorial.

Court of Judicature in which the same shall have been enrolled, shall be received in evidence as proof of the contents of such memorial, and proof shall not be required that the person by whom the memorial purports to be verified was, at the time of such verification, Chief Manager as aforesaid of the said Agencies.

XII. Execution on every judgment, decree, and order made or pronounced in any suit or proceeding in any Court in British India against the Chief Manager for the time being as aforesaid, shall and may be issued and enforced against any property in British India belonging to the Comptoir D'Escompte. All the provisions of the Code of Civil Procedure as to the attachment of property before judgment and after judgment, shall in all suits against the Chief Manager have full force and effect as regards property in British India belonging to the Comptoir D'Escompte. So long as the full amount recoverable by any person under any judgment, decree, or order shall not have been recovered, no execution issued from any Court in British India, nor any thing in this Act, shall in any way prejudice or injure the right of such person to proceed in France, under the privileges and powers reserved to British subjects by and under the said Convention of the thirtieth of April 1862, for the recovery of the amount unrecovered.

XIII. No person having or claiming to have any demand upon or against the said Comptoir D'Escompte shall, when the same has been so determined as to have been pleadable in bar against such person, bring more than one suit in respect of such demand; and the proceedings in any suit which may have been brought against the Chief Manager for the time being of the Agencies in British India of the said Comptoir D'Escompte under the authority of this Act, if so determined, may be pleaded in bar of any suit in any Court in British India, for the same cause against any other such Chief Manager; and in case of any demand which the said Comptoir D'Escompte now has or hereafter may have upon or against any person, whether a shareholder of the said Comptoir

Judgment or order, against Chief Manager how to be executed.

No person to bring more than one suit for the same demand against any Chief Manager, nor the Comptoir against any other person.

D'Escompte or not, and which shall have been determined in any action or suit commenced or prosecuted by the Chief Manager for the time being, the proceedings in such suit may be pleaded in bar of any other suit, in any such Court as aforesaid, for the same demand, which may be commenced or prosecuted by the same or any other such Chief Manager as aforesaid.

SCHEDULE (A).

Referred to in Section VI of this Act.

Memorial made the _____ day of _____ by the Chief Manager of the Agencies in British India of the Comptoir D'Escompte of Paris pursuant to Act VIII of 1864 of the Governor-General of India in Council, intituled "An Act to enable the Comptoir D'Escompte of Paris to sue and be sued in the name of the Chief Manager of the Indian Agencies of the said Company," setting forth the particulars prescribed by Section VI of the said Act.

Situation of Office of Chief Manager	...	...	...
Situation of other Offices and places in British India	...		...
Entire Nominal Capital of the Company	...	...	...
Paid-up Capital	...	...	...
Number of Shares	...	...	...
Amount of each Share	...	...	...
Amount of Capital set aside for operations in British India.			
Mode in which the same is invested	...	...	...
Name in which the same is invested	...	...	...

I, A. B., Chief Manager of the Agencies in British India of the Comptoir D'Escompte of Paris, do solemnly and sincerely declare, to the best of my knowledge and belief, that the above written memorial is true in all respects.

(Signed) A. B.

Declared &c., before me, a Judge of the High Court of Judicature at _____

SCHEDULE (B).

Referred to in Section VIII of this Act.

Memorial made the _____ day of _____ by the Chief Manager of the Agencies in British India of the Comptoir D'Escompte of Paris, pursuant to Act VIII of 1864 of the Governor-General of India in Council, intituled "An Act to enable the Comptoir D'Escompte, &c.," (as in foregoing), setting forth particulars of change or changes as prescribed by Section VIII of the said Act.

Name and description of new Chief Manager

or

New situation of Office of Chief Manager

or

Other change

I, C. D., Chief Manager of the Agencies in British India of the Comptoir D'Escompte of Paris, do solemnly and sincerely declare, to the best of my knowledge and belief, that the above written memorial is true in all respects.

(Signed) C. D.

Declared before me, &c., &c., (as before).

PORT DUES—AMHERST.

ACT No. IX OF 1864.

(Received the assent of the G. G. on the 9th March 1864.)

1—2. Repeals Act VIII, 1861; (2) from the 1st May 1864.

WHEREAS it is expedient that Act VIII of 1861 (for the levy of Port-dues in the Port of Amherst) be repealed: It is enacted as follows:—

Preamble.

Act VIII of 1861 repealed.

I. Act VIII of 1861 is hereby repealed.

Date on which Act comes into operation.

II. This Act shall come into operation on the first day of May 1864.

ABKAREE REVENUE—BENGAL.

ACT No. X. OF 1864.

(Received the assent of the G. G. on the 9th March 1864)

Recites the expediency of extending Act XXI, 1856, to any province or place under the immediate administration of the Governor General of India in Council.

1—2. Empowers the Governor General in Council so to extend the Act by order in the *Gazette of India*; and (2) declares the Act to be in force whenever so extended.

WHEREAS it is expedient to give the Governor-General of India in Council power to extend the provisions of Act XXI of 1856 *(to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal)* to any of the Provinces under the immediate administration of the Governor-General of India in Council in which the said Act is not now in force: It is enacted as follows:—

Preamble.

I. It shall be lawful for the Governor-General of India in Council, by order published in the *Gazette of India*, to extend the provisions of the said Act XXI of 1856 to any province or place under the immediate administration of the Governor-General of India in Council.

Governor-General of India in Council may extend Act XXI of 1856 to certain Non-Regulation Provinces.

II. Whenever the Governor-General of India in Council shall extend the said Act XXI of 1856 to any province or place under the powers hereinbefore in that behalf contained, the Governor-General in Council shall by notification in the *Gazette of India* declare the authorities by whom the said Act XXI of 1856 shall be administered in such province or place.

Governor-General in Council to declare the authorities by whom Act XXI of 1856 is to be administered.

HINDOO AND MAHOMEDAN LAW OFFICERS AND CAZEE.

—
ACT No. XI. OF 1864.

(Received the assent of the G. G. on the 18th March 1864.)

Recites that it is unnecessary to continue the Hindoo and Mahomedan Law Officers, and that it is inexpedient that the appointment of Cazeer-ool-Cozaat or Cazeer should be made by Government.

1. Repeals the following Regulations and Acts :—*Bengal* Regs. 4, 1793, Section 15 partially; 12, 1793; 39, 1793; 8, 1795, Section 3 partially; 11, 1795; 49, 1795; 2, 1798, Section 4; 3, 1803, Section 16, Clause 1 partially; 9, 1803; 46, 1803; 10, 1806, Section 10 partially; 8, 1809, Sections 3, 4; 18, 1817, Sections 1, 2, 4, 6, partially; 11, 1826, Sections 1, 2, 3, 4; 3, 1827, Sections 1, 2, 3, 4, partially; 3, 1829, Section 7. *Madras* Regs. 11, 1802; 3, 1808; 7, 1822, Section 3, Clause 2; 3, 1828. *Bombay* Regs. 2, 1827, Section 34, Clauses 2, 3, and Section 35; 26, 1827. Act XXVII, 1836; VII, 1843, Section 51; V, 1845.

WHEREAS it is unnecessary to continue the offices of Hindoo and Mahomedan Law Officers, and is inexpedient that the appointment of Cazeer-ool-Cozaat, or of City, Town or Pergunnah Cazeers should be made by Government; It is enacted as follows :—

Preamble.

I. The Regulations and Acts and parts of Regulations and Regulations and Acts set forth in the Schedule annexed to this Act are hereby repealed, except so far as they repeal any other Regulation or Act or part of any other Regulation or Act.

Regulations and Acts repealed.

II. Nothing contained in this Act shall be construed so as to prevent a Cazeer-ool-Cozaat or other Cazeer from performing, when required to do so, any duties or ceremonies prescribed by the Mahomedan Law.

This Act not to affect the performance of ceremonies, &c., by Cazeers.

SCHEDULE.

Regulations and Acts and parts of Regulations and Acts Repealed.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation IV. 1793...	Bengal Code	For receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny, Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad	So much of Section XV as declares that, in the respective cases mentioned in the said Section, the Mahomedan and Hindoo Law Officers of the Court are to attend to expound the law.
Regulation XII. 1793...	Bengal Code	For the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature	The whole.
Regulation XXXIX. 1793...	Bengal Code	For the appointment of the Cazeer-ool-Cozaat or Head Cazeer of Bengal, Behar, and Orissa, and the Cazeers stationed in the several districts, and prescribing their respective duties...	The whole.

Number and date of Regulations.	What Code.	Title	Extent of Repeal.
Regulation VIII. 1795	Bengal, Code	<p>For extending to the Province of Benares, with alterations and modifications, Regulation IV. 1793, entitled "A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad;" and for exempting the Rajah of Benares and the Baboos of his family, and certain Bankers, when defendants, from giving the security required from other defendants . . .</p>	<p>So much of Section III as declares that, in the respective cases mentioned in the said Section, the Mahomedan and Hindoo Law Officers of the Courts are to attend and expound the law</p>
Regulation XI. 1795 . . .	Bengal Code	<p>For extending, with modifications, to the Province of Benares, Regulation XII. 1793, entitled "a Regulation for the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature," and for appointing a Pundit or Pundits to the Provincial Court of Circuit for the Division of Benares, to expound the Hindoo Law in certain cases cognizable by that Court . . .</p>	<p>The whole.</p>

Regulation XLIX. 1795 Bengal Code

For appointing the Head Cazeer of the Provinces of Bengal, Behar, and Orissa, Head Cazeer of the Province of Benares, and for extending to that Province the Rules contained in Regulation XXXIX. 1793, regarding the Cazeers stationed in the Cities, Towns, and other places in the three first mentioned Provinces

The whole.

Regulation II. 1798 Bengal Code

For authorising a Review of Causes decided by the Civil Courts in certain cases; and for explaining parts of Regulations IV, V and VI. 1793.

Section IV.

So much of Clause First, Section XVI, as declares that the Mahomedan and Hindoo Law Officers of the Courts shall attend to expound the law of their respective persuasions in cases in which recourse may be required to be had to it; and that the Judge of the Zillah Court may further refer cases for the opi-

Regulation III. 1803 Bengal Code

For receiving, trying and deciding suits or complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company

Number and date of Regulation.	What Code.	Title.	Extent of Repeal.
Regulation XI. 1803...	Bengal Code	For the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature, in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company ...	nion of the Law Officers of the Superior Courts.
Regulation XLVI. 1803	Bengal Code	For the appointment of the Cazeer-ool-Cozaat, or Head Cazeer of the Provinces of Bengal, Behar, Orissa, and Benares, to be the Head Cazeer of the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company .	The whole.
Regulation X. 1806 ...	Bengal Code	For extending to the Judicial Department such parts of Regulation VIII. 1806, as are applicable to charges or information against the European public officers employed in that Department, and for making further provision in such cases	The whole.
Regulation VIII. 1809	Bengal Code	For modifying parts of the Rules in force respecting the appointment and removal of the Native Officers of Government in the Judicial Revenue and Commercial Departments	So much of Section X as relates to charges of corruption and extortion against the Hindoo and Mahomedan Law Officers.
			Sections III and IV.

Regulation XVIII. 1817	Bengal Code	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 much of Sections I, II, IV and VI as relates to Law Officers.
Regulation XI. 1826 ...	Bengal Code	For providing a succession of duly qualified Hindoo and Mahomedan Law Officers in the several Courts of Justice; and for enacting an additional Rule for the appointment of Vakeel's in the Zillah and City Courts	Sections I, II, III and IV.
Regulation III. 1827...	Bengal Code	For modifying and amending the Rules in force relative to the Law Officers and Ministerial Native Officers of the Courts of Judicature, who may be guilty of corruption or extortion.	So much of Sections I, II, III and IV as relates to Law Officers.
Regulation I. 1829...	Bengal Code	For abolishing certain official designations amongst the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, and of the Provincial Courts; for amending the Rules at present in force, which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or other public Officers, to take the prescribed oaths of office before the Governor-General in Council; for providing for the decision of Civil suits and appeals in the Provincial Courts, in certain cases; for amending Regulation VIII. 1825,	Section VII.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation XI. 1802...	Madras Code	and for discontinuing the offices of Hindoo and Mahomedan Law Officer in the Provincial Courts	The whole.
Regulation III. 1808...	Madras Code	For the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature	The whole.
Regulation VII. 1822...	Madras Code	For the appointment of the Cazeer-ool Cozaat of the Provinces subject to the Presidency of Fort Saint George	Section III Clause 2.
Regulation III. 1828...	Madras Code	For rescinding Regulation I of 1809, and Regulation V of 1811, and for declaring that the appointment and removal of the Native public servants of Government shall be regulated by such orders as the Governor in Council may from time to time see fit to issue	The whole.
Regulation II. 1827 ...	Bombay Code	For improving the means of procuring for the Courts of Judicature correct expositions of the Hindoo and Mahomedan Law	Clauses 2 and 3, Section XXXIV, and Section XXXV.
Regulation XXVI. 1827	Bombay Code	For defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof	The whole.
		For the appointment and removal of Cazeers, and for ensuring an efficient and regular discharge of their duties	

Number and date of Acts.	Title.	Extent of Repeal.
Act XXVII. 1836	For the repeal of Regulation V. 1817 of the Madras Code	} The whole.
Act VII. 1843.	For abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil Jurisdiction of such Courts	} Section LI.
Act V. 1845.	Concerning the examination and appointment of Hindoo and Mahomedan Law Officers	} The whole.

TREATY WITH BURMAH.

ACT No. XII. OF 1864.

(Received the assent of the G. G. on the 18th March 1864).

1. Authorizes the Governor-General in Council to give effect to Act IV, 1863, by general Rules and Orders.
2. Indemnifies Collectors of Customs, &c., for acts done in carrying Act IV, 1863, into operation.

WHEREAS it is necessary to provide for the more effectual carrying out of the provisions of Act IV of 1863 *(to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burmah)*; It is enacted as follows:—

I. It shall be lawful for the Governor-General in Council to make and issue rules to give effect to the said Act IV of 1863, and regulate all matters relating to the import and export of goods or otherwise arising under that Act: and from time to time to add to, alter or revoke such rules or any of them. Provided that no rule so made shall be inconsistent with any provision of the said Act IV of 1863, and that the penalties prescribed in such rules for their infringement shall not exceed, and shall so far as circumstances will admit be the same as, or similar to, the penalties prescribed in the like cases by Act VI of 1863 *(to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India)*. All rules made under this Section shall be published in the Gazette of India.

II. Every Collector of Customs, or other Officer, is hereby indemnified for every thing done on or after the date on which the said Act IV of 1863 came into operation, in collecting or enforcing the Duty imposed under the provisions of that Act, or by virtue of any order of Government or otherwise in carrying the said Act IV of 1863 into effect: and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of any thing so done.

EMIGRATION.

ACT No. XIII. OF 1864.

(Received the assent of the G. G. on the 18th March 1864).

Recites expediency of consolidating and amending the Emigration Laws.

1. Repeals from 1st July 1864, Acts XIV, 1839/15, 1842; 21, 1843; 21, 1844; 25, 1845; 8 and 13, 1847; 4 and 24, 1852; 31, 1855; 19, 1856; so much of it as is not included in 40, 1860; and 7, 1862; Acts 12, 32, 41 and 49, 1860; 22, 1862; 7, 1863.

2. Interpretation of words "Emigrate," "Emigrant," "Magistrate of the District," "British India," "Local Government," "Section," and words of Number and Gender.

3. Makes illegal specified contracts except in conformity with this Act; (3) contracts with native laborers for service beyond British India, or to enable or assist any native to emigrate; but this provision not to apply to Emigration to any part of the continent of India, whether British or Foreign, or to Emigration to Ceylon, or to contracts with native seamen.

4—6. Authorizes contracts for Emigration to Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, and Seychelles, and St. Croix; and (5) to any other places notified in the *Gazette*; from (6) the date of such notification.

7—8. Emigration not to be lawful, except from Calcutta, Madras, and Bombay; (8) at respective periods specified from and for specified places.

9. Regulates the Government Notification under Section 5.

10. Authorizes the appointment of Emigration Agent, subject to approval and removal by Local Government.

11—12. Continues under this Act Emigration Agents under former Acts; who (12) are in future to be paid fixed salaries.

13—15. Authorizes Governments to nominate Protector of Emigrants; who, (14) except by permission, are not to hold any other office; and (15) Protectors under former Act to continue under this Act.

16. Defines the duties of Protectors of Emigrants.

17. Authorizes Local Governments to nominate Medical Inspector of Emigrants.

18—19. Emigrant depôt to be established in Calcutta, Madras and Bombay which (19) is to be licensed by Protector of Emigrants after being approved by Medical Inspector of Emigrants.

20. Inspection of Emigrants by Protector and Medical Inspector to be once a week.

21. Makes it the duty of the Medical Inspector to report if depôt be unsuitable or Emigrants neglected.

22. Medical Inspector a Public Servant.

23. Duty of all persons in the Emigration Service to aid Medical Inspector and Protector of Emigrants.

24—29.—Protector of Emigrant to license Recruiters of Emigrants; (25) to recruit for specified places on application of Emigration Agent; and (26) license to be for one year; (27) in Form in Schedule B.; and (28) Recruiter to wear a Badge; (29) and get countersignature of Local Magistrate before he recruits in any place.

30—35. Persons recruited to be taken before the Magistrate and examined, &c., and registered; and (31) fee to be paid for registration; (32) and copy of register to be sent to Protector and Emigration Agent; and (33) provides for registration in the Presidency Towns; and (34) for payment of fee for registration; and (35) for transmission of copy to place of destination.

36—40. Provides for and regulates the conveyance of Emigrant to the Depot, where (37) on arrival he is to be reported; and (38) examined by Medical Inspector; and (39) sent back if found unfit, &c., at expense of Emigration Agent, who shall advance same; or (40) on default be liable to defray it.

41. Defines the duties of the Emigration Agent, and provides for case of his refusal to be bound without consent of Protector of Emigrants.

42. Emigration Agent to give Emigrant a Pass countersigned by Protector of Emigrants; who (43) is personally to attend on examination.

44. Emigrant refusing to go, not to be compelled, but prosecuted under Section 492, Indian Penal Code.

45. For places east of Cape of Good Hope, Emigrants may leave at any time of the year, but west of it only between 31st July and 16th March, except in steam ships.

46. Only licensed vessels to carry Emigrants, and regulates the issue of license.

47—49. Directs what accommodation there shall be for Emigrants, and (48) what ship's stores; and (49) what extra clothing for west of the Cape of Good Hope.

50. Master of Emigrant ship to obtain certificate from Protector of Emigrant and Emigration Agent, of compliance with Act.

51. Emigrant not to depart if unfit for voyage.

52. Emigrant to be informed of the provisions of law in his favor.

53. Things to be done on the Emigrant's embarking.

54—58. Emigration Agent to deliver a signed list to Master, for delivery at Port of destination; and (55) Custom House Office, on leaving ship to make muster roll of Emigrants; and (56) make declaration; and (57) deliver same to Protector of Emigrants who (58) shall compare same with list in his Office.

59—60. Emigration vessel to depart within twenty-four hours after embarkation of Emigrants, and (60) under tow of steamer.

61. Copy of Act and Rules to be on board Emigrant ship.

62. Emigrants for Seychelles, if sick, may be taken to Quarantine Station of Mauritius.

63—66. Empowers Governor-General in Council to make, &c., Rules, on specified matters; and (64) to prohibit Emigration to places, under specified circumstances; (65) prohibition to take effect from date, &c.; and (66) Penal laws against Emigration from same date.

67. Empowers Governor-General in Council to revoke suspension.

68. Fees received by Magistrate, &c., to be accounted for.

69—71. Establishes penalties for unlawful contract; and (70) for recruiting without license; and (70) for specified defaults of recruiter; and (71) for not taking Emigrant before Magistrate.

72—78. *Penalty Sections.* (72) For forwarding coolies without prior registration; (73) for false representation as to authority to engage coolies; (74) for receiving Emigrant in unlicensed vessel; (75) for clearing ship without complying with Rules; (76) for taking Emigrant on board after clearance; (77) for fraudulent certificates, &c.; (78) for proceeding to sea without steam.

79—80. Extends the powers of Customs Officers to prevention of illegal emigration; and (80) imposes penalty on Customs Officer.

81. Directs how prosecutions under this Act shall be instituted, &c., and how fines shall be applied.

82. Authorizes Government to give Magistrates the powers of this Act.

83. Partially repeals Act XLVI, 1860, Section 8, and saves it in all other respects, and declares the application of Sections 19 to 41 of same Act.

84. Act to come into operation on 1st July 1864.

85. Saves from operation of Act Her Majesty's ships.

Schedules A. of Acts repealed, B. of License to Recruiter.

WHEREAS it is expedient to consolidate and amend the laws relating to the Emigration of Native Laborers; It is enacted as follows:—

Preamble.

I. From the date on which this Act shall come into operation, the Acts or parts of Acts set forth in the Schedule (A) annexed to this Act shall be

Acts repealed.

held to be and are hereby repealed to the extent mentioned in the said Schedule, except so far as they repeal any other Act or Regulation, or part of any other Act or Regulation.

II. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or

Interpretation.

context repugnant to such construction, that is to say:—

The word "Emigrate" shall denote the departure of any Native of India out of British India for the purpose of laboring for hire in some other place; and the word "Emigrant" shall denote any Native of India under engagement to emigrate:

The words "the Magistrate of the District" shall denote the Chief Officer charged with the Executive Administration of a District and exercising the powers of a Magistrate, by whatever designation the Chief Officer charged with such Executive Administration is styled, or in the absence of such Officer from the Station at which his Court is ordinarily held, the Senior Officer at the Station exercising the powers of a Magistrate as defined in the Code of Criminal Procedure:

The words "British India" shall denote the Territories vested in Her Majesty by the Statute 21 and 22 Vic. cap. 106, entitled "An Act for the better government of India," except the settlement of Prince of Wales' Island, Singapore, and Malacca:

The words "local Government" shall denote the person authorized by law to administer Executive Government in any part of British India:

The word "Section" shall denote a section of this Act:

The word "vessel" shall include any thing made for the conveyance by water of human beings or property:

Words importing the singular number shall include the plural number and words importing the plural number shall include the singular:

Words importing the masculine gender shall include females.

III. Except under and in conformity with the provisions of this Act, it shall not be lawful to make any contract with any Native of India for labor to be performed in any place beyond British

Contracts for labor out of India unlawful, except under this Act.

India, or to enable any Native of India to emigrate, or to assist any Native of India in emigrating: provided that nothing in this Act shall apply to any contract with any Native of India for labor to be performed in any Foreign Settlement on the main land of India or in any Native State in India, or to emigration to any such Settlement or State; or shall apply to any contract for labor to be performed in or to emigration to the Island of Ceylon; or shall apply to any contract with or the emigration of any Native Seaman or other person who of his own free will shall contract to navigate or serve on board of any vessel or who shall embark on board such vessel in pursuance of such contract, or any person who shall contract to serve as a menial servant only, and who shall embark as such menial servant.

IV. Contracts may be made with Natives of India to emigrate to any of the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, and Seychelles, and to the Danish Colony of St. Croix; and it shall be lawful to enable, or assist any Native of India to emigrate to any such Colony.

Places for emigration to which contracts may be made with Natives.

V. The Governor-General of India in Council may from time to time by Notification published in the Gazette of India, declare that the emigration of Natives of India shall be lawful to any place other than the places mentioned in the last preceding Section: provided that every such notification shall contain also a declaration, that the Governor-General of India in Council has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor-General of India in Council thinks sufficient for the protection of Natives of India emigrating to such place.

Governor-General may declare emigration lawful to places other than those mentioned in the last Section.

Proviso.

Contracts may be made for emigration to places to which emigration is authorized by Governor-General.

VI. From the date of any such notification by the Governor-General of India in Council, contracts may be made with any Native of India for labor to be performed in any place to which emigration is authorized in the notification, and

it shall be lawful to enable or assist any Native of India to emigrate to such place ; but all contracts and emigration under any such notification shall be made and conducted subject to the provisions of this Act.

From what ports emigration lawful.

VII. Emigration shall not be lawful except from the port of Calcutta, the port of Madras, or the port of Bombay.

VIII. The probable length of the voyages to the places enumerated in Section IV, from Calcutta, Madras, or Bombay respectively, shall for the purposes of this Act be deemed to be as follows :—

From Calcutta..	{	To Mauritius and Seychelles ..	{	Between the months of April and October inclusive, 10 weeks; and between the months of November and March inclusive, 8 weeks.
		To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix.		20 weeks.
		To Natal	12 weeks.	
From Madras ..	{	To Mauritius and Seychelles ..	{	Between the months of April and October inclusive, 7 weeks; and between the months of November and March inclusive, 5 weeks.
		To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix.		19 weeks.
		To Natal	10 weeks.	
From Bombay ..	{	To Mauritius and Seychelles ..	{	Between the months of April and September inclusive, 5 weeks; and between the months of October and March inclusive, 6 weeks.
		To Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, St. Kitts and St. Croix.		19 weeks.
		To Natal	10 weeks.	

IX. In every notification issued under Section V, there shall be stated the probable length of the voyages from Calcutta, Madras, and Bombay respectively, to every place to which emigration is by such notification authorized, and thereupon such period shall, for the purposes of this Act, be taken to be the probable length of such voyage.

X. The Government of every place to which emigration shall be lawful under this Act may, from time to time, nominate a person to act as Emigration Agent in Calcutta, Madras, and Bombay respectively, but such nomination shall be subject to the approval of the local Government. Every Emigration Agent shall be liable to removal by the Government which nominated him.

Appointment of Emigration Agent.

Notification legalizing emigration to any new place shall give the probable length of the voyage.

XI. Every Emigration Agent who at the time when this Act shall come into operation shall have been nominated by the Government of any of the Colonies enumerated in Section IV, shall be deemed to have been nominated under this Act.

The present Emigration Agents to be recognized as Emigration Agents under this Act.

XII. The remuneration to be given to Emigration Agents shall not depend upon, or be regulated by, the number of Emigrants sent by such Agents, but shall be in the nature of a fixed annual salary.

Remuneration of Agents.

XIII. It shall be lawful for the local Government to nominate a proper person to act as Protector of Emigrants at each of the three ports aforesaid, and with the sanction of the Governor-General of India in Council to assign to such person such salary and establishment as shall be deemed proper. Every Protector of Emigrants shall be subject to removal by the local Government to which he is subordinate.

Appointment of Protector of Emigrants.

XIV. No Protector of Emigrants nominated under this Act shall except with the permission of the local Government, hold any other office under Government, or follow any other profession or occupation.

No Protector to hold other office without permission.

XV. Every Protector of Emigrants who at the time when this Act shall come into operation shall have been nominated by the local Government, shall be deemed to have been nominated under this Act.

Existing Protectors to be deemed Protectors under this Act.

XVI. Every Protector of Emigrants, in addition to any special duties assigned to him by this Act, shall so far as is in his power generally protect and aid with his advice or otherwise all Emigrants, and shall cause all the provisions of this Act to be duly complied

General duties of the Protector of Emigrants.

As to inspecting vessels with return Emigrants.

with: he shall also inspect on arrival all vessels bringing return Emigrants to the port at which he is Protector, and enquire into the treatment received by such Emigrants both during the period of their

service in the place to which they emigrated, and also during the voyage, and shall make a report thereon to the local Government, and he shall aid and advise such return Emigrants so far as he reasonably can when called upon by them to do so.

XVII. At each of the three ports aforesaid, it shall be lawful for the local Government to nominate a competent person to be Medical Inspector of Emigrants; and with the sanction of the Governor-General of India in Council to assign to the Medical Inspector so nominated such salary as shall be deemed proper.

XVIII. In each of the Towns of Calcutta, Madras, and Bombay, or in the Suburbs of those Towns, a suitable depôt shall be established by the Emigration Agent of every place to which emigration shall be lawful under this Act, for the persons who shall be engaged as laborers for such place; and by the Emigration Agent nominated by the French Government under Act XLVI of 1860 (*to authorize and regulate the Emigration of Native Laborers to the French Colonies*), and Act VII of 1862 (*to amend Act XLVI of 1860*), for the persons who shall be engaged as laborers for the French Colonies.

XIX. Every depôt shall be licensed by the Protector of Emigrants, after being inspected and approved of by him and by the Medical Inspector of Emigrants. No license shall be in force for a longer period than a year, and any license may be cancelled by the Protector of Emigrants if he shall consider that the depôt for which it was granted is unhealthy or in any respect has become unsuitable for the purpose for which the depôt was established. For every license granted under this Section, there shall be paid to the Protector a fee of ten Rupees.

XX. Every Protector of Emigrants and every Medical Inspector of Emigrants shall, from time to time, and at least once in every week, inspect the Emigrants in the various depôts for the reception of Emigrants about to embark from the port at which they are Protector

and Medical Inspector respectively, and examine into the state of the depôts, and the manner in which the Emigrants are therein lodged, fed, clothed, and otherwise provided for and attended to.

XXI. It shall be the duty of the Medical Inspector to report to the Protector of Emigrants any circumstance which may come to his knowledge, showing that the depôt is not suitable for its purpose, or that the Emigrants are treated with any neglect or oppression.

XXII. Every Protector of Emigrants and every Medical Inspector of Emigrants shall be held to be a Public Servant within the meaning of the Indian Penal Code.

XXIII. It shall be the duty of every Emigration Agent, and of all persons in charge of or employed in any depôt, or in any vessel licensed to carry Emigrants as hereinafter provided, to give the Protector and the Medical Inspector every facility for making such inspections, examinations, and surveys as may be necessary or proper under this Act, and to afford them all such information as may be reasonably required by them.

XXIV. The Protector of Emigrants at each of the three ports aforesaid, shall license so many fit persons as shall to him seem necessary, to be Recruiters of laborers, and no person shall act or be employed as a Recruiter of laborers except under a license from a Protector of Emigrants.

XXV. Every Recruiter shall be licensed to obtain laborers for some particular place to which emigration shall be lawful under this Act, and no license to obtain laborers for any place shall be granted except on the application of the Emigration Agent of such place.

XXVI. No license shall be in force for a longer period than one year; and in case of misconduct on the part of any Recruiter, the Protector of Emigrants may cancel his license before the expiration of the period for which it was granted.

XXVII. Every license shall be in the form set forth in the Form of license, and Schedule (B) to this Act annexed. For every license there shall be paid to the Protector a fee of ten Rupees.

XXVIII. Every person holding a license as a Recruiter of laborers shall wear a badge bearing the following inscription in English, and in the vernacular language of the Town, District, or Districts in which he is licensed to engage laborers—[*Recruiter of Emigrants for the Mauritius (or other place as the case may be)*].

XXIX. No Recruiter shall engage or attempt to engage laborers in any District or in the Towns of Calcutta, Madras or Bombay, without having first exhibited his license to the Magistrate of such District, or a Magistrate of such Town, and obtained the countersignature of such Magistrate thereupon. Such countersignature shall be given, provided that the license is in force at the time.

XXX. Every Native of India, who shall in any place other than the Towns of Calcutta, Madras or Bombay enter into any engagement with a Recruiter to emigrate, shall prior to leaving the District within which the engagement was entered into appear with the Recruiter before the Magistrate of such District, and no Recruiter shall remove such Emigrant from the said District until he shall have so appeared. Upon so appearing, the Magistrate shall examine the intending Emigrant with reference to his engagement; and if it appears that he comprehends the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose, in such form as the local Government shall prescribe, the name, name of the father, and the age of such Emigrant, and the name of the village or place of which such Emigrant is a resident, the Emigration depôt to which it is intended he shall proceed, and the rate of wages and period of service, if any, agreed upon between the Emigrant and

Recruiter to have his license countersigned by a Magistrate where he is recruiting.

Natives engaging to emigrate not to leave their district without appearing before Magistrate.

Examination and registration.

the Recruiter. If the Magistrate shall be of opinion that the intending Emigrant does not comprehend the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name. A copy of every registration under this Section, written on substantial paper which shall not require a stamp, shall be furnished by the Magistrate to the Emigrant registered.

XXXI. For the registration of every Emigrant, the Recruiter shall pay to the Magistrate a fee of one Rupee. On proof of the desertion of any Emigrant before reaching the depôt for which he was registered, the fee paid in respect of such Emigrant may be refunded by the Magistrate to the Recruiter by whom it was paid, under such Rules as shall from time to time be made in that behalf by the Governor-General of India in Council.

XXXII. Authentic copies of every registration shall be forthwith forwarded by the Magistrate to the Emigration Agent at the depôt to which the person named therein shall have been engaged to proceed, and to the Protector of Emigrants at the intended port of embarkation.

XXXIII. Every Native of India, who shall in the Towns of Calcutta, Madras or Bombay enter into any engagement with a Recruiter to emigrate, shall within forty-eight hours of making such engagement appear with the Recruiter before the Protector of Emigrants in such Town, and no Recruiter shall remove such Emigrant from the said Town, or to any emigration depôt, until he shall have so appeared. Upon his so appearing, the Protector of Emigrants shall examine the intending Emigrant with reference to his engagement; and if it appears that he comprehends the nature of the engagement he has entered into, and that he is willing to fulfil the same, the Protector of Emigrants shall register in a book to be kept for the purpose, in such form as the local Government shall prescribe, the name, the name of the father, and the age of such Emigrant, and the name of the village or place of which such Emigrant is a resident; the

Emigration depôt to which it is intended he shall proceed, and the rate of wages and period of service, if any, agreed upon between the Emigrant and the Recruiter. If the Protector of Emigrants shall be of opinion that the intending Emigrant does not comprehend the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, he shall refuse to register his name. A copy of every registration under this Section, written on substantial paper, which shall not require a stamp, shall be furnished by the Protector to the Emigrant registered.

XXXIV. For the registration of every Emigrant under the last preceding Section, the Recruiter shall pay to the Protector of Emigrants a fee of one Rupee. On proof of the desertion of any Emigrant before reaching the depôt for which he was registered, the fee paid in respect of such Emigrant may be refunded by the Protector to the Recruiter by whom it was paid, under such rules as shall from time to time be made in that behalf by the Governor-General of India in Council.

XXXV. An authentic copy of every registration by a Protector of Emigrants shall be forthwith forwarded by the Protector to the Emigration Agent of the place for which the person named therein shall have been engaged.

XXXVI. 1. Every Emigrant recruited under the provisions of this Act, shall be conveyed by land or river with all convenient despatch to the depôt at the port of embarkation, established by the Emigration Agent of the place to which such Emigrant has contracted to emigrate.

2. The registered Emigrants engaged by any Recruiter shall, while proceeding to a depôt, be accompanied throughout the journey either by the Recruiter himself or by a competent person appointed by him with the approval of the Magistrate by whom the Emigrants may have been registered. The Magistrate shall give to the person so appointed a certificate

Fee for registration by Protector.

Copy of registration by Protector, to be forwarded to Agent.

Conveyance of Emigrant to depôt.

Emigrants shall be accompanied to depôt by Recruiter, or person approved by Magistrate.

under his signature, stating that he has been appointed for the journey to the depôt.

3. Every Recruiter by or, through whom Emigrants may be forwarded to a depôt, shall throughout their journey provide them with suitable lodging and food.

Recruiter to provide suitable food and lodging.

XXXVII. The arrival of each Emigrant at a depôt shall immediately be reported by the person in charge of the depôt to the Emigration Agent, and by such Agent to the Protector of Emigrants.

Arrival at depôt to be reported to Emigration Agent, and to Protector.

XXXVIII. The copy of the registration of every Emigrant, received by the Emigration Agent from the Magistrate or from the Protector of Emigrants, shall as soon as conveniently may be after the arrival of the Emigrant be exhibited to the Medical Inspector of Emigrants; and the Emigrant shall be examined by the Medical Inspector to ascertain if he is in a fit state of health to emigrate to the place to which he has contracted to proceed. The Medical Inspector, if satisfied of his fitness, shall give a certificate thereof to the Emigration Agent: if satisfied of his unfitness, he shall give a certificate thereof to the Protector of Emigrants.

Copy of registration to be exhibited to Medical Inspector.

And Emigrants to be inspected by him.

XXXIX. If the Medical Inspector shall certify that any Emigrant is not in a fit state of health to emigrate to the place to which he has contracted to proceed, or if any irregularity shall have occurred in the recruitment of any Emigrant, it shall be lawful for the Protector of Emigrants to order the Emigration Agent in whose depôt such Emigrant may be, forthwith to pay to him, the Protector of Emigrants, such reasonable sum as shall be necessary to enable the laborer to return to the place where he was registered, and the Protector may take any steps he thinks necessary for the conveyance of the laborer to such place.

If unable to proceed from bad health, or if irregularly recruited, Emigrant to be sent back to place where he was registered.

XL. On failure of the Emigration Agent for twenty-four hours to comply with an order of the Protector for the payment of any such sum of money as in the last preceding Section mentioned, it shall be lawful for the Protector to pay the same to or on behalf of the Emigrant, and every sum so disbursed shall be recoverable by the Protector, with six per cent. interest from the date of disbursement, from the Emigration Agent on whose default it may be paid, as money paid to the use of such Emigration Agent. No further proof shall be required by any Court in any such case than that the Protector gave the Emigration Agent an order to pay the same, and that the Emigration Agent for a space of twenty-four hours made default in complying therewith. Provided that any Emigrant who from his state of health is in the opinion of the Medical Inspector unfit to undertake the journey back to the place where he was registered, shall in addition to his being conveyed back at the expense of the Emigration Agent, be entitled to continue in the depôt and to be fed, clothed, lodged and attended to there, by and at the expense of the Emigration Agent, until such time as the Protector shall otherwise order.

XLI. The Emigration Agent, in the presence of the Protector or of Emigrants and within forty-eight hours after the arrival of each Emigrant at the depôt, shall ascertain by personal communication with such Emigrant whether or not he has been properly fed and otherwise properly treated on his journey to the depôt. The Emigration Agent shall also, in the presence of the Protector and within such time as aforesaid, examine the copy of the registration furnished to the Emigrant under Section XXX or Section XXXIII. If for any reason further enquiry be necessary, such enquiry shall be made forthwith. Unless the Emigration Agent shall with the consent of the Protector refuse to recognize or to be bound by the contract entered into by the Recruiter with the Emigrant, as shown by the copy of the registration produced by the Emigrant, such copy if it be a copy furnished under Section XXX shall be

countersigned by both the Emigration Agent and the Protector, and if it be a copy furnished under Section XXXIII shall be countersigned by the Emigration Agent alone; and the copy so countersigned, under whichever Section it may have been furnished, shall be delivered back to the Emigrant.

Provision for case of Agent refusing without consent of Protector to be bound by contract made by Recruiter.

If the Emigration Agent shall, without the consent of the Protector, refuse to be bound by the contract entered into by the Recruiter with the Emigrant, the Protector may thereupon order the Emigration Agent forthwith to pay to him, the Protector of Emigrants, such reasonable sum as shall be necessary to enable the Emigrant to return to the place where he was registered, and on failure of the Emigration Agent to pay such sum within twenty-four hours of his being ordered so to do, the Protector may pay the same to or on behalf of the Emigrant, and all the provisions of the last preceding Section as to sums paid by the Protector shall be applicable, so far as the circumstances of the case will permit, to sums paid by him under this Section. The Protector shall also, in every case in which it shall seem to him proper to do so, institute a suit on behalf of the Emigrant against the Emigration Agent, for the recovery of damages for the breach of contract committed by the Emigration Agent. In every such suit, the contract entered into by the Recruiter shall be deemed to have been entered into by and to be binding on the Emigration Agent.

XLII. After the examination in the last preceding Section provided, and if the Medical Inspector shall

After examination and Medical Inspector's certificate, Emigration Agent to grant a Pass.

have given a certificate of the fitness of the Emigrant to emigrate, the Emigration

Agent shall deliver to the Emigrant a Pass, countersigned by the Protector of Emigrants as hereinafter provided, stating the name and age of the Emigrant and the name of his father, and certifying that he is in a fit state of health to emigrate to the place to which he has contracted to go.

XLIII. The Protector of Emigrants shall attend personally at

Protector of Emigrants to attend personally at examination and passing of Emigrants.

the examination and passing of Emigrants by the Emigration Agent under Sections XLI and XLII, and shall see that the

Emigration Agent makes all such enquiries of the Emigrants as it may be his duty to make; and if such Protector is satisfied with such enquiries, but not otherwise, he shall countersign the Pass granted by the Emigration Agent.

XLIV. If any Emigrant shall without good and sufficient cause refuse or neglect to embark when called upon by the Emigration Agent so to do, it shall not be lawful to compel such Emigrant to embark or to put him on board-ship against his will, or to detain him against his will at the dopôt or elsewhere: but nothing in this Section shall be taken to diminish or affect in any way the legal liabilities, Civil or Criminal, of such Emigrant incurred by him by reason or in respect of his refusal or neglect aforesaid. Every case in which an Emigrant is charged before a Magistrate of a Presidency Town with refusing or neglecting to embark without good and sufficient cause, shall be heard and determined by such Magistrate in a summary manner, and every such laborer shall, on conviction, be punished in the manner provided in Section CCCCXCII of the Indian Penal Code for the punishment of offences under that Section.

XLV. Emigrants may leave India for any place East of the Cape of Good Hope to which emigration may be lawful under this Act, at all times of the year. For any such place West of the Cape of Good Hope, Emigrants may leave only between the thirty-first of July and the sixteenth of March, unless they embark in vessels using steam power, in which case they may leave at any time of the year.

XLVI. 1. It shall not be lawful to receive any Emigrant on board any vessel unless a license to carry Emigrants in such vessel shall have been obtained from the local Government, and the granting or withholding any such license shall be entirely dis-

2. The Master or owner of any vessel who is desirous of obtaining a license to carry Emigrants in such vessel, shall apply in writing through the Protector of Emigrants to the local Government for such license.

3. Every application for a license shall state the number of men, women, and children proposed to be carried, and the tonnage and other particulars respecting the vessel.

4. The Protector of Emigrants shall cause the vessel to be carefully surveyed by a competent person, with a view to ascertain her sea-worthiness and the extent and nature of her accommodation for Emigrants, and to ascertain that she is properly ventilated and is supplied with all the requisite tackle for her voyage.

5. The Protector of Emigrants shall make a full report on the survey to the local Government; and if he is of opinion that the vessel is in all respects suitable for the carrying of Emigrants under this Act, but not otherwise, he shall give a certificate to that effect to the Master of the vessel.

6. In consideration of his obtaining a license to carry Emigrants, the Master of every vessel intended to carry Emigrants shall, upon the requisition of the Protector of Emigrants and before any Emigrant shall embark on board of such vessel, execute in duplicate a bond, in such form as the local Government shall prescribe, binding himself and his owners in a penal sum of ten thousand Rupees to conform to the several conditions in this Act provided. It shall be the duty of the Protector of Emigrants to require the Master to execute such bond as aforesaid in duplicate, and to forward one copy of it to the Government of the place to which the Emigrants are to be carried, and the other copy of it to the local Government.

XLVII. 1. No certificate under the last preceding Section shall be granted, unless there shall be provided for the Emigrants, either between decks or in cabins on the upper

Space and accommodation required on board Emigrant ships.

secured and entirely covered in, a space devoted to their exclusive use. Such cabins and space between decks shall in every part have a height of not less than five feet and a half.

2. No compartment shall take more than one adult Emigrant for every ten superficial feet on deck, and for every cubic space of seventy-two feet.

3. A distinct and separate place shall be fitted up for a hospital in every Emigrant Ship.

4. Women and children shall occupy a compartment of the vessel distinct and separate from the compartments of the single men.

5. An Emigrant above the age of ten years shall for the purposes of this Act count as an adult, and two children from one to ten years of age shall count as one adult.

XLVIII. 1. There shall be actually laden and on board of every vessel carrying Emigrants at the time of the departure of such vessel from the port at which the Emigrants shall embark, in such quantity and of such description and quality as may be prescribed by any rule framed by the Governor-General of India in Council under Section LXII, good and wholesome provisions for the use and consumption of the said Emigrants, with fuel for cooking the same, over and above the victualling of the Captain, Officers and crew, and of the Cabin and other passengers, if any, and a supply of water, which shall be carried in tanks or casks to be approved by the Protectors of Emigrants, to the amount of seven gallons for every week of the computed voyage for every Emigrant on board such ship or vessel. When casks are used they shall be sweet and tight, of sufficient strength, and if of wood properly charred inside, and shall not be capable severally of containing more than three hundred gallons each: the staves of the water casks shall not be made of fir, pine or soft wood.

2. Every such vessel shall, at the time of departure aforesaid, have actually on board and shall carry with her a properly qualified European or Native Surgeon, and such Medicines and other stores in such quantity

Provisions, fuel and water to be shipped and taken.

Surgeon, Medicines, and stores to be carried.

and of such quality as may be prescribed by any Rules made under Section LXIII.

3. When any vessel shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her tanks or casks, a supply of water at the rate hereinbefore mentioned, for every week of the probable voyage, to such port or place of calling, shall be deemed to be a compliance with this Section. The probable length of the voyage to such port or place of calling shall be determined from time to time by the Protector of Emigrants, subject to the approval of the local Government.

4. When any such vessel is fitted with Normandy's apparatus, or other apparatus approved by the Protector of Emigrants, for distilling sea water, and with proper and sufficient means for working the same, a reduction shall be allowed of one-third in the quantity of water required under this Section.

5. It shall be the duty of the Protector of Emigrants and of the Medical Inspector of Emigrants to see personally that all the provisions of this Section are complied with.

XLIX. Before any vessel carrying Emigrants clears out for any place westward of the Cape of Good Hope, between the first day of March and the fifteenth day of September, the Protector of Emigrants shall personally see that every Emigrant is supplied with at least one extra double blanket, and that the same is placed with his other clothing or luggage. Every Emigrant shall be allowed to make use of such double blanket so long as the vessel is outside of the Tropics.

L. Before any vessel licensed to carry Emigrants shall be cleared out from the port of Calcutta, Madras or Bombay; it shall be necessary for the Master of such vessel to obtain from the Protector of Emigrants at the port of clearance, and from the Emigration Agent for the place to which the Emigrants are intended to proceed, certificates under the hands of such Protector and Emigration Agent respectively, to

Supply of water for vessel destined to call at intermediate port.

Reduction of supply on vessel fitted with distilling apparatus.

Protector and Inspector of Emigrants to ensure compliance with above provisions.

Protector of Emigrants to see that Emigrants are supplied with extra clothing at a certain season of the year.

Master of vessel to obtain certificates from Protector of Emigrants and from Emigration Agent.

the effect following, that is to say:—that such Protector and Emigration Agent have, in respect of the Emigrant's proceeding in such vessel, done all which is hereinbefore by this Act required to be done on the part of such Protector and Emigration Agent respectively; and that all the directions contained in this Act, for ensuring the health, comfort, and safety of the Emigrants, have been duly complied with, as well as all such rules as the Governor-General of India in Council shall, from time to time frame under Section LXIII.

LI. The Protector of Emigrants shall, from the report of the Medical Inspector and by personal communication with every Emigrant before embarkation, ascertain that the Emigrant is in good health and not incapacitated from labor by old age, bodily infirmity, or decease. If the Protector of Emigrants shall be of opinion that any Emigrant is in a state of health which makes him unfit to undertake the voyage on which he is about to embark, the Protector shall refuse to permit the embarkation of such Emigrant. The Protector of Emigrants shall also, before the embarkation of any Emigrant, ascertain that such Emigrant has in his possession the copy of the registration provided under Section XXX or Section XXXIII. If it shall appear to the satisfaction of the Protector of Emigrants that any Emigrant has lost the copy of the registration aforesaid, the Protector may furnish such Emigrant with a copy of such registration to be made from the copy received by the Protector from the Magistrate under Section XXXII, or from the Register kept by himself under Section XXXIII, and shall thereupon allow such Emigrant to embark.

LII. The provisions of this Act so far as they are likely more immediately to affect them, shall be explained in a general manner by the Protector of Emigrants to all Emigrants prior to their embarkation.

LIII. 1. When any Emigrants are about to embark on any vessel, the Emigration Agent for the place to which they are intended to proceed shall

Provisions of Act to be explained to all Emigrants.

Procedure on embarkation of Emigrants.

a list. speci-

fyng, as accurately as may be, the names, ages and occupations, and the names of the fathers, of the Emigrants about to embark on board such vessel.

2. On embarkation, every Emigrant shall deliver to the Master of the vessel the Pass granted to him under Section XLII; and it shall not be lawful for the Master to receive any Emigrant on board unless he delivers up such Pass. The Master shall compare the Emigrants who embark and the Passes delivered by them, with the list furnished by the Emigration Agent, and if the list appear to be correct, and to correspond with the Passes delivered and with the Emigrants embarked, the Master shall sign the five copies of the list.

3. It shall be the duty of the Protector of Emigrants to be personally present at the embarkation of all Emigrants, and to see that the Master duly compares the list with the Passes and Emigrants, and he shall himself also compare the list with the Passes and Emigrants.

4. When the copies of the list have been signed, the Master shall give two copies to the Protector of Emigrants, who shall sign such copies if he believes them to be correct, and shall return one copy to the Master of the vessel: the other copy shall be filed in the Office of the Protector of Emigrants.

5. The Protector of Emigrants shall not permit any Emigrant to remain on board who has not a Pass, or is not mentioned in the list aforesaid.

6. Every Pass delivered up to the Master of a vessel under this Section shall be returned by him to the Emigrant by whom the same was delivered up, prior to such Emigrant disembarking on the arrival of the vessel at her place of destination.

LIV. The Master of every vessel carrying Emigrants shall, after the embarkation of the Emigrants and before the departure of the vessel, give to the Emigration Agent at the port from which such vessel is cleared out two others

Emigrant to give his Pass to Master.

Protector to be personally present.

One copy of list of Emigrants given to Protector, to be signed and returned to Master.

Emigrant not having Pass not to be allowed to remain on board.

Pass to be returned to Emigrant on arrival at place of destination.

Copy of list of Emigrants to be signed by Emigration Agent, and returned to Master.

of the five copies of the list of Emigrants mentioned in the last preceding Section, duly signed by the Master. The Emigration Agent shall thereupon sign such copies, and shall return to the

And by him to be delivered at place of destination. Master one of the said copies, which shall, on the arrival of the vessel at the place of destination, and previous to the disembarkation of any Emigrant, be delivered by the Master to the Protector of Emigrants, or other the proper Officer, at such place.

LV. Whenever a vessel carrying Emigrants shall have cleared and shall be proceeding to Sea, the Officer of Customs or the Pilot, whichever of these Officers shall remain last on board of the vessel, shall as shortly as conveniently can be before his leaving the vessel, make a muster of the crew and passengers and Emigrants. Such Officer of Customs or Pilot shall use as a muster-roll a copy of the list signed by the Master and by the Protector of Emigrants under Section LIII, which copy shall be furnished to him by the Master; and after the muster he shall sign such muster-roll, noting upon it such discrepancies (if any) as he may have observed.

LVI. Every Officer of Customs and Pilot who shall make a Declaration by Customs Officer or Pilot. muster under the last preceding Section, shall make a declaration, stating according to the best of his belief that no additional Emigrant has been received on board since the list was signed by the Protector, and that nothing else has been done or omitted to be done in the vessel contrary to the provisions of this Act. Every such muster-roll and declaration shall be transmitted without delay to the Protector of Emigrants at the port of embarkation.

Duty of Protector of Emigrants on receipt of list from Customs Officer or Pilot. LVII. It shall be the duty of the Protector of Emigrants on the receipt of the muster-roll furnished by the Officer of Customs or Pilot under the last preceding Section, carefully to compare the same with the list signed by the Master filed in the Office of the Protector, and to report any discrepancy to the local Government.

LVIII. The Protector of Emigrants shall, by every vessel which carries Emigrants, send to the Protector of Emigrants or other the proper Government Authority at the place for which the Emigrants embark, a correct and detailed list of all Emigrants embarked in such vessel, compiled from the Passes of the Emigrants, and from the list signed by the Master as aforesaid.

Protector shall send to Government of place to which Emigrants are going, a list of Emigrants on board each vessel.

LIX. The Master of every vessel carrying Emigrants from the Port of Calcutta shall proceed on his voyage and depart with his vessel from Garden Reach within twenty-four hours after the embarkation of such of the Emigrants as shall have first embarked.

Vessels sailing from Calcutta to depart within twenty-four hours of embarking Emigrants.

Vessels sailing from Calcutta to be towed to Sea by Steamer. competent Steamer.

LX. Every vessel sailing from the port of Calcutta with Emigrants shall proceed from Garden Reach to Sea under tow of a

LXI. Two copies of this Act and of all Rules made by the Governor-General of India in Council under Section LXIII, and two copies of a translation of this Act and of such Rules, in such language or languages as the local Government may direct, shall be delivered to the Master of every vessel carrying Emigrants by the Emigration Agent at the time of clearance, and shall be kept on board of every such vessel during the whole voyage, and one of such copies or translations shall, upon request made at all reasonable times to the Master of the vessel, be produced to any Emigrant or passenger for his perusal.

Copies of Act and Rules to be kept on board every vessel carrying Emigrants.

LXII. In case of sickness breaking out on board of any vessel conveying Emigrants to the British Dependency of Seychelles, such Emigrants may be taken to the Quarantine Station of the Island of Mauritius, and in such case such Emigrants may, at their option, contract for service at the said Island of Mauritius, or may proceed to the said Dependency of Seychelles; and if they shall elect to contract for service in the Island of Mauritius, such Emigrants shall then be regarded and

In case of sickness, Emigrants for Seychelles may be taken to Quarantine Station of Mauritius.

treated, in all respects, as if they had emigrated to the said Island under the provisions of this Act.

LXIII. It shall be lawful for the Governor-General of India in Council from time to time to make Rules, and to repeal, alter, and amend the same, not inconsistent with the provisions of this Act,—

Power of the Governor-General in Council to make Rules.

1. To regulate the proportion of women to be taken with Emigrants, and the age below or above which children shall not be taken ;

2. To prescribe the description, quantity and quality of provisions to be taken by vessels carrying Emigrants, the daily allowance of food and water to be issued to each Emigrant during the voyage, and the nature and amount of clothing which shall be supplied to the Emigrants ;

3. To provide for the Medical care of Emigrants during their residence at the depôts and on their voyages ;

4. To prescribe the nature, quality and quantity of Medical drugs and other stores to be carried on board such vessels ;

5. To provide for the ventilation and cleanliness of such vessels during their voyages, and for their being furnished with a sufficient number of suitable boats for use in case of shipwreck or fire ;

6. To provide for a Journal being kept by the Surgeon of every such vessel, of the health of the Emigrants, and of his treatment of the sick, together with full explanations of the causes of every death ;

7. And generally to provide for the security, well-being and protection of Emigrants.

All such Rules shall be published in the Gazette of India and shall have the same force and effect as if they were contained in this Act.

LXIV. Whenever the Governor-General of India in Council shall have reason to believe, that in any place to which emigration is lawful under this Act, proper measures have not been taken for the protection of Emigrants

Governor-General in Council may prohibit emigration of Native laborers to any place to which emigration is allowed.

residence therein, or for their safe return to India, or to provide a return passage to India for any such Emigrants at or about the time at which they are entitled to such return passage, it shall be lawful for the said Governor-General of India in Council, by notification published in the Gazette of India, to declare that emigration to such place shall cease and be prohibited from a certain day to be specified in the notification.

LXV. After any notification shall have been published under the last preceding Section, emigration to such place as is specified in such notification shall be suspended from the day specified in the notification: but such suspension shall not affect any act done, offence committed, or proceedings commenced before such suspension.

LXVI. During the time of such suspension, any provisions of this or of any other Act in force for the time being, prohibiting emigration, or the aiding or abetting of emigration, or the making of any contract for labor to be performed by any Native of India out of the British Territories in India, shall take effect and be in force so far as relates to the place specified in the notification, in the same manner and to the same extent as if emigration to such place had never been declared to be lawful.

LXVII. Whenever the Governor-General of India in Council shall be satisfied that, in the place specified in any notification under Section LXIV, proper measures have been taken and will be adopted for the protection of Emigrants immediately upon their arrival thereat and during their residence therein, and for their safe return to India, and for providing return passages to India for such Emigrants at or about the time at which they are entitled to such return passages, it shall be lawful for the said Governor-General of India in Council to notify in the Gazette of India that emigration to such place shall again be allowed from a day to be specified in such notification; and thereupon all the provisions of this or any other Act in force for the time being authorizing emigration to such place shall, from the day so speci-

Emigration to place mentioned to be suspended from the day specified in the notification.

During such suspension, all the laws against emigration shall be in force as to the place specified in the notification.

Revocation of suspension.

ried, be revived and have the same force and effect as if such emigration had not been suspended, except as to acts done, offences committed, and proceedings commenced during the time of such suspension.

LXVIII. All fees received by any Magistrate, Protector of Emigrants, or other Officer under this Act, shall be accounted for to Government in such manner as the Governor-General of India in Council may direct.

Fees received are to be accounted for to Government.

LXIX. Whoever shall, except under and in conformity with the provisions of this Act, make any contract with any Native of India for labor to be performed in any place beyond British India to which emigration is not authorized under this Act, or under the said Acts XLVI of 1860 and VII of 1862, shall be deemed to have committed the offence specified in Section 363 of the Indian Penal Code: and whoever shall knowingly enable or assist any Native of India to emigrate to any such place, or aid in or abet the emigration of any Native of India to any such place, shall be deemed to have abetted the commission of that offence.

LXX. Whoever not being a Recruiter duly licensed under this Act, shall act or be employed as a Recruiter of laborers, or shall contrary to the provisions of this Act enter into any contract with a Native of India for labor to be performed by such Native of India in any place beyond British India (whether emigration to such place is or is not authorized under this Act, or under the said Acts XLVI of 1860 and VII of 1862), shall be liable to a fine not exceeding five hundred Rupees.

Penalty for recruiting without being licensed.

LXXI. Whoever being a duly licensed Recruiter, shall remove any Emigrant whom he may engage in any District or place other than the Towns of Calcutta, Madras, or Bombay, from such District or place, without such Emigrant having appeared along with the Recruiter before the Magistrate of the District in order that such person might be examined and registered;

Penalty for Recruiter failing to take the laborers he has engaged before the Magistrate of the District, or the Protector of Emigrants.

and whoever shall remove any Emigrant whom he may engage in any one of the Towns of Calcutta, Madras, or Bombay, from such Town, or to an Emigration depôt, without such Emigrant having appeared with the Recruiter before the Protector of Emigrants in order that such person might be examined and registered; and whoever shall by means of intoxication, violence,

For inducing laborer to contract by fraud, &c.

fraud, or false pretences induce any Native of India to enter into a contract for labor to be performed by him in any place to which emigration shall be lawful under this Act, or to proceed to any such place without having entered into any contract; and whoever shall fail to supply any Emigrant whom he shall have engaged, and who

For not supplying proper food, &c.

shall be registered, with suitable food, or shall otherwise ill treat such Emigrant on his journey to the depôt; and whoever shall forward, send, or convey any such Emigrant otherwise than is provided in Section XXXVI, or to any house or place in or near the Towns of Calcutta,

And for not taking the laborer to the depôt for the place at which he has contracted to labor.

Madras, or Bombay, respectively, other than the depôt for the Emigrants for the place at which such Emigrant shall have contracted to labor—shall be liable to a fine

not exceeding five hundred Rupees.

LXXII. Whoever being a duly licensed Recruiter, shall forward or send any Emigrant from the District or Town in which he has entered into an

Penalty for forwarding laborers or allowing them to go, without being duly registered.

engagement, to any emigration depôt, without such Emigrant having been duly registered in accordance with the provisions of Sections XXX and XXXIII; and whoever being a duly licensed Recruiter, shall induce or knowingly permit any such Emigrant to leave such District or Town, or to proceed to any emigration depôt, for the purpose of emigrating to any place, without the Emigrant being duly registered as aforesaid—shall be liable to a fine not exceeding five hundred Rupees.

LXXIII. Whoever without lawful authority, shall issue any

Penalty for false representation of Government authority.

written perwannah or order to the Police to assist himself or any other person to procure laborers to proceed to any place he

yond British India, or shall falsely represent that such laborers are required by the Government or are to be engaged on behalf of Government, shall be liable to a fine not exceeding five hundred Rupees.

LXXIV. If the Master of any vessel which shall not have been licensed as provided in Section XLVI, shall knowingly receive any Emigrant on board in order to convey such Emigrant to any place contrary to the provisions of this Act, such Master of such vessel shall be liable to simple or rigorous imprisonment for a period not exceeding one year, and also to a fine not exceeding one thousand Rupees for every such Emigrant received on board, and the vessel shall be liable to be forfeited.

Penalty for receiving Emigrants in an unlicensed vessel.

LXXV. If the Master of any vessel shall, at the port of Calcutta, the port of Madras, or the port of Bombay, clear such vessel for any place to which emigration shall be lawful under this Act and take on board any Emigrant without having fully complied with every particular required in Sections XLVIII and L, he shall be liable to a fine not exceeding two hundred Rupees for every Emigrant so taken on board.

Penalty for clearing ship without complying with rules

LXXVI. If the Master of any vessel shall, after having cleared such vessel for any place to which emigration shall be lawful under this Act, take on board any Emigrant without such Emigrant having been duly entered in the lists mentioned in Sections LIII and LIV, and in the manner in those Sections prescribed, he shall be liable to a fine not exceeding two hundred Rupees for every Emigrant so taken on board his vessel.

Penalty for taking on board after clearance, Emigrants not entered in list.

LXXVII. If the Master of any vessel cleared for any place to which emigration shall be lawful under this Act, shall after having obtained a certificate in accordance with the provisions of Section XLVI fraudulently do, or suffer to be done, any act or thing whereby such certificate shall become inapplicable to the altered state of the vessel, or other matter to which such certificate relates, such Master shall be liable to a fine not exceeding five thousand Rupees, besides incurring a forfeiture of any

Penalty for fraudulent acts whereby certificate becomes inapplicable to the altered state of the vessel.

bond executed in consideration of any license obtained for the vessel as originally described.

LXXVIII. If the Master of a vessel sailing from the port of Calcutta, licensed under Section XLVI and sailing with Emigrants on board, shall without reasonable excuse cause or allow his vessel to proceed from Garden Reach to Sea, or to proceed any part of the distance between Garden Reach and Sea, without his vessel being under tow of a competent Steamer, or if such vessel shall not have left Garden Reach and proceeded on her voyage within the time prescribed in Section LIX, the Master of such vessel shall be liable to a fine not exceeding one thousand Rupees.

LXXIX. All the powers vested by law in the Officers of Customs in regard to the searching and detention of vessels, or otherwise, for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of Emigrants on board vessels bound for any place to which emigration shall be lawful under this Act, and of other offences against this Act; and all Pilots in the service of or licensed by Government are hereby vested with the same powers and charged with the same duties as Officers of Customs in this behalf.

LXXX. Any Officer of Customs or Pilot who shall wilfully make a false, erroneous, or incomplete report of the Emigrants on board of any vessel, or who shall connive at the unauthorized embarkation of any Emigrants, shall be liable, besides dismissal, to a fine of five hundred Rupees.

LXXXI. All prosecutions under this Act shall be instituted, on information laid at the instance of an Emigration Agent, or of a Protector of Emigrants, or of an Officer appointed for the purpose by the local Government, before a Magistrate of Police, or before the Magistrate of the District, according as they shall be instituted for offences committed within or for offences committed

Penalty for proceeding to Sea without steam.

Customs Officers and Pilots may search and detain for purposes of this Act.

Penalty for false report by Customs Officer or Pilot.

Prosecutions under this Act where and how to be instituted.

beyond the limits of the Towns of Calcutta, Madras, and Bombay.

Levy of fines.

All fines imposed under the authority of this Act may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Officer imposing the fine. When a warrant of distress is issued, the said Officer may order the offender to be detained and kept in safe custody until return can be conveniently made to such warrant, unless the offender enter into a recognizance, with or without sureties, conditioned for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such recognizance; but if, before issuing such warrant of distress, it shall appear to the Officer imposing the fine, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such Officer whereon to levy such fine or penalty, he may, if he think fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued and upon the return thereof such insufficiency as aforesaid shall be made to appear to the Officer imposing the fine, he shall, by warrant, commit the offender to jail, there to be imprisoned with or without hard labor, for any term not exceeding two months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount. The fine or any part thereof which remains unpaid may be levied at any time within six years after the passing of the order imposing it; and the death of the offender does not discharge from the liability any property which would after his death be legally liable for his debts.

LXXXII. It shall be lawful for the local Government, from

Any person specially authorized may exercise the powers of the Magistrate of the District under this Act.

time to time to authorize any person invested with the powers of a Magistrate as defined in the Code of Criminal Procedure, to perform the duties and exercise the

powers by this Act assigned to and conferred on the Magistrate of the District and every person so authorized shall in all respects for the purposes of this Act be deemed to be included in the words "the Magistrate of the District."

LXXXIII. So much of Section VIII of Act XLVI of 1860

as enacts that a fee not exceeding one

This Act, except certain Sections, not to apply to emigration to the French Colonies.

Rupee per Emigrant as may be regulated from time to time by the local Government shall be demandable in respect of every

license in the said Section mentioned, is hereby repealed. Save as aforesaid, nothing in this Act shall be held to repeal the said Act XLVI of 1860, or Act VII of 1862; but Section XIX to Section XLI, both included, being provisions for regulating the recruitment of Native laborers which will have effect on the recruitment of laborers for British Colonies, shall, as provided in Section IV of the said Act XLVI of 1860, apply to emigration under the said Acts XLVI of 1860 and VII of 1862.

Commencement of Act.

LXXXIV. This Act shall come into operation on the first day of July 1864.

LXXXV. Nothing in this Act or in any Rule to be made by

Act and Rules made under it not to apply to certain vessels.

the Governor-General of India in Council under Section LXIII, shall apply to any vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's vessels.

Commissioners of the Admiralty, or to any of Her Majesty's vessels.

SCHEDULE A.

Number and date of Acts.	Title.	Extent of Repeal.
Act XIV. 1839 ...	Relating to contracts for labor in British or Foreign Colonies.	The whole Act.
Act XV. 1842 ...	For regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to the Island of Mauritius.	The whole Act.
Act XXI. 1843 ...	For regulating the Emigration of Laborers from India to Mauritius.	The whole Act.

Number and date of Acts.	Title.	Extent of Repeal.
Act XXI. 1844 ...	For regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana, and Trinidad.	The whole Act.
Act XXV. 1845 ...	For regulating the time of sailing of ships carrying Emigrants from Madras to Jamaica, British Guiana, and Trinidad.	The whole Act.
Act VIII. 1847 ...	For rendering lawful the Emigration of Laborers from the Port of Madras, in the Presidency of Fort St. George to Mauritius.	The whole Act.
Act XIII. 1847 ...	For repealing Act XIV of 1839, so far as it relates to the Emigration of Natives of India to the Island of Ceylon.	The whole Act.
Act IV. 1852 ...	To amend the law relating to Emigrant Vessels and the Emigration of Laborers.	The whole Act.
Act XXIV. 1852...	For amending and explaining Act XIV. 1839, and for the better prevention of crimping.	The whole Act.
Act XXXI. 1855...	Relating to the Emigration of Native Laborers to the British Colonies of Saint Lucia and Grenada.	The whole Act.
Act XIX. 1856 ...	To enable the Governor-General of India in Council to suspend the operation of certain Acts relating to the Emigration of Native Laborers.	So much of the as is not incorporated in Act XLVI of 1856 and VII of 1857.
Act XII. 1860 ...	Relating to the Emigration of Native Laborers to the British Colony of St. Vincent.	The whole Act.
Act XXXIII. 1860	Relating to Emigration to the British Colony of Natal.	The whole Act.
Act XLI. 1860 ...	Relating to the Emigration of Native Laborers to the British Colony of Saint Kitts.	The whole Act.

Number and date of Acts.	Title.	Extent of Repeal.
Act XLIX. 1860...	Relating to vessels carrying Emigrant Passengers to the British Colonies.	The whole Act.
Act XXII. 1862 ...	Relating to Emigration to the British Colonial Dependency of Seychelles.	The whole Act.
Act VII. 1863 ...	Relating to the Emigration of Native Laborers to the Danish Colony of Saint Croix.	The whole Act.

SCHEDULE B.

Office of the Protector of Emigrants at the Port of

A. B. is hereby licensed under Act XIII of 1864 of the Governor-General of India in Council to be a Recruiter for engaging persons to proceed to _____ for the purpose of laboring for hire.

This license will be in force for one year only from this date.

Dated the _____ day of _____

(Signed) C. D.,
Protector of Emigrants.

JUDGE OF KONKAN.

ACT No. XIV. OF 1864.

(Received the assent of the G. G., on the 18th March 1864.)

Legalizes the Acts of the Judge of Konkan retrospectively from 25th February 1863.

WHEREAS the Government of Bombay is empowered under Act
 Preamble. XXIX of 1845 to appoint, with the consent of the Governor-General of India in Council, a Joint Judge and a Joint Sessions Judge in any Zillah of the Bombay Presidency, whenever the state of judicial business shall render such appointment expedient; and whereas on the twenty-fifth day of February 1863 the Government of Bombay

appointed a Joint Judge and Joint Sessions Judge of the Zillah the Konkan, and did not obtain the consent of the Governor-General of India in Council until the eleventh day of July 1863, and whereas the High Court of Bombay has held that the consent of the Governor-General of India in Council alluded to in Act XXIX of 1845, signifies the previous consent, and it is therefore necessary to give legal validity to all orders and decisions passed and all proceedings held by any Officer exercising the powers of Joint Judge and Joint Sessions Judge of the Konkan between the twenty-fifth day of February 1863 and the eleventh day of July 1863 : It is enacted as follows :—

I. The consent granted by the Governor-General of India in Council on the eleventh day of July 1863 to the appointment by the Government of Bombay of a Joint Judge and Joint Sessions Judge of the Konkan, shall have the same effect as if it had been granted before the twenty-fifth day of February 1863, and no order or decision passed and no proceeding held in any Civil or Criminal case by any Officer appointed to the said office of Joint Judge and Joint Sessions Judge of the Konkan on or after the said twenty-fifth day of February 1863 and before the said eleventh day of July 1863, shall be deemed to be invalid merely by reason of such order or decision having been passed or such proceeding having been held without the consent of the Governor-General of India in Council to the appointment of Joint Judge or Joint Sessions Judge of the Konkan having been previously given.

Sanction given by Governor-General to appointment of Joint Judge of the Konkan to have effect as if given before the twenty-fifth of February 1863.

TOLLS ON ROADS AND BRIDGES.

ACT No. XV. OF 1864.

(Received the assent of the G. G. on the 24th March 1864.)

1. Substitutes a new Schedule of Rules and Tolls instead of the Schedule of Act VIII., 1851, at the discretion of Government.

2—4. Authorizes imposition of Tolls, and (3) extension of this Act by local Government; (4) that is, by the officer administering the executive power of Government.

Schedule of Tolls.

WHEREAS by Act VIII of 1851 (*for enabling Government to levy Tolls on Public Roads and Bridges*)

Preamble.

authority was given for the levy of certain rates of Toll, not exceeding the rates mentioned in the Schedule annexed to that Act; and whereas it is expedient to make certain alterations in respect to the rates in the said Schedule mentioned; It is enacted as follows:—

I. In any place to which this Act shall be extended by the Local Government, the Schedule to the said Act VIII of 1851 shall be of no effect except as to any proceedings pending at the time at which this Act shall be so extended and except as to any rate of Toll levied theretofore: and all the provisions of the said Act, applicable or referring, to the rates of Toll mentioned in the said Schedule, shall be applicable and refer to the rates of Toll mentioned in the Schedule to this Act annexed, which shall be read with and taken as part of the said Act VIII of 1851.

Schedule of Act VIII of 1851 repealed, and another Schedule substituted.

II. Any person entrusted with the management of the collection of Tolls under Act VIII of 1851, may in his discretion compound for any period not exceeding one year with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of Toll specified in the Schedule to the said Act VIII of 1851 or in the Schedule to this Act.

Collectors of Tolls may compound for Tolls leviable under Act VIII of 1851 or this Act.

III. The local Government may extend this Act to any place in which the said Act VIII of 1851 is in force; and the local Government of any place in which the said Act VIII of 1851 is not in force may extend the said Act VIII of 1851 and this Act to such place.

This Act where to have operation.

IV. For the purposes of this Act, the words "local Government" shall denote the person authorized by law to administer executive Government in any part of the territories vested in Her Majesty by the Statute 21 and 22 Vic, cap. 106, entitled "An Act for the better Government of India."

SCHEDULE		Rs.	A.	P.
On every four-wheeled Carriage	...	2	0	0
On every two-wheeled Carriage	...	1	0	0
On every Ekka	...	0	4	0
On every hackery on springs	...	0	2	0
On every cart and hackery not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses, or mules, if laden	...	1	8	0
Ditto, if not laden	...	0	8	0
On every cart and hackery drawn by 6 bullocks, buffaloes, horses, ponies, asses, or mules, if laden	...	0	12	0
Ditto, if not laden	...	0	6	0
On every cart or hackery drawn by 4 bullocks, buffaloes, horses, ponies, asses, or mules if laden	...	0	8	0
Ditto, if not laden	...	0	4	0
On every cart and hackery drawn by 2 bullocks buffaloes, horses, ponies, asses, or mules, if laden	...	0	4	0
Ditto, if not laden	...	0	2	0
Buffaloes or bullocks, per head, if laden	...	0	1	0
Ditto, if not laden	...	0	0	6
On every elephant	...	1	8	0
On every camel, if laden	...	0	8	0
Ditto, if not laden	...	0	4	0
On every horse, if laden or ridden	...	0	1	6
Ditto, unladen or led	...	0	0	9
On every tattoo or mule, if laden or ridden	...	0	0	9
Ditto, unladen or led	...	0	0	6
On every ass, if laden or ridden	...	0	0	6
Ditto, unladen or led	...	0	0	3
On every sheep, or goat, or pig	...	0	0	1
On every palankeen, dooly, palna, or tonjon with 8 bearers	...	1	0	0
Ditto ... with 6 bearers	...	0	12	0
Ditto ... with 4 bearers	...	0	8	0
Ditto ... with 2 bearers	...	0	4	0
On every foot passenger	...	0	0	3

N. B.—Animals drawing any vehicle for which Toll can be demanded are not to be also charged with Toll.

REGISTRATION OF ASSURANCES.

ACT No. XVI. OF 1864.

(Received the assent of the G. G. on the 24th March 1864.)

1—2. Repeals Scheduled Regulations and Acts, except as to Instruments registered under them; and (2) all other Regulations in parts to which this Act shall be extended.

3. Defines the terms, "British India," "Local Government," "Year and Month," "Sections" and construes words of "Number and Gender."

4. Authorizes the Governor-General in Council, by declaration in the *Indian Gazette*, to give the Head Officer in Districts under the administration of the Government of India possessed of the powers under this Act.

REGISTRATION ESTABLISHMENT.

5—12. Authorizes local Government to establish General Register Office and appoint officers; and (6) make Registry Districts; and (7) prescribe limits of Register Office for Presidency Towns, with Sub-Districts; and (8) District Officers, and Deputy Registrars, except in Presidency Towns, as to which (9) prescribes; and (10) provides for case of absence or vacancy in any Register Office; and (11) salaries and pay to be fixed by local Government, &c.; and (12) Registrars to have a Seal of Office.

INSTRUMENTS TO BE REGISTERED.

13—16. No deed of gift of immoveable property or lease for more than a year, or conveyance or receipt, &c., to be received in evidence unless registered, if executed after Act comes in operation, except leases in Madras of revenue-paying land; and (14) the stamp affixed to be the criterion of value; and (15) a suit may be instituted to establish right to registration if refused; and (16) the same kind of Instruments for value under 100 Rs. may optionally be registered, also Instruments relating to moveable property, Wills and Authorities to adopt, Decrees, Orders, and Money Deeds, Bonds, Contracts, &c., and all other Obligations.

TIME OF REGISTRATION.

17—20. Twelve months time for registration of Instruments executed before Act; and (18) four months from date of execution afterwards, of Deeds, registration of which is compulsory; and (19) two months, of other Instruments; (20) except Wills and Authorities to adopt, which may be registered at any time.

PLACE OF REGISTRATION.

21—25 Instruments concerning immoveable property to be registered where property is situate; and (22) all other Instruments, where executed; and (23) where property is not all in one Sub-District, registration may be in any Sub-District, &c.; and (24) Instruments in language not understood by Deputy Registrar to be forwarded to District Registrar; and (25) if property

is situate in more districts than one, registration may be in any one, &c.

26. Registrar General may register any Instrument of which registration is compulsory, without reference to local site of property; but (27) copy to be sent to District Registrar.

28. Directs By whom Instruments are to be presented for registration.

MODE OF REGISTRATION.

29—34. Registrar to satisfy himself by enquiry that the Instrument has been executed rightly, and as to personal title of parties executing; and (30) enter in book names, &c., of parties examined; and (31, 32, 33, 34) are as to summoning witnesses.

35. Instrument with interpretation, &c., not to be registered unless interpretation, &c., be verified.

36—37. Directs what particulars shall be endorsed on Instrument at time of registration, and (37) how endorsement is to be signed.

38—39. Registered Instrument to be copied in book, and (39) returned to party with certificate of registration.

40—42. Abstract of every registered Instrument affecting immoveable property to be made and forwarded in duplicate to Deputy Registrar, and (41) one part sent to Registrar General, who (42) shall enter same in a book.

DECREES AFFECTING REGISTERED INSTRUMENTS.

43—45. Where a decree affects the validity or operation of any registered Instrument, a memorandum thereof be sent to the Registry Office; and (44) shall be there registered; and (45) the like memorandum to be sent to Registry Office of Decrees concerning immoveable property, and there to be registered.

REGISTRATIONS OF WILLS, CODICILS AND AUTHORITIES TO ADOPT.

46—50. Applies provisions of Section 28 for registration of the above documents, and (47) directs how such Instrument shall be registered; and (48) how they may be withdrawn; and (49) how they are to be dealt with in case of death of depositor; and (50) authorizes certified copies to be given, and makes such copies evidence of original.

SPECIAL REGISTRATION OF OBLIGATIONS FOR PAYMENT OF MONEY.

51—52. Provides for registration of Bonds and other Obligations for payment of money; and (52) provides for their enforcement without suit.

REGISTRATION FEES.

53—54. Fees to be fixed by Government, and (54) paid into Government Treasury.

REGISTERS.

55. As to Book, and the mode of keeping them.

56—59. Registers to be of four specified kinds, and (57) entries to be numbered, and (58) entries to be kept, and (59) in District Offices separate Books to be kept for registration of powers to adopt son.

60. Provides for inspection of registered Instruments.

GENERAL RULES.

61—71. As to control over Deputy Registrar; (62) gives appeal from refusal of Deputy Registrar to Registrar; but (63) not from admitting to registration.

64. Gives Registrar General a general control over all Register offices, &c.

65. Provides for attendance of Registrars at residence of parties, to register, &c.

66. Reasons to be recorded for every refusal to register.

67. Registered Instruments to operate from same date as if not registered, &c.

68. Registered Instruments of specified kind to have priority to Instruments not registered.

69. Provides special mode of registering Instruments on behalf of Government and Public Offices.

70. False declarations under this Act to be punishable under Indian Penal Code, Section 191.

71. Act to come into operation on 1st January 1865 in three Presidencies, but elsewhere only when extended by order of Government.

Schedule of Repealed Regulations under Acts.

WHEREAS it is expedient, to consolidate and amend the laws relating to the Registration of Assurances;
Preamble. It is enacted as follows:—

REPEAL OF REGULATIONS AND ACTS.

I. The Regulations and Acts and parts of Regulations and Acts set forth in the Schedule annexed to this Act are hereby repealed to the extent mentioned in the said Schedule, except in so far as such Regulations or Acts rescind other Regulations or Acts, and except as regards Instruments duly registered under them or any of them before the date on which this Act shall come into operation.

II. From the date on which this Act shall be extended as hereinafter provided to any part of British India in which the Regulations and Acts mentioned in the Schedule annexed to this Act are not in force, all Rules and Regulations relating to the Registration of Assurances in force in such part of British India shall cease to have effect, except as regards Instruments duly registered under any of the said Rules or Regulations in such part of British India.

Repeal of rules relating to the Registration of Assurances in certain Territories.

DEFINITIONS.

III. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction—that is to say:—

Interpretation.

The words “British India” denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic., cap. 106, entitled “An Act for the better Government of India,” except the Settlement of Prince of Wales’ Island, Singapore, and Malacca:

“British India.”

The words “Local Government” denote the person or persons authorized by law to administer the Executive Government in any part of British India:

“Local Government.”

India:

The words “year” and “month” denote a year or month respectively by the British Calendar.

“Year” and “month.”

Calendar.

“Section.”

The word “Section” denotes a Section of this Act:

Words importing the singular number include the plural number; words importing the plural number include the singular number:

Number.

Gender.

Words importing the masculine gender include females.

IV. It shall be lawful for the Governor-General of India in Council, by an order to be published in the Gazette of India, to declare that in any Territory under the immediate administration of the Government of India the Head Executive Officer of such Territory shall exercise the powers vested by this Act in the local Governments, and thereupon such Officer shall, for the purposes of this Act, be the local Government of such Territory as defined in this Act.

The Head Executive Officer of certain Territory may be vested with the powers conferred by this Act on local Governments.

REGISTRATION ESTABLISHMENT.

V. Every local Government shall establish within the Territories subject to such Government, at such place as to it shall seem fit, an Office to be

General Register Office.

called the General Register Office, and shall appoint an Officer to the charge of such Office, who shall be the Registrar General of the Territories for which he is appointed. Nothing in this Act contained shall make it unlawful for any Registrar General to hold simultaneously any other Office to which he may be appointed by the local Government.

VI. For the purposes of this Act, the local Government shall form Districts and shall divide such Districts into Sub-Districts, and shall prescribe and from time to time may alter the limits of the Districts and Sub-Districts so formed.

The local Government shall also for the purposes of this Act prescribe the limits of the Presidency Towns of Calcutta, Madras, and Bombay respectively: and every such Town shall for the purposes of this Act be deemed a District.

The local Government may, if it shall think fit so to do, divide the said Presidency Towns respectively into Sub-Districts, and may from time to time alter the limits of the said Presidency Towns and of the said Sub-Districts thereof.

The Districts and Sub-Districts formed under this Section, together with the limits thereof, and every alteration of such limits, shall be forthwith notified by the local Government in the Official Gazette.

VII. The local Government shall establish in every District an Office to be styled the District Register Office and in every Sub-District an Office to be styled the Deputy Register Office.

VIII. The local Government may appoint such persons, whether Public Officers or not as it may think proper, to be District Registrars of the several Districts, and to be Deputy Registrars of the several Sub-Districts formed as aforesaid respectively: provided that, except in the said Presidency Towns of Calcutta, Madras, and Bombay, no person shall at the same time hold both the Office of District Registrar and the Office of Deputy Registrar.

IX. In each of the Presidency Towns aforesaid not for the time being divided into Sub-Districts; the District Registrar shall perform all the duties of a Deputy Registrar of a Sub-District under this Act in the same manner and subject to the same rules as if such Presidency Town were a Sub-District; provided that there shall be no appeal under Section LXII from his order.

X. In case of the absence of any Deputy Registrar, or of a vacancy occurring in the Office of any Deputy Registrar, it shall be lawful for the District Registrar to whom such Deputy Registrar is subordinate to appoint any person whom he may think proper to take temporary charge of the Office of such Deputy Registrar, and to register Instruments in the same manner as if such person had been appointed to the Office by the local Government. In case of the absence of any District Registrar, or of a vacancy occurring in the Office of any District Registrar, the Judge of the principal Court of original Civil jurisdiction of the District shall, during such absence or vacancy, be the District Registrar. In case of the absence of the District Registrar of a Presidency Town, or of a vacancy occurring in the Office of any such Registrar, it shall be lawful for the Registrar General of the Presidency, or place, to appoint any person whom he may think proper to take temporary charge of the Office of such Registrar.

XI. It shall be lawful for the local Government, with the sanction of the Governor-General of India in Council, to assign such salaries as such local Government may from time to time deem proper, to the Registrar General, the District Registrars, and the Deputy Registrars appointed under this Act, or to provide for the remuneration of such Officers by fees, or partly by fees and partly by salaries. It shall also be lawful for the local Government, with the like sanction, to allow such Establishments for the General Register Office and for the Offices of the several District Registrars and Deputy Registrars as may be necessary for the purposes of this Act.

XII. The Registrar General and the several District Registrars and Deputy Registrars shall use a seal bearing the following inscription in English and in such other language as the local Government shall direct :
 Seal of Office. "The Seal of the Registrar General (or of the District Registrar, or Deputy Registrar) of . . ."

INSTRUMENTS TO BE REGISTERED.

XIII. No Instrument being a deed of gift of immoveable property, no lease of immoveable property for any period exceeding one year, no Instrument (other than a deed of gift or lease as aforesaid) which purports or operates to create declare, transfer, or extinguish any right, title, or interest of the value of one hundred Rupees or upwards in any immoveable property, and no Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest as above, of such value as aforesaid, in any immoveable property, shall be received in evidence in any Civil proceeding in any Court, or shall be acted on by any Public Officer, if such Instrument shall have been executed on or after the date on which this Act shall come into operation, and if the property to which such instrument relates shall be situate in any part of British India in which this Act is in force, unless the same shall have been registered in the manner and within the time prescribed by this Act. Provided that the provisions of this Section shall not apply to any lease executed between landlord and tenant relative to land in the Presidency of Madras liable to the payment of revenue to Government, but any such lease may be registered under Section XVI, subject to the provisions of Sections XVII and XIX.

Certain Instruments not to be received in evidence in any Civil proceeding unless registered according to provisions of this Act.

Proviso.

XIV. For the purposes of this Act, the value of the right, title, or interest in any immoveable property created, declared, transferred, or extinguished by any Instrument shall be taken to be the value indicated by the Stamp affixed

Mode of determining the value of the right, title, or interest affected by Instruments required to be registered.

thereto or impressed thereon under Act X of 1862 (*to consolidate and amend the law relating to Stamp Duties*), or under any other Act for the time being in force for regulating the Stamp Duties.

XV. If a District Registrar or Deputy Registrar shall refuse to register an Instrument falling within the Provisions of Section XIII, it shall be lawful for any person interested to institute a regular suit in order to establish his right to have such Instrument registered, and the Instrument shall be admissible in evidence for the purposes of such suit. The District Registrar or Deputy Registrar who refused to register such Instrument shall not be made a party to any such suit, but the Court may if it shall think proper order such District Registrar or Deputy Registrar to register the Instrument, and he shall be bound to comply with the order. The petition of plaint in any suit instituted under this Section shall be written on paper bearing a stamp of the value of eight annas.

On refusal to register, regular suit may be brought to enforce registration.

XVI. On and after the date on which this Act shall come into operation, any of the following Instruments executed on or after the said date may be registered under this Act:—

Instruments whereof the registration is optional.

1. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest of value less than one hundred Rupees, in any immoveable property.

2. Any Instrument which acknowledges the receipt or payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest, of such value as aforesaid, in any such immoveable property.

3. Any lease for a period not exceeding one year.

4. Any Instrument which purports or operates to create, declare, transfer, or extinguish any right, title, or interest in any moveable property.

5. Any Will, Codicil, or Authority to adopt a son.

6. Any decree or order of Court or private award of arbitration.

7. Any Deed, Bond, Contract, or other Obligation.

TIME OF REGISTRATION.

XVII. No Instrument of the descriptions mentioned in

What Instruments not to be accepted unless presented for registration within twelve months after the coming into operation of this Act.

Sections XIII and XVI (other than a Will, Codicil to a Will, or Authority to adopt a son), which shall have been executed before the date on which this Act shall come into operation, shall be accepted for registration

unless such Instrument be presented for registration within twelve months from such date.

XVIII. No Instrument of the descriptions mentioned in

What Instruments not to be accepted unless presented for registration within four months after execution.

Section XIII, which shall have been executed after the date on which this Act shall come into operation, shall be accepted for registration unless presented for that

purpose to the proper Officer within four months from the date of the execution thereof.

XIX. No Instrument of any of the descriptions mentioned

What Instruments not to be accepted unless presented for registration within two months after execution.

in Section XVI (other than a Will, Codicil to a Will, or Authority to adopt a son), which shall be executed after the date on which this Act shall come into operation,

shall be accepted for registration unless presented within two months from the date of the execution thereof.

XX. Any Will, Codicil to a Will, or Authority to adopt a son

What Instruments may be registered at any time.

may at any time be registered in the manner hereinafter provided, by the person making such Will or Codicil, or giving

such Authority.

PLACE OF REGISTRATION.

XXI. Save as in this Act otherwise provided, every Instrument which purports to

In what Office certain Instruments to be presented for registration.

operate to create, declare, transfer, or extinguish any right, title, or interest in any immoveable

property, and any Instrument acknowledging the receipt or

payment of any consideration on account of the creation, declaration, transfer, or extinction of any right, title, or interest in any immoveable property, or any lease, shall be presented for registration in the Office of the Deputy Registrar within whose Sub-District the property is situate.

XXII. Every Instrument other than an Instrument of the nature specified in the last preceding Section, shall be presented for registration in the Office of the Deputy Registrar within whose jurisdiction such Instrument is executed, or at any Registry Office under the same local Government, at which all the parties executing such Instrument shall desire the same to be registered.

XXIII. Every Instrument affecting immoveable property the whole of which, although situate in one District, is not situate in one Sub-District, may be presented for registration to any Deputy Registrar within whose Sub-District any part of such property is situate. It shall be the duty of such Deputy Registrar, after registering the Instrument, forthwith to cause to be made and to forward a copy thereof, endorsed in the manner provided in Section XXV, to the District Registrar to whom he is subordinate, who shall register the same, and forward a copy of such Instrument and of the endorsement aforesaid, to every Deputy Registrar in his District in whose Sub-District any part of such property is situate, other than the Deputy Registrar in whose Office the Instrument shall have been originally registered, and every Deputy Registrar who shall receive such copy shall forthwith register the same.

XXIV. If any Instrument tendered for registration be in a language which the Deputy Registrar does not understand, the Deputy Registrar shall refuse to register the Instrument, and shall refer the parties to the District Registrar, who shall deal with Instrument in the same manner as he is required by this Act to deal with Instruments presented to him in the first instance for registration.

XXV. Every Instrument affecting immoveable property

To what Officer Instruments affecting immoveable property situate in more than one District to be presented for registration.

situate in more Districts than one, may be presented for registration to the District Registrar of any such District in which any part of such property is situate. It shall be the duty of such District Registrar, after registering the Instrument, to cause to be made and to forward to the District Registrar of every District in which any other part of such property is situate, a copy of such Instrument, endorsed with an attestation stating the date on which it was registered and its number in his Register Book. The District Registrar receiving such copy so forwarded and endorsed shall register the same as if it had been presented to him in the first instance, and shall forward a copy of such instrument and of such endorsement as aforesaid to the Deputy Registrar of each Sub-District within the local limits of his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such last mentioned copy shall forthwith register the same.

XXVI. It shall be lawful for the Registrar General in his dis-

Registration by Registrar General.

cretion to receive and register any Instrument of the nature specified in Section XXI, which may be presented at his Office for registration, without reference to the situation of the property to which the Instrument relates. In registering any Instrument under this Section, the Registrar General shall follow the mode of registration hereinafter prescribed for the registration of Instruments presented in the first instance to a District Registrar or a Deputy Registrar.

XXVII. It shall be the duty of the Registrar General, on

Proceedings in case of registration by Registrar General.

any such Instrument being registered in his Office under the last preceding Section, to cause to be made and forwarded to every District Registrar within the local limits of whose jurisdiction any part of the property to which the Instrument relates is situated, a copy of such Instrument endorsed with an attestation stating the date on which it was registered and the number in his Register Book: and the District Registrar receiving such

copy shall register the same as if it had been presented to him in the first instance, and shall forward a copy thereof and of the endorsement aforesaid to the Deputy Registrar of each Sub-District within his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such copy shall register the same.

XXVIII. Every Instrument to be registered under this Act, not being a Will, Codicil to a Will, or an Authority to adopt a *soul*, shall be presented at the Office in which such Instrument is to be registered by all the parties executing the same, or by the heirs, representatives, or assigns of such parties, or by the authorized agents of such parties, or of their heirs, representatives, or assigns under a power of attorney special or general. But no such power of attorney shall be recognized for the purposes of this Act unless it shall have been executed in the presence of, and duly attested by, the District Registrar or Deputy Registrar within the local limits of whose jurisdiction the person executing the same resides if he reside in any part of British India subject to the operation of this Act, or if he reside in a part of British India not subject to the operation of this Act, unless it shall have been executed in the presence of and been duly attested by, the Officer presiding over the principal Court of original Civil jurisdiction within the local limits of whose jurisdiction the person executing the same resides. If the person executing such power of attorney do not reside within any part of British India, it shall not be recognized for the purposes of this Act unless it shall have been executed in the presence of, and duly attested by, an Officer of the British Government, or by a Notary Public where there is such a functionary. The provisions contained in this Section relating to the execution of powers of attorney in the presence of the District Registrar or Deputy Registrar, shall not apply in the case of a Native woman of a rank or description, which according to the custom of the country would render it improper to require her personally to attend at the Office of the District Registrar or Deputy Registrar. In the case of any woman of the rank or description above

By whom Instruments, with certain exceptions, are to be presented for registration.

mentioned, the District Registrar or Deputy Registrar, if satisfied that the power of attorney is the free and voluntary act of the woman by whom it purports to have been made, may attest the same without requiring her personal attendance at his Office. For the purpose of satisfying himself on this point, the District Registrar or Deputy Registrar may proceed or depute some trustworthy person to the residence of the woman to take her examination in the mode prescribed for taking the evidence of Native females of rank.

MODE OF REGISTRATION.

XXIX. On the parties to any Instrument, their heirs, administrators, or assigns, or the agents of such parties authorized as hereinbefore provided appearing before the District Registrar or Deputy Registrar for the purpose of obtaining the registration of such Instrument, he shall proceed to enquire whether such Instrument was executed or not by all the parties thereto by whom it purports to have been executed, and to satisfy himself of the right of any person to appear as the heir, administrator, or assign of any party whom he shall claim to represent, or if any party shall appear by agent, of the authority of such agent. If all the parties executing the Instrument appear personally before the District Registrar or Deputy Registrar and are personally known to him, or in case they are not personally known to him if they satisfy him that they are the parties they represent themselves to be, and if they all admit the execution of the Instrument, or in the case of any party appearing by authorized agent if such agent shall admit the execution of the Instrument, the District Registrar or Deputy Registrar shall register the same.

XXX. The District Registrar or Deputy Registrar shall enter in the Register Book the name and address in full of every person whom he may examine as to any of the matters in the last preceding Section mentioned.

Enquiry before registration by the District Registrar, or Deputy Registrar.

Entries to be made as to persons examined.

copy shall register the same as if it had been presented to him in the first instance, and shall forward a copy thereof and of the endorsement aforesaid to the Deputy Registrar of each Sub-District within his jurisdiction in which any part of such property is situate, and every Deputy Registrar who shall receive such copy shall register the same.

XXVIII. Every Instrument to be registered under this Act, not being a Will, Codicil to a Will, or an Authority to adopt a son, shall be presented at the Office in which such Instrument is to be registered by all the parties executing the same, or by the heirs, representatives, or assigns of such parties, or by the authorized agents of such parties, or of their heirs, representatives, or assigns under a power of attorney special or general. But no such power of attorney shall be recognized for the purposes of this Act unless it shall have been executed in the presence of, and duly attested by, the District Registrar or Deputy Registrar within the local limits of whose jurisdiction the person executing the same resides if he reside in any part of British India subject to the operation of this Act, or if he reside in a part of British India not subject to the operation of this Act, unless it shall have been executed in the presence of, and been duly attested by, the Officer presiding over the principal Court of original Civil jurisdiction within the local limits of whose jurisdiction the person executing the same resides. If the person executing such power of attorney do not reside within any part of British India, it shall not be recognized for the purposes of this Act unless it shall have been executed in the presence of, and duly attested by, an Officer of the British Government, or by a Notary Public where there is such a functionary. The provisions contained in this Section relating to the execution of powers of attorney in the presence of the District Registrar or Deputy Registrar, shall not apply in the case of a Native woman of a rank or description, which according to the customs of the country would render it improper to require her personally to attend at the Office of the District Registrar or Deputy Registrar. In the case of any woman of the rank or description above

By whom Instruments, with certain exceptions, are to be presented for registration.

mentioned, the District Registrar or Deputy Registrar, if satisfied that the power of attorney is the free and voluntary act of the woman by whom it purports to have been made, may attest the same without requiring her personal attendance at his Office. For the purpose of satisfying himself on this point, the District Registrar or Deputy Registrar may proceed or depute some trustworthy person to the residence of the woman to take her examination in the mode prescribed for taking the evidence of Native females of rank.

MODE OF REGISTRATION.

XXIX. On the parties to any Instrument, their heirs, administrators, or assigns, or the agents of such parties authorized as hereinbefore provided appearing before the District Registrar or Deputy Registrar for the purpose of obtaining the registration of such Instrument, he shall proceed to enquire whether such Instrument was executed or not by all the parties thereto by whom it purports to have been executed, and to satisfy himself of the right of any person to appear as the heir, administrator, or assign of any party whom he shall claim to represent, or if any party shall appear by agent, of the authority of such agent. If all the parties executing the Instrument appear personally before the District Registrar or Deputy Registrar and are personally known to him, or in case they are not personally known to him if they satisfy him that they are the parties they represent themselves to be, and if they all admit the execution of the Instrument, or in the case of any party appearing by authorized agent if such agent shall admit the execution of the Instrument, the District Registrar or Deputy Registrar shall register the same.

XXX. The District Registrar or Deputy Registrar shall enter in the Register Book the name and address of every person whom he may examine as to any of the matters in the last preceding Section mentioned.

Enquiry before registration by the District Registrar, or Deputy Registrar.

in the Register Book the name and address in full of every person whom he may examine as to any of the matters in the last preceding Section mentioned.

XXXI. If any party to an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a Deputy Registrar, such Deputy Registrar may in his discretion, and if such person shall be within the local limits of the jurisdiction of such Deputy Registrar, issue a summons requiring such person to attend at the Office of such Deputy Registrar at a time named in such summons.

Mode of enforcing attendance of person whose testimony is required by Deputy Registrar.

XXXII. If the person whose attendance is required, is not within the local limits of the jurisdiction of the Deputy Registrar, the party to the Instrument who requires his attendance shall apply through the Deputy Registrar to the District Registrar in whose District such person is, and the District Registrar may in his discretion issue a like summons for the attendance of such person at the Office of such Deputy Registrar.

Application when to be made to District Registrar.

XXXIII. The provisions of the last two preceding Sections shall apply *mutatis mutandis* to all cases in which a party executing an Instrument shall require assistance to procure the attendance of a person whose testimony is necessary for the registration of such Instrument by a District Registrar or by a Registrar General.

Mode of enforcing attendance of person whose evidence is required by a District Registrar or Registrar General.

XXXIV. The provisions of the Acts in force for the time being for procuring the attendance of witnesses for the examination, remuneration, and punishment of witnesses in suits before Civil Courts, shall be of equal force and effect in respect of any person summoned to appear as a witness under the foregoing provisions of this Act.

Law relating to attendance of witnesses in suits in Civil Courts to apply to persons summoned as witnesses under this Act.

XXXV. No Instrument shall be accepted for registration if any interlineation, erasure, or alteration shall appear on such Instrument, unless the parties appearing to register the same shall attest with their signatures such interlineation, erasure, or altera-

Erasures or interlineations in Instruments presented for registration.

tion ; and it shall be the duty of the Officer registering such Instrument, at the time of registering it, to make a note in the Register of such interlineation, erasure, or alteration.

Particulars to be endorsed on Instrument admitted to registration.

XXXVI. • On every Instrument admitted to registration there shall be endorsed the following particulars,—that is to say—

1. The date and hour of presentment. •
- 2. The names in full of the parties executing the Instrument ; and if it shall have been presented by the heir, representative, or assign, or by the agent of any party, the name of such heir, representative, assign or agent. •

3 The name and address in full of every person whose evidence may have been taken under any of the provisions of this Act.

4. Any payment of money or delivery of goods made in the presence of the District Registrar or Deputy Registrar.

XXXVII. The endorsements shall be signed by every party executing the Instrument, or by his heir, representative, or assign, or by his agent, and shall be certified by the seal and signature of the District Registrar or Deputy Registrar. The Instrument thus endorsed shall be *primâ facie* proof on the production thereof in any Court that such Instrument has been duly registered in the manner provided in this Act. Provided that it shall be competent to the Court to require further evidence of such registration if it shall see sufficient cause for doing so. •

Registered Instrument to be copied and numbered.

XXXVIII. Every Instrument admitted to registration and endorsed, as hereinbefore provided, shall be copied in its appropriate book according to the order of its presentation, and shall be numbered accordingly.

XXXIX. After the provisions of Sections XXXVI, XXXVII, and XXXVIII shall have been complied with, the Instrument shall be returned to the party who shall have presented the same for registration, with a further endorsement inscribed thereon and certified as above, containing the number and page of the book

And returned with a further endorsement.

in which the copy and the registration of the Instrument shall have been made.

XL. An abstract of every original Instrument affecting immoveable property registered in the Office of any Deputy Registrar, shall with an endorsement attesting the date on which it was registered and its number in the Register Book of such Deputy Registrar, within seven days be forwarded in duplicate to the District Registrar, who shall forthwith forward one of such duplicates to the General Register Office.

The forwarding duplicate abstracts of certain Instruments registered in the Office of Deputy Registrar.

XLI. An abstract of every original Instrument affecting immoveable property registered in the Office of any District Registrar, shall with an endorsement attesting the date on which it was registered and its number in the Register Book of such District Registrar, within seven days be forwarded to the General Register Office.

The forwarding abstracts of certain Instruments registered in the Office of the District Registrar.

XLII. On the receipt in the General Register Office, of the abstract of any entry made in any Register, the same shall be entered in the Book No. 1, 2, 3, or 4, described in Section LVI of this Act, as the case may be.

Such abstracts to be entered in General Register Office.

DECREES AFFECTING REGISTERED INSTRUMENTS.

XLIII. When any Civil Court shall by a decree or order declare any Instrument relating to immoveable property which shall have been registered under this Act to be invalid, or when any Civil Court shall pass a decree or order affecting the validity or otherwise of any such Instrument, and such last mentioned decree or order shall create, declare, transfer, limit, or extinguish any right, title, or interest under such Instrument in the immoveable property to which it relates, such Court shall cause a Memorandum of the decree or order to be sent to the Office in which such Instrument shall have been originally registered.

In what cases Memorandum of decree affecting certain registered Instruments to be sent to the Office in which such Instrument shall have been registered.

XLIV. Whenever any Memorandum is received under the last preceding Section, a transcript thereof shall immediately be made in the margin of the part of the book in which there is any register of the Instrument affected by such Memorandum: and the District Registrar or Deputy Registrar shall forthwith transmit a copy of such Memorandum to the Registrar General, and to every District Registrar and every Deputy Registrar in whose Office the said Instrument or any abstract thereof is registered.

XLV. When any Civil Court shall by a decree or order create, declare, transfer, limit or extinguish any right, title, or interest of any person in any immovable property situate in any part of British India in which this Act is for the time being in force, such Court shall cause a Memorandum of the said decree or order to be sent to every District Registrar and every Deputy Registrar within the local limits of whose jurisdiction such immovable property or any part thereof is situate. Every such Memorandum received by a District Registrar or Deputy Registrar shall be entered by him in a book to be kept for the registration of decrees and orders: and a copy of such Memorandum shall be sent to the Registrar General.

REGISTRATION OF WILLS, CODICILS, AND AUTHORITIES TO ADOPT.

XLVI. Any person wishing to register his Will, a Codicil to his Will, or any Instrument giving authority to adopt a son after his decease, shall either personally or by a duly authorized agent deliver such Will or Codicil, or Instrument, in a sealed cover superscribed with the name of the depositor and the nature of the Instrument, to a District Registrar who shall, if the Will, Codicil, or Instrument be presented in person, satisfy himself of the identity of the person presenting it, or if the Will, Codicil, or Instrument be presented by an agent, shall satisfy himself of the authority of such agent as provided in Section XXVIII.

Mode of presenting for registration Wills, Codicils, and Instruments giving authority to adopt.

XLVII. If satisfied as above, the District Registrar shall enter the receipt of every sealed cover delivered to him under the last preceding Section in the Register of Deposits of Wills, Codicils, and Instruments giving authority to adopt, transcribing therein the superscription on such sealed cover, and noting in the Register and on the sealed cover the year, month, day, and hour of such receipt, together with the name of the depositor, and the name of each of the persons testifying to the identity of such depositor, and the inscription so far as it is legible on the seal of the depositor. The District Registrar shall then place the sealed cover in a fireproof box to be supplied by Government for that purpose.

XLVIII. If the depositor of any such sealed cover shall wish to withdraw the same, it shall be lawful for him to apply by petition to the principal Court of original Civil jurisdiction having jurisdiction where the sealed cover was deposited, for an order that the same be given up to him. If the Court shall be satisfied as to the identity with the depositor of the person applying for such an order, it may if it shall see fit make such an order as applied for, and the District Registrar in whose Office the sealed cover was deposited shall deliver up the same in obedience to the order.

XLIX. If on the death of the depositor of a sealed cover under Section XLVI, application be made to the District Registrar in whose Office the said sealed cover was deposited to open the same, the District Registrar, after satisfying himself that the depositor is dead, shall in the presence of the person making such application open the sealed cover, and shall enter a copy of the contents thereof, to be made at the expense of the applicant, in a Register of Wills, Codicils, and Instruments giving authority to adopt a son. When such copy shall have been entered, the District Registrar shall re-deposit the original Will, Codicil, or Instrument, until required to produce the same in a Court of Justice.

L. The District Registrar shall furnish to any applicant who shall pay to him the fees payable under this Act in respect thereof, a copy authenticated by his signature, of any Will re-deposited under the last preceding Section. And any copy certified by the District Registrar to be a true copy, shall be evidence of the contents of the Will, Codicil, or Instrument giving authority to adopt, of which it purports to be such copy.

Copies of Wills re-deposited to be furnished on payment of fees.

SPECIAL REGISTRATION OF OBLIGATIONS FOR PAYMENT OF MONEY.

LI. Whenever the parties to a bond or other written obligation for the payment of money, shall at the time of registering the same under the provisions of this Act apply to the District Registrar or Deputy Registrar to record their agreement, that in event of the bond or other written obligation as aforesaid not being satisfied within the time stipulated the amount may be recovered as hereinafter provided without a suit, it shall be the duty of the District Registrar or Deputy Registrar, after making such enquiries as he may think proper, to record such agreement at the foot of the endorsement required by Section XXXVI, and such record shall be signed by the District Registrar or Deputy Registrar, and by the parties to the bond or other written obligation, as aforesaid.

Parties may have agreement recorded, that amount secured by a written obligation shall be recovered without suit.

LII. A bond or other obligation for the payment of money registered with such agreement as in the last preceding Section mentioned, may be enforced without a suit by any Court which would have had jurisdiction to try a suit on such bond or other obligation for the recovery of the amount, provided that the application for the enforcement of the same be made within the period of one year from the date on which the amount became payable. The bond or other obligation as aforesaid shall be enforced as a decree in a suit under the rules applicable to the execution of decrees in the Court in which the application for enforcement is made, but subject to any provisions contained in any law for the time being in force, in relation to

Obligations for the payment of money registered with such agreement may be enforced without suit.

the enforcement, without a suit of bonds or other obligations for the payment of money registered with such agreement as aforesaid. The application for the enforcement of a bond or other obligation for the payment of money under this Section shall be written on a Stamp paper of one-fourth the value prescribed for a petition of plaint, in a suit to recover the same amount, under the provisions of Article 11, Schedule B, Act X of 1862 (*to consolidate and amend the law relating to Stamp Duties*), or any other law for the time being in force for regulating Stamp Duties.

REGISTRATION FEES.

LIII. Subject to the approval of the Governor-General of India in Council, the local Government shall prepare a table of fees payable for the registration of Instruments, for searching the Registers, and for making or granting copies of entries, abstracts or Instruments, either on registration or search. Subject to the like approval, the local Government shall also prepare a table of special additional fees payable for every registration by a Registrar General under Section XXVI, and for such other matters as shall to the local Government appear necessary. The local Government may from time to time subject to the like approval alter such table. A table of the fees so payable shall be published in the Official Gazette, and shall be exposed to public view in every Office established for the registration of Instruments, and no Instrument shall be accepted for registration, and no copy shall be granted, and no search shall be made or allowed until the fee duly prescribed in that behalf shall have been paid.

LIV. All fees received under the provisions of this Act (not being fees payable under Section XI of this Act to Officers who are paid wholly or in part by fees), shall be remitted to such Treasury as the local Government shall direct, and be credited to Government.

Disposal of Fees.

REGISTERS.

LV. The local Government shall provide for the Office of every Registrar General, District Registrar, and Deputy Registrar, such books as may be necessary for the purposes of this Act. The books so provided

Books.

shall contain such printed forms as shall from time to time be

Forms.

prescribed by the Registrar General, with the sanction of the local Government, for the entries to be made therein and for the indexes to such books, and the pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title page by the Officer by whom such books shall be

Fire-proof boxes.

supplied. The local Government shall further supply the Office of every District Registrar with a fire-proof box.

LVI. In every General Register Office, and in the Office of every District Registrar and Deputy Registrar, four Books shall be kept, which shall

Four distinct Books.

be entitled—

1. Register of absolute transfers of immoveable property.

2. Register of other transfers of immoveable property.

3. Register of decrees and orders of Court and of awards of arbitrations.

4. General Register of all other Instruments for the registration of which provision is made in this Act, and the entry of which is not required to be made in any other Register.

LVII. All entries made in such books shall be numbered in

In which book certain Instruments to be registered.

a consecutive numerical series which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year. Whenever any Instrument for the registration of which application may be made, refers to immoveable and also to moveable property it shall be entered in Book No. 4 and also in Book No. 1, 2, or 3, as the case may be.

LVIII. Two Indexes shall be prepared for each Register, one

Indexes.

containing the name of every party to every Instrument registered, and the other in the case of immoveable Property containing the name of the village or place where the property is situate, together with a description of the property and its name, and such other particulars and in such form as the Registrar General shall from time to time prescribe under Section LXIV.

LIX. Every District Registrar shall, in addition to the books prescribed in Section LVI of this Act, keep two books, to be entitled—

Registers of Wills, &c.

Register of deposits of Wills, and Codicils to Wills, and Instruments giving authority to adopt a son, as provided in Section XLVII.

Register of Wills, Codicils, and Instruments giving authority to adopt a son, as provided in Section XLIX.

LX. Subject to the previous payment of such fees as may be payable in that behalf, the Registers in the General Register Offices and in the Offices of all District Registrars and Deputy Registrars shall be at all times open to inspection by any person applying to inspect the same, and certified copies of any entry in such Registers shall be given to all persons applying for such copies. Provided that the only Registers to be inspected shall be the Registers No. 1, 2, and 3, specified in Section LVI, and the Register specified in Section XLIX.

Inspection of Registers and copies of entries.

GENERAL RULES.

LXI. Every Deputy Registrar shall perform the duties of his Office under the superintendence and control of the District Registrar in whose District the Office of such Deputy Registrar shall be situate; and the District Registrars shall have authority to issue (whether on complaint or otherwise) any orders they may consider necessary in respect of any proceeding or omission of any Deputy Registrar subordinate to them.

Control of proceedings of Deputy Registrars.

LXII. Every District Registrar may revise or alter any order of any Deputy Registrar subordinate to him, refusing to admit a document to registration, if an appeal against such order be presented to the District Registrar within thirty days from the date of the order, but not otherwise.

Revision of orders of Deputy Registrars refusing registration.

LXIII. No appeal shall lie to the District Registrar from an order of a Deputy Registrar admitting an Instrument to registration.

No appeal from order admitting to registration.

LXIV. The Registrar General shall exercise a general super-
 intendence over all the Register Offices
 within the local limits of his jurisdiction,
 and shall have power from time to time to
 frame rules not inconsistent with the terms of this Act, for the
 guidance of the District Registrars and Deputy Registrars subor-
 dinate to him, for regulating the proceedings of these Officers, and
 for providing for the safe custody of books, papers, and Instruments,
 and also for the destruction of such books, papers, and Instruments
 as it may be deemed to be no longer necessary to keep. The rules
 so framed shall be submitted to the local Government for approval,
 and after they shall have been approved, they shall be published
 in the Official Gazette, and shall have the same force as if they
 were inserted in this Act.

LXV. The registration of all Instruments under this Act shall
 be made only at the Public Office of the
 Officer whose duty it shall be to register the
 same: but any District Registrar or Deputy
 Registrar may on special cause being shown attend at the place of
 residence of any party intending to execute any Instrument, or of
 any person desiring to deposit a Will, Codicil, or Authority to adopt
 a son. Every Deputy Registrar so attending shall within twenty-
 four hours report to the District Registrar to whom he is subordi-
 nate the fact of his having attended and his reason for so doing.

LXVI. Every District Registrar or Deputy Registrar who
 shall refuse to register an Instrument, and
 every District Registrar who shall refuse
 to order an Instrument to be registered,
 shall record his reasons for so refusing, and
 on application made by any party to the Instrument and on his
 furnishing a stamped paper of the value of eight annas, shall give
 him a copy of the reasons so recorded.

LXVII. A registered Instrument shall operate from the time
 from which it would have commenced to
 operate if no registration had been required
 or made, and not from the time of its re-
 gistration.

LXVIII. Every Instrument of the descriptions mentioned in
Priority of certain re-
gistered Instruments. Clauses 1 and 2 of Section XVI shall, if
 Instrument relating to the same property, whether such other
 Instrument be of the same nature as the registered Instrument
 or not.

LXIX. It shall not be necessary for any Officer of Govern-
Registry of Instru-
ments executed by, or on
behalf of, Government. ment to appear in person, for the purpose
 of registering any Instrument, but when
 any Instrument is executed by, or on behalf
 of, Government, or by any Court, Board, Commission, or Public
 Office on behalf of Government, the District Registrar or Deputy
 Registrar to whom such Instrument is presented for registration,
 may if he deem it necessary refer to the Head Officer of the Court,
 Board, Commission, or Office on whose behalf such Instrument
 was executed, for information respecting the same, and on being
 satisfied of the execution thereof shall register the Instrument.

LXX. If any person shall wilfully make any false statement
False statements be-
fore any Officer acting
under this Act how
punishable. in any deposition or declaration made by
 him before any Officer acting in execution
 of this Act, in any proceeding or enquiry
 under the provisions of this Act, he shall be
 deemed guilty of the offence of giving false evidence as defined in
 Section 191 of the Indian Penal Code.

LXXI. This Act shall come into operation on the first day of
Commencement of Act. January 1865 in the Presidencies of Bengal,
 Madras, and Bombay. This Act shall not
 come into operation in any other part of British India until it
 shall be extended thereto by an order of the Governor-General of
 India in Council, or by an order of the local Government, to be
 notified in the Official Gazette.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. XXXVI. 1793 ...	Bengal Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property ..	The whole Regulation.
Reg. XXVIII. 1795 ...	Bengal Code.	For extending to the Province of Benares, Regulation XXXVI. 1793, entitled "A Regulation for establishing a registry for Wills and Deeds for the transfer or mortgage of real property"	The whole Regulation.
Regulation XVII. 1803	Bengal Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property in the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company	The whole Regulation.
Regulation VIII. 1805	Bengal Code	For extending to the conquered Provinces situated within the Doab and on the right bank of the River Jumna, and to the Territory ceded to the Hon'ble the English East India Company in Bundelcund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Hon'ble the English East India Company, as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations ...	Section XVII so far as it relates to Regulation XVII. 1803.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation XII. 1805...	Bengal Code	For the settlement and collection of the Public Revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour and Bograe, at present included in the Zillah of Midnapore ...	Section XXXII.
Regulation XX. 1812...	Bengal Code	For modifying some of the provisions contained in the existing Regulations respecting the registry of Deeds, and for establishing a Register of engagements for the delivery of Indigo.	The whole Regulation.
Regulation IV. 1824...	Bengal Code	To provide more effectually for the Office of Register of Deeds ...	The whole Regulation.
Regulation VII. 1832...	Bengal Code	For modifying certain of the provisions of Regulation V. 1831 and for providing Supplementary Rules to that enactment ...	Section IV.
Regulation XVII. 1802	Madras Code	For establishing a registry for Wills and Deeds for the transfer or mortgage of real property.	The whole Regulation.
Regulation XI. 1831...	Madras Code	To provide more effectually for the Office of Register of Deeds ...	The whole Regulation.
Regulation IX. 1827...	Bombay Code [†]	For establishing a Register of Title Deeds and a general Register of Deeds, Obligations, and other writings, in each Zillah subordinate to the Presidency of Bombay ...	The whole Regulation.
Regulation XIII. 1828 ⁶	Bombay Code	For enabling Assistant Judges, when expedient, to keep the Registers prescribed by Regulation II of 1827, when stationed in the Districts ...	The whole Regulation.

Number and date of Acts.	Title.	Extent of Repeal.
Act XXX. 1838	...	The whole Act.
Act I. 1843	For amending the Law concerning the registration of written Conveyances and other Instruments affecting titles and other interests to land ...	The whole Act.
Act XIX. 1843	For amending the Law respecting the Registration of certain Deeds ...	The whole Act.
Act IV. 1845	To amend the Law regarding the Registration of Deeds ...	The whole Act.
Act XVIII. 1847	For curing the invalidity in the registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court days ...	The whole Act.
Act XI. 1851	For the custody of Registers of Deeds in the Presidency of Bengal ...	The whole Act.
Act XXIX. 1856	Concerning the taking of Oaths of Office by Registers of Deeds ...	The whole Act.
Act III. 1859	For conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds ...	Sections IX and X.

OFFICIAL TRUSTEE.

ACT No. XVII. OF 1864.

(Received the assent of the G. G. on the 24th March 1864.)

1. Interprets the words "High Court," "Chief Justice," "Person," and words of Number and Gender.
2. Repeals as regards the future Act XVII. of 1843.
3. Official Trustee under Act XVII., 1843, save as regards remuneration, to execute office under this Act.
4. Gives name of office to Official Trustee.
- 5—6. Vests the appointment, suspension, and removal of Official Trustee in Chief Justice of the Presidency; and (6) makes Administrator General eligible for office. Official Trustee to give security.
7. Empowers Chief Justice to give leave of absence to Official Trustee, and appoint an officiating Official Trustee, who is to give security.
- 8—11. Official Trustee may be made Trustee by Deed, and Trusts to vest in him and his successors: with (9) remuneration to be agreed by the Deed; and (10) may also be appointed on petition of the existing Trustees, or of *cestui que Trusts* in specified cases; and (11) establishes the rates of remuneration.
12. Official Trustee to defray expenses of office establishment, and of management, collection and distribution, but to charge costs of litigation.
13. Official Trustee to be sole Trustee.
14. Directs in what way Trust Funds shall be invested.
15. Orders of High Court to be made on Petition, unless suit directed to be instituted.
16. Trust estate may be re-transferred to private Trustee by order of Court.
17. Orders on Official Trustee to be upon him by his name of office, and on his death, &c., all estates, &c., to vest in his successor.
18. All actions, &c., by or against to be in his official character.
19. Directs what accounts the Official Trustee shall keep.
- 20—21. Empowers Chief Justice to make, &c., General Rules and orders for safe custody of Trust Funds, &c., (21) to be published in Official Gazette.
22. Official Trustee to make annually a schedule of receipts, disbursements, &c., as directed by Chief Justice, which shall be filed as records of the High Court, &c.
- 23—25. Empowers Chief Justice to appoint Auditors; (24) to examine schedules, &c.; and (25) gives powers to Auditors.
26. Costs of schedules and audits to be rateably charged against all the estates.

27—29. Auditors to report to Chief Justice as to irregularity in accounts, &c., and (28) Chief Justice may refer report to Advocate General, who may proceed against defaulter, &c., and (29) Advocate General's costs to be charged to defaulter or against estate generally.

30—31. Orders of High Court to have effect of decrees; and (31) may be applied for by any person beneficially interested;

32. Legacy to infant or lunatic may be paid by executors to Official Trustee.

WHEREAS it is expedient to amend the law relating to Official Trustees, and to constitute an Office of Official Trustee; It is enacted as follows:—

Preamble.

I. The following words and expressions in this Act shall have the meanings hereby assigned to them unless there be something in the context repugnant to such construction, that is to say:—

Interpretation.

The expression “High Court” shall mean Her Majesty's High Courts of Judicature at Fort William in Bengal, Fort St. George, and Bombay respectively in the exercise of their original Civil jurisdiction.

“High Court.”

The expression “Chief Justice” shall mean the Chief Justice or Acting Chief Justice for the time being of any of the said High Courts.

“Chief Justice.”

The word “person” shall include a corporation.

“Person.”

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Number.

Words importing the masculine gender shall include females.

Gender.

II. Act XVII of 1843 (*for the appointment of Official Trustees in certain cases*) is hereby repealed except as to any proceedings pending or any Trusts now vested in an Official Trustee under it, and except in so far as that Act is made applicable to the Settlement of Prince of Wales' Island, Singapore, and Malacca, by Act XIV of 1852 (*for extending the provisions of Acts XXIV of 1841 and XVII of 1843 to the Straits' Settlement*).

Act XVII of 1843 repealed.

III. Every Official Trustee appointed under the said Act XVII of 1843 shall, save as regards the remuneration to be received by him, hold and execute the Trusts of which he is Trustee in all respects as if he were an Official Trustee appointed under this Act.

Official Trustee under Act XVII of 1843 to act as if appointed under this Act, save as regards remuneration.

IV. In each of the Presidencies of Fort William in Bengal, Fort St. George, and Bombay, there shall be an Official Trustee. The said Official Trustees shall be called the Official Trustee of Bengal, the Official Trustee of Madras, and the Official Trustee of Bombay respectively.

An Official Trustee to be appointed in each Presidency.

V. Every Official Trustee appointed under this Act shall be appointed and may be suspended or removed from his Office by the authorities hereinafter named, that is to say—

Appointment, suspension and removal of Official Trustees.

The Official Trustee of Bengal by the Chief Justice of Her Majesty's High Court of Judicature at Fort William in Bengal.

The Official Trustee of Madras by the Chief Justice of Her Majesty's High Court of Judicature at Fort St. George.

The Official Trustee of Bombay by the Chief Justice of Her Majesty's High Court of Judicature at Bombay.

VI. The Administrator General or Officiating Administrator General for the time being of any of the said Presidencies shall be eligible for the Office of Official Trustee of that Presidency. Every Official Trustee appointed under this Act shall give security for the due execution of the duties of his Office in such manner and to such amount as the Chief Justice by whom he is appointed shall direct.

Administrator General may be appointed Official Trustee.

Security to be given by Official Trustee.

VII. It shall be lawful for the Chief Justice of the High Court at any of the Presidencies, from time to time, to grant leave of absence to the Official Trustee of that Presidency, but subject always to such and the like rules as may be for the time being in force as to leave of absence of the Officers

Leave of absence of Official Trustee, and appointment of a person to officiate for him.

attached to such High Court. Whenever any Official Trustee shall obtain leave of absence, it shall be lawful for the Chief Justice to appoint some person to officiate as Official Trustee, and such person while so officiating shall be subject to the same conditions and be bound by the same responsibilities as the Official Trustee, and he shall be deemed to be the Official Trustee for the time being under this Act, and shall be liable to give security for the due execution of the duties of his Office in like manner as if he had been appointed Official Trustee.

VIII. If any person shall be about to grant, assign, or settle

Official Trustee may, with his consent, be appointed Trustee of a settlement by grantor, &c.

any property moveable or immovable, of what nature or kindsoever, upon or subject to any Trust, whether for a charitable purpose or otherwise, it shall be lawful for such

person, with the consent of the Official Trustee, to appoint him, by the deed creating the Trust, to be the Trustee of such settlement; and upon such appointment the property so granted, assigned, or settled shall vest in such Officer and his successors in Office, and shall be held by him and them upon the Trust declared and contained in the said deed. Provided always that the consent of the Official Trustee shall be recited in the said deed, and that the deed shall be duly executed by the Official Trustee: provided also that no Trust for any religious purpose shall ever be held by the Official Trustee, under this or under any other section of this Act.

IX. Every Official Trustee appointed Trustee of any pro-

Official Trustee appointed under last preceding Section, to receive only the remuneration specified in the deed.

perty under the last preceding Section, shall be entitled to receive by way of remuneration in that behalf such sum or sums only as he shall by the deed of set-

tlement be declared to be entitled to receive.

X. If any property is subject to a Trust, whether for a

Under what other circumstances Official Trustee may be appointed Trustee of any property.

charitable purpose or otherwise, and there shall be no Trustee willing to act or capable of acting in the Trusts thereof, who is within the local limits of the ordinary

or extraordinary original Civil jurisdiction of the High Court,

or if property is subject to a Trust, and all the Trustees, or the surviving or continuing Trustee and all the persons beneficially interested in the said Trust, shall be desirous that the Official Trustee shall be appointed in the room of such Trustees or Trustee, then and in any such case it shall be lawful for the High Court on petition, and with the consent of the Official Trustee, to appoint the Official Trustee to be the Trustee of such property : and upon such appointment such property shall vest in the Official Trustee and his successors in Office, and shall be held by him and them upon the same Trusts as the same were held previous to such appointment.

XI. The Official Trustee shall be entitled by way of remuneration, in respect of all Trust property transferred to him under the last preceding Section, to a commission the rate of which shall be as follows, that is to say,—

On all capital monies received by him, a commission of one half per cent. on receiving the same.

On all capital monies invested by him, a commission of one half per cent. on investing the same.

On all sums received by him by way of interest or dividends in respect of monies invested, a commission of three quarters per cent.

On all rents collected by him, a commission of two and a half per cent.

XII. The Official Trustee shall defray all the expenses of the establishment necessary for his Office, including the provision of Office accommodation together with all other charges to which the said Office shall be subject, except those for which express provision is made by this Act, and except those costs of litigation and the like which a Trustee would, under ordinary circumstances, be entitled to pay for out of the Trust monies in his hand. The commission to which the Official Trustee shall be entitled, is intended to cover all the expenses and risk and responsibility of management, collection and distribution.

XIII. It shall in no case be lawful to appoint the Official Trustee to be a Trustee along with any other person: but the Official Trustee shall always be sole Trustee.

In all cases Official Trustee to be sole Trustee.

XIV. The Official Trustee shall cause all capital monies received by him to be invested in Government securities, or otherwise as the Court shall direct: and if in any case the Trust funds or any part of them shall at the time of their vesting in the Official Trustee be invested otherwise than as provided in the deed or Will creating the Trust or than as ordered by the Court, it shall be the duty of the Official Trustee, as soon as he reasonably can, to realize the funds so improperly invested, and to invest the same in Government securities or otherwise as the Court shall direct.

In what securities Official Trustee to invest Trust money.

XV. The High Court may make any such orders as shall seem to it necessary respecting any Trust property vested in the Official Trustee, or the interest or produce thereof. All such orders shall be made on petition, unless the Court shall direct a suit to be instituted.

High Court may make orders respecting Trust property vested in Official Trustee.

XVI. Nothing in this Act shall prevent the re-transfer of any Trust property which may have become vested in the Official Trustee, to the original or any subsequently appointed Trustee, or to such person as the Court shall direct, unless otherwise provided by the deed or Will creating the Trust.

Re-transfer of Trust property to original, or transfer to other, Trustee.

XVII. All orders which shall be made appointing any Official Trustee to act as Trustee in virtue of his Office, shall appoint him by his name of Office and shall authorize the Official Trustee for the time being of the same Presidency to act as Official Trustee of

Order of appointment of Official Trustee.

the property to which such order shall relate: and all property and interests which at the time of the death, resignation, or removal from Office of any Official Trustee shall be vested in him by virtue of such order, shall upon such death,

On death, &c., of Official Trustee, property to vest in his successor.

resignation, or removal cease to be vested in him, and shall vest in his successor in Office immediately upon his appointment thereto, and all books, papers, and documents kept by such Official Trustee by virtue of his Office shall be transferred to and vested in his successor in Office,

XVII. All actions, suits, or other proceedings which shall be commenced by or against any Official

Official Trustee to sue or be sued by his name of Office. Suit not to abate by death, &c.

Trustee in his official character, may be brought by or against him, by his name of

Office, and no suit, action, or other proceeding already commenced or which shall be commenced by or against any person as Official Trustee either alone or jointly with any other person, shall abate by reason of the death, resignation, or removal from Office of any such Official Trustee, but the same may by order of the Court and upon such terms as to the service of notices or otherwise as the Court may direct, be continued against his successor immediately upon his appointment, in the same manner as if no such death, resignation, or removal had occurred. Provided that nothing herein contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the action or suit against him, or shall release an Official

Proviso.

Trustee who has resigned or been removed from his Office, or the heirs, executors, administrators, or representatives of a deceased Official Trustee from being liable for any such costs.

XIX. Every Official Trustee appointed under this Act

Official Trustee to keep a separate account of each Trust, to be open to the inspection of the Chief Justice, and of any person authorized by him to demand inspection.

shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each Trust of which he is the Trustee, and of all such sums of money and securities for money, goods, and things, as shall come to his hands, or to the hands of any person employed by him, or in Trust for him, under this Act, and likewise of all payments made by him on account of such Trust, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively, which said books shall

be kept in the Official Trustee's Office, and shall be at all times open for the inspection of the Chief Justice and of any person authorized by him to demand inspection thereof.

XX. The Chief Justice shall have power, from time to time, to make and alter any general rules and orders consistently with the provisions of this Act, for the safe custody of the Trust Funds and securities which shall come to the hands or possession of the Official Trustee, and for the remittance to Europe or elsewhere of all sums of money which shall be payable or belong to persons resident in Europe or elsewhere, or in other cases where such remittances shall be required, and generally for the guidance and government of the Official Trustee in the discharge of his duties; and may by such rules and orders, amongst other things, direct what books, accounts, and statements in addition to those mentioned in this Act, shall be kept by the Official Trustee, and in what form the same shall be kept, and what entries the same shall contain, and where the same shall be kept, and where and how the funds and securities and other the property belonging to the Trust of which the Official Trustee is the Trustee shall be kept or invested or deposited, and how any remittances thereof shall be made.

XXI. Such orders shall be published in the Official Gazette, and it shall be the duty of the several Official Trustees to obey and fulfil the same, and the same shall be a full authority and indemnity for all persons acting in pursuance thereof.

XXII. The Official Trustee of each of the said Presidencies shall once in every year, that is to say, on the first day of March, or on such other day as the Chief Justice shall direct, deliver to the Chief Justice a true Schedule showing the gross amount of all sums of money received or paid by him on account of each Trust of which he is the Trustee, and the balances during the year ending on the thirty-first day of December next before the day of delivering such

Chief Justice may make and alter rules and orders for custody of Trust Funds, &c.

Publication of orders, &c.

Official Trustee to furnish Annual Schedules which shall be filed in the High Court.

Schedule, and a true list of all securities received on account of each of the said Trusts during the same period; and also a true Schedule of all Trusts which shall have come to an end or of which the Official Trustee shall have ceased to be the Trustee and the property subject to which shall have been paid or made over to the persons entitled to the same or to new Trustees during the same period, specifying the nature and amount or value of such property and the persons to whom paid or made over. The Chief Justice shall cause the said

Inspection of Schedules
so filed.

Schedules to be filed as record in the High Court; but it shall not be lawful for any person to inspect the same or to make copies thereof or of any part thereof, except on an order granted by the Chief Justice permitting him so to do.

XXIII. The Chief Justice shall from time to time appoint an Auditor or Auditors to examine the Accounts of the Official Trustee at the time of the delivery of the said Schedules and also at any other time when the Chief Justice shall think fit.

Chief Justice to ap-
point Auditors.

appoint an Auditor or Auditors to ex-
amine the Accounts of the Official Trustee

XXIV. The Auditor or Auditors shall examine the Schedules and accounts, and report to the Chief Justice whether they contain a full and true account of every thing which ought to be inserted therein, and whether the books which by this Act are, or which by any such general rules and orders as aforesaid shall be directed to be kept by the Official Trustee, have been duly and regularly kept, and whether the Trust funds and securities have been duly kept and invested and deposited in the manner prescribed by this Act or which shall be prescribed by any such rules and orders to be made as aforesaid.

Auditors to examine
Schedules and accounts
of Official Trustee and
to report to Chief Justice.

Schedules and accounts, and report to the
Chief Justice whether they contain a full
and true account of every thing which
ought to be inserted therein, and whether

XXV. Every Auditor shall have power to summon as well the Official Trustee as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Official Trustee or other

Auditors to have pow-
er to summon witnesses
and to call for books,
&c.

ation, to be by him administered; and to call for all books, papers, vouchers, and documents, which shall appear to him to be necessary for the purposes of the said reference; and if the Official Trustee or other person or persons when summoned shall refuse, or, without reasonable cause, neglect to attend or to produce any book, paper, voucher, or document required, or shall attend and refuse to be sworn or make a solemn affirmation, when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the High Court; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said High Court.

Penalty for refusal or neglect to attend, &c., to produce books, &c.

XXVI. The costs and expenses of preparing the said Schedules and accounts and of every such reference and examination as aforesaid, shall be defrayed by all the Trust estates to which such Schedules or accounts shall relate, which costs and expenses, and the portion thereof to be contributed by each of the said Trust estates, shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Chief Justice, and shall be paid out of the said estates accordingly by the Official Trustee.

Costs of preparing Schedules, &c., how to be paid.

XXVII. If upon any such reference and examination the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein contained, or which ought to be therein contained, or that the Trust Funds, and securities have not been duly kept and invested or deposited in the manner directed by this Act, or which shall be directed by any such rules and orders as aforesaid, or that the Official Trustee has failed to comply with the provisions and directions of this Act, or of any such rules and orders, he or they shall report accordingly to the Chief Justice.

Matters to be reported by Auditors.

XXVIII. The Chief Justice may refer every such report

who shall thereupon, if he shall think fit, proceed summarily against the defaulter or his personal representative in the High Court by petition for an account, or to compel obedience to this Act or to such rules and orders as aforesaid, or otherwise as he may think fit, in respect of all or any of the Trust estates then or formerly under the charge of such defaulter; and the Court shall have power, upon any such petition, to compel the attendance in Court of the defendant or defendants, and any witnesses who may be thought necessary, and to examine them orally or otherwise as the said Court shall think fit, and to make and enforce such order or orders as the Court shall think just.

XXIX. The costs, including those of the Advocate General, and of the reference to him, if the same shall be directed by the Court to be paid, shall be defrayed either by the defendant or defendants, or out of the Trust estates rateably as the said Court shall direct; and whenever any costs shall be recovered from the defendant or defendants, the same shall be repaid to the estates by which the same shall have been in the first instance contributed, and the Court shall have power to order the Official Trustee or other person or persons, defendants, to receive his or her costs out of the said estates, if it shall think fit.

Costs upon such proceedings, &c., how to be defrayed.

XXX. Any orders which shall be made by any of the said High Courts shall have the same effect and be executed in the same manner as decrees.

XXXI. Any order under this Act may be made on the application of any person beneficially interested in any Trust property, or of any Trustee thereof, whether under disability or not.

XXXII. If any infant or lunatic shall be entitled to any gift or legacy or residue or share thereof, it shall be lawful for the Executor or Administrator by whom such legacy, residue, or share may be payable or trans-

Orders of the High Court to have same effect, and to be executed in the same manner, as decrees.

Executor or Administrator may, by leave of the High Court, pay to Official Trustee, legacy, share, &c., to which an infant or lunatic is entitled.

share, to pay or transfer the same to the Official Trustee appointed under this Act; provided that the leave of the High Court to make such payment or transfer shall be first obtained by motion made on petition. Any money or property paid or transferred to the Official Trustee or vested in him under this Section shall be subject to the same provisions as are contained in this Act as to other property vested in such Official Trustee under the provisions thereof.

MUNICIPAL.—LUCKNOW.

ACT No. XVIII. OF 1864.

(Received the assent of the G. G. on the 24th March 1864).

1—2. Directs the appointment of a Municipal Committee for Lucknow, and (2) names the *ex-officio* members, and directs election of others.

3. Authorizes Chief Commissioner of Oudh to fix limits of City, and to define who shall be inhabitants, &c.

4—5. Authorizes Chief Commissioner to remove non-official members; and (5) to suspend or limit powers of Committee.

6. Commissioner of Lucknow to be President, Deputy Commissioner, Vice-President, and City Magistrate, Secretary.

7—9. Defines duties of Committee; and (8) authorizes Committee to contract; without (9) incurring personal liability, &c.

10—11. Committee to make annual statement of expenditure; and (11) of work done and money received and spent.

12. Directs how the Municipal Fund shall be composed.

13. Authorizes assessment of duties on consumables brought into the town.

14. Directs all monies received to be paid into Bank of Bengal to credit of Chief Commissioner.

15—18. Authorizes the Commissioner to make Bye-laws for specified objects; (16) subject to confirmation of Chief Commissioner; and (17) to be hung up in office in English and Hindostanee; and (18) to be of same effect as if in Act.

19. Directs as to prosecutions and fines.

20. Chief Commissioner of Oude to be under control, &c., of Government of India.

21. Authorizes the Government of India to extend this Act to other places under its immediate administration; and (22) authorizes the chief authority of such place to establish a system of taxation, &c.

WHEREAS it is expedient to make provision for the appointment of a Municipal Committee for the City of Lucknow, and for levying duties on certain articles brought within the limits of the said City for consumption there, and generally for the regulation of all matters relating to the conservancy and improvement of the said City; It is enacted as follows:—

I. On and after such date as the Chief Commissioner of Oudh shall order, there shall be a Committee for the purposes of this Act, which shall be called "The Municipal Committee of the City of Lucknow." The said Committee shall consist of twenty-five Members, of whom six shall be *ex-officio* Members.

II. The persons for the time being filling the following Offices shall respectively be *ex-officio* Members of the Municipal Committee. That is to say, the persons filling the Offices of—

Commissioner of Lucknow,
Deputy Commissioner of Lucknow,
Inspector General of Police in Oudh,
Civil Surgeon of Lucknow,
Executive Engineer of Lucknow,
City Magistrate of Lucknow.

The Non-official Members of the said Committee shall be elected annually by and from amongst the inhabitants of the City, and shall hold office for one year only, but shall be eligible for re-election.

III. The Chief Commissioner of Oudh shall from time to time declare what shall be deemed to be the limits of the City of Lucknow for the purposes of this Act. He shall also declare who are, for the purposes of the last preceding Section, to be deemed inhabitants of the said City, and shall lay down rules fixing the time when the election of the Non-official Members of the Committees shall take place, and regulating the manner in which the elections shall be conducted. The appointment of every Non-official

Preamble.

Appointment of Municipal Committee.

Ex-officio Members of the Committee.

Non-official Members to be elected annually.

Chief Commissioner to define limits of Lucknow, and to regulate the mode of election. Appointment of Non-official Members to be subject to his approval.

Member shall be subject to the approval of the Chief Commissioner, and in the event of any person elected not being approved of by him, the inhabitants shall proceed forthwith to elect another person in his stead.

IV. It shall be lawful for the Chief Commissioner to remove from office any Non-official Member of the Committee; and in the event of any such Member being so removed, it shall be in the discretion of the Chief Commissioner to determine whether or not any person shall be elected to supply his place for the unexpired portion of the year for which such Member was elected.

Chief Commissioner may remove Non-official Members.

V. It shall be lawful for the Chief Commissioner at any time with the sanction of the Governor-General of India in Council to suspend or limit the powers or any of the powers of the Committee.

Powers of Committee how to be limited or suspended.

VI. The Commissioner of Lucknow for the time being shall be the President of the Committee; the Deputy Commissioner of Lucknow shall be the Vice-President, and the City Magistrate of Lucknow shall be the Secretary.

What officers to be President, Vice-President, and Secretary of the Committee.

VII. The Municipal Committee, so far as the funds at their disposal will permit, shall keep the streets, drains, and tanks of the City properly cleansed and repaired, and shall cause the said streets or such of them as may to them seem proper, to be lighted, and may construct new streets, drains, and tanks, and generally may do all acts and things necessary to the conservancy and improvement of the City so far as such acts and things be not repugnant to or inconsistent with the provisions of this or any other Law.

Committee to do acts necessary for the conservancy and improvement of the City consistently with law.

VIII. It shall be lawful for the Municipal Committee from time to time to enter into all necessary contracts for the purposes of this Act. Such contracts, if in writing, shall be

Into what contracts Committee may enter, and their mode of contracting.

Members of the Committee, and if any such contract be not reduced to writing, it shall be made with the Secretary. No contract made otherwise than as herein declared shall be in any way binding on the Committee, and no contract involving an expenditure of more than ten thousand Rupees shall be binding on the Committee unless made in writing and with the sanction of the Chief Commissioner of Oudh.

IX. No Member of the Committee shall be personally liable

Members of the Committee not to be personally liable upon contracts made by the Committee.

chargeable with all

Under what circumstance to be liable for the misapplication of money entrusted to the Committee.

for any contract made or expense incurred by or on behalf of the Committee; but the funds from time to time in the hands of the Committee shall be liable for and contracts and expenses duly incurred as aforesaid. Every Member of the Committee shall be liable for any misapplication of any monies entrusted to the Committee, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and he shall be liable to be sued for the same in such Court as the Chief Commissioner of Oudh shall direct, as for money due to the Government of India.

X. The Committee shall each year, on or before such date

Annual estimate of expenditure to be incurred during the year to be sent to Chief Commissioner.

prior to the first day of May as shall be fixed by the Chief Commissioner, furnish the Chief Commissioner with a statement or estimate (in such form as the Chief Commissioner shall direct) showing the expenditure which it is proposed by the Committee to incur during the year commencing on the first day of May then next, and the items in respect of which it is proposed to make such expenditure.

XI. The Committee shall, as soon as may be after the first

Accounts and statement of work done, receipts and expenditure, to be annually furnished to Chief Commissioner.

day of May in each year, provide the Chief Commissioner with a statement in detail, of all the work done by them and of all sums received and of all sums expended by them during the year ending on the thirtieth day of April then next preceding, in such form as the Chief Commissioner shall from time to time direct.

XII. All such monies as the Chief Commissioner or any other person shall from time to time make over to the Municipal Committee for the purposes of this Act and all fines levied under this Act shall form a Municipal Fund, of which the Committee shall be the Trustees, and which shall be applied by the Committee to the conservancy and improvement of the City of Lucknow, and to the payment of the salaries and wages of the Officers and servants employed by the Committee, and all other expenses incurred in or about the carrying out the provisions of this Act.

XIII. Duties on such things, and at such rates as the Chief Commissioner shall with the sanction of the Governor-General of India in Council from time to time declare, shall be levied in respect of the said things when brought into the City of Lucknow for consumption or use therein. The said duties shall be collected by such persons and in such manner as the Chief Commissioner shall direct. It shall be lawful for the Chief Commissioner to farm or let out the collection thereof for such period or periods as he shall think fit, but he shall in every case lay down rules as to the mode of levying and collecting the duties, and such rules shall have the like force and effect as Bye-laws duly made by the Committee.

XIV. All monies received on account of the duties aforesaid, if the same be collected directly under the orders of the Chief Commissioner, and all monies received from the farming or letting out the collection of the duties, shall be paid into the Bank of Bengal to the credit of the Chief Commissioner. Out of the monies paid in under this Section, the Chief Commissioner shall (after defraying the costs of collection if any) make over to the Committee for the purposes of this Act such sum, not being less than one-third of the monies so paid in, as shall to the Chief Commissioner seem proper.

XV. The Municipal Committee may from time to time make such Bye-laws as they may think fit, for defining, prohibiting and removing

Municipal Fund.

Duty to be levied on articles taken into Lucknow for consumption or use therein. Rates how to be fixed.

Money received on account of duty to whom to be paid.

Power of Committee to make Bye-laws.

nuisances which are not public or common nuisances under the Indian Penal Code; for regulating the time and place of meeting of the Committee; the conduct of business at such meetings; the division of duties among the Members of the Committee; the appointment, suspension and removal of Officers and servants of the Committee, and fixing the salaries of such Officers and servants; for imposing penalties for the infringement of any Bye-law made by the Committee; and generally for the management of all matters connected with the conservancy and improvement of the City. The Committee may also from time to time repeal, alter, and amend any such Bye-laws. Provided that no Bye-law shall be repugnant to any law in force. Provided also that no penalty for the infringement of any such Bye-law shall exceed fifty Rupees, and that in case of a continuing infringement, no penalty shall exceed ten Rupees for every day after notice from the Committee of such infringement.

XVI. No Bye-law or alteration of a Bye-law shall have effect until the same shall have been approved and confirmed by the Chief Commissioner, and shall have been duly published for such length of time and in such manner as the Chief Commissioner shall order.

Bye-laws to be approved by Chief Commissioner.

Copies of Bye-laws to be exhibited in the office of the Committee.

XVII. A copy in the English and Hindoostanee languages, of every Bye-law and alteration of a Bye-law for the time being in force shall be painted on or affixed to boards, and such boards shall at all times be hung up in some conspicuous part of the office of the Committee.

Bye-laws to be of the same effect as if they were inserted in this Act.

XVIII. All Bye-laws, when the same shall have been duly confirmed and published shall, until the same be repealed or altered, be of the like effect as if they were inserted in this Act.

Before whom prosecutions to be instituted under this Act.

XIX. All prosecutions under this Act shall be instituted before a person exercising the powers of a Magistrate as defined in the Code of Criminal Procedure, and all fines imposed

may be recovered in the manner prescribed in Section 61 of the said Code. The amount of all fines realized shall be paid to the Municipal Committee and be applied by them to the purposes of this Act.

Control of Governor-General in Council in respect of this Act.

XX. The Chief Commissioner of Oudh shall, in every thing done under or relating to this Act, be subject to the orders and control of the Governor-General of India in Council.

XXI. It shall be lawful for the Governor-General of India in Council to extend this Act to any place under the immediate administration of the Government of India. Whenever this Act shall be extended to any place under the provisions of this Section, it shall have effect in such place as if the name of such place were substituted throughout this Act for the name "Lucknow." The Governor-General of India in Council in extending this Act shall declare what and how many persons shall be ex-officio Members of the Municipal Committee of the place to which it is extended.

This Act may be extended to any place under the immediate administration of the Government of India.

XXXII. The Chief Commissioner of any place to which this Act shall be extended under the last preceding Section may, with the sanction of the Governor-General of India in Council, declare that Sections XIII and XIV or either of them, or any of the provisions of those Sections, shall be of no effect in such place, and may also with the like sanction define the persons or property within such place to be taxed for raising the monies necessary for the purposes of this Act, whether by house assessment or town duties or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them and ensuring the safety and due application of them when collected. Provided that no tax, duty, or other rate shall be levied under this Section in any place in which duties are levied under Section XIII of this Act.

Proviso.

NON-REGULATION DISTRICT.—MIRZAPORE.

ACT No. XIX OF 1864.

(Received the assent of the G. G. on the 24th March 1864).

1—3. Makes places named in Schedule non-regulation; and (2) places then under direct administration of Government of North-Western Provinces; and (3) provides for settlement of question of boundary of district.

4. Act to take effect from time to be notified.

Schedule of places.

WHEREAS it is expedient to remove certain tracts of country in the District of Mirzapore from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Officers of that District under the General Regulations and Acts of the Government; It is enacted as follows:—

I. The tracts of country described in the Schedule to this Act are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Officers of Revenue, constituted by the Regulations of the Bengal Code and by the Acts passed by the Governor-General of India in Council: Provided that nothing herein contained shall extend to or affect any case now pending in any Court or Office.

Certain tracts removed from jurisdiction of the ordinary tribunals.

Proviso.

II. The administration of Civil and Criminal Justice and the superintendence of the settlement and realization of the Public Revenue, and all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may, for the purpose of tribunals of first instance or of reference and appeal, appoint; and the said Lieutenant-Governor may fix the periods within which appeals shall be preferred; provided that no sentence of death passed by any person competent under the appointment of the Lieute-

Administration of Justice and collection of Revenue, vested in Officers appointed by Lieutenant-Governor of the North-Western Provinces.

nant-Governor to pass such sentence, shall be carried into execution until it be confirmed by the Sudder Court.

III. When a question shall arise whether any place falls within the tracts described in the Schedule of this Act, it shall be competent to the Commissioner of the Division to determine on which side of the described boundary the place aforesaid may lie, and the order made by the Commissioner shall be final.

Question as to whether a place falls under this Act how to be settled.

IV. This Act shall take effect from such date as shall be fixed by the Lieutenant-Governor of the North-Western Provinces, and notification thereof shall be published in the Office of the Commissioner of the Division, and in the Courts of the Civil and Sessions Judge, and of the Magistrate of the District, and in such other manner as the Lieutenant-Governor may direct.

Commencement of operation of this Act.

SCHEDULE.

The tracts referred to in the foregoing Act are as follows:—
 Pergunnah Agoree, Tuppahs Agoree Khas and South Kone.
 Pergunnah Singrowlee, Tuppah British Singrowlee.
 Pergunnah Bicheepore, Tuppahs Phoolwa Doodhee, and
 Burha.

MINORS.—BOMBAY.

ACT No. XX OF 1864.

(Received the assent of the G. G. on the 24th March 1864.)

1.—5. Vests the care of Minors (not being British subjects) and their property in Civil Court; but (2) persons entitled to administer their property may obtain certificate for administration from Civil Court; and relative &c., of Minor may apply to Civil Court to take charge of Minor or his property; the Civil Court (4) to be that of the District in which the Minor resides; (5) notice of such application to be given in manner prescribed.

6—7. Directs to whom certificate of administration shall be given; and (7) authorizes the Court to require report on character, &c., of applicant.

8—11. Directs appointment of curator of moveable property, &c., and (10) of guardian of person of Minor, with allowances, &c.; and (11) may appoint collector of property consisting in land, &c.

12. Authorizes the Court to require security from private administrator.

13. Authorizes the Court to order costs.

14. Directs what is to be done when one of several Minors is of full age.

15. Collector in charge to be under control of Revenue authorities.

16—17. Administrators to file inventory, and (17) to invest surplus funds in public securities.

18—20. Gives certificated administrators the same powers for collection and payment of debts, &c., as proprietors, but not to sell, &c.; and (19) makes him liable to be sued for amount, &c., and (20) such suit may be continued by party entrusted when his disqualification ceases.

21. Empowers Civil Court to recal certificate.

22. Empowers Civil Court to impose fine not exceeding 500 Rupees on administrators, &c., for neglect to account, &c.

23. Empowers Civil Court to permit private administrators to resign their trust, &c.

24. Authorizes the Civil Court to allow commission to curators and administrators.

25—28. Requires guardian to provide suitably for the education of male Minor; (26) subject to control of Civil Court, and (27) empowers the Court to cause education to be under private tutor, &c.; and (28) expenses to be defrayed out of estate.

29. Empowers guardian to pay expenses of marriage of Minor.

30. Minority to cease at 18.

31—32. Act not to authorize appointment of guardian of Female Minor if husband is not a Minor, &c.; nor (32) to apply to cases of lunatics, &c.

33. Orders under this Act to be appealable to High Court.

34. Interprets term "Civil Court," and saves powers of High Court, and enlarges sense of words of Number and Gender.

WHEREAS it is expedient to make better provision for the care of the persons and property of Minors in the Presidency of Bombay; It is enacted as follows:—

Preamble.

Care of persons and charge of property of Minors vested in the Civil Court.

I. The care of the persons of all Minors (not being European British subjects) and the charge of their property shall vest in the Civil Court.

II. Every person who shall claim a right to have charge

What persons claiming to have charge of property in trust for a Minor may apply for Certificate of Administration.

property in trust for a Minor under Will or Deed or other instrument in writing, or by reason of nearness of kin or otherwise, may apply to the Civil Court for a Certificate of Administration; and

no person shall be entitled to institute or defend any suit connected with the estate of which he claims the charge, until he shall have obtained such Certificate. Provided that when the

No person to institute or defend a suit without such Certificate.

property is of small value, not exceeding Rupees two hundred and fifty, any Court having jurisdiction may allow any relative of a Minor to institute or defend a suit on his behalf, although a Certificate of Administration has not been granted to such relative.

Proviso.

III. Any relative or friend of a Minor in respect of whose

Who may apply to Court to appoint a person to take charge of the property, &c., of a Minor.

property such Certificate has not been granted, or, if the property consist in whole or in part of land or any interest in land, the Collector of the District may

apply to the Civil Court to appoint a fit person to take charge of the property and person of such Minor.

IV. If the property be situate in

property be situate in more than one District.

tion as aforesaid shall be made to the Civil Court of the District in which the Minor

has his residence.

V. When application shall have been made to the Civil

Summary inquiry to be made by Court on application.

Court either by a person claiming a right to have charge of the property of a Minor, or by any relative or friend of a Minor,

or by the Collector, the Court shall issue notice of the application and fix a day for hearing the same. On the day so fixed, or as soon after as may be convenient, the Court shall inquire summarily into the circumstances, and pass orders in the case. Provided always that

Proviso.

it shall be competent to the Civil Court to direct any Court subordinate to it to make such inquiry and report the result.

VI. If it shall appear that any person claiming a right to

Certificate of Administration to whom to be granted.

have charge of the property of a Minor is entitled to such right by virtue of a Will or Deed or other instrument in writing,

and is willing to undertake the trust, the Court shall grant a Certificate of Administration to such person. If there is no person so entitled, or if such person is unwilling to undertake the trust and there is any near relative of the Minor who is willing and fit to be entrusted with the charge of his property,

Court may appoint person having such Certificate Guardian of Minor's person.

the Court may grant a Certificate to such relative. The Court may also if it think fit (unless a Guardian have been appointed by the father), appoint such person as

aforesaid, or such relative or any other relative or friend of the Minor, to be Guardian of the person of the Minor.

VII. The Court may call upon the Collector or Magistrate

Court may call upon Collector or Magistrate for a report on the character and qualification of relative or friend.

for a report on the character and qualification of any relative or friend of the Minor, who may be desirous or willing to be entrusted with the charge of his property or

person, and it shall be incumbent on the Collector or Magistrate to furnish such report after making all due inquiry.

VIII. If no title to a Certificate be established to the satisfaction of the Court by a person claiming

Proceeding if no title to a Certificate be established, and if there be no relative fit to be entrusted with the charge of property, &c., of Minor.

under a Will or Deed or other instrument in writing, and if there be no near relative willing and fit to be entrusted with the charge of the property or person of the

Minor, and the Court shall think it to be necessary for the interest of the Minor that provision should be made by the Court for the charge of his property or person, the Court shall proceed to make such provision in the manner hereinafter provided.

IX. If the estate of the Minor consists of moveable property or of houses, gardens, or the like,

If estate consists of moveable property, &c., Court may grant Certificate to Public Curator or other person.

the Court shall grant a Certificate to the Public Curator appointed under Section XIX, Act XIX of 1841 (*for the protection of moveable and immovable property against wrongful possession in cases of successions*), or if there be no Public Curator to any fit person whom the Court may select for the purpose.

X. Whenever the Court shall grant a Certificate of Administration to the estate of a Minor as aforesaid,

Appointment of Guardian.

it shall at the same time appoint a Guardian to take charge of the person and maintenance of the Minor. The person to whom a Certificate of Administration has been granted, unless he be the Public Curator, or the legal heir of the Minor, or next in succession to the property, may be appointed Guardian. Provided that in the case of Minors who have inherited property by adoption, the natural father may be appointed Guardian. If the person appointed to be Guardian be

Guardian's allowance.

unwilling to discharge the trust gratuitously, the Court may assign him such allowance to be paid out of the estate of the Minor as under the circumstances of the case it may think suitable. The Court

Allowance for maintenance of Minor, &c.

may also fix such allowance as it may think proper for the maintenance of the Minor, surviving parent whether natural or adoptive, husband, wife and children, if any, and such allowance and the allowance of the Guardian (if any) shall be paid to the Guardian by the Public Curator or other person as aforesaid.

XI. If the estate of the Minor consist in whole or in part of

When the estate consists of land, Court may direct Collector to take charge of estate.

land or any interest in land, the Court may direct the Collector of the District in which the largest part of the same may be situated to take charge of the estate.

XII. The Civil Court may take such security as it shall

Court may take Security.

think necessary, from any person to whom it may grant a Certificate of

Administration of the property of any Minor under this Act.

Proviso.

Provided always, that no such security shall be demanded from the Collector of a District or the Public Curator, when their services may be availed of.

XIII. In all inquiries and other proceedings held or had by the Civil Court under this Act, the Court may make such order as to the payment of costs by the person on whose application such inquiry was made or proceeding had, or out of the estate of the Minor, or otherwise, as it may think proper.

XIV. Whenever one or more of the proprietors of an estate which has been placed under the Collector's charge shall have passed his or their minority, the Collector shall represent the fact to the Civil Court, and the Court, unless it see sufficient reason to the contrary, may direct the Collector to retain charge of the shares of the property of the still disqualified proprietors during the continuance of their disqualification, or until it shall be otherwise ordered by the Court; or the Court may direct the whole estate to be made over to the management of the proprietor or proprietors who shall have become of age, with such directions as to the share or shares of the still disqualified proprietor or proprietors as to the Court shall seem fit and proper.

Proceedings of Collector subject to control of superior Revenue Authorities.

XV. The proceedings of the Collector in the charge of estates under this Act shall be subject to the control of the superior Revenue Authorities.

XVI. The Public Curator and every other Administrator to whom a Certificate shall have been granted under Section X shall, within six months from the date of the Certificate, deliver in Court an inventory of all the immoveable property belonging to the Minor, and of all such sums of money, goods, effects, and things as he shall have received on account of the estate, together with a statement of all debts due by or to the

Public Curator, &c., to furnish inventory and annual accounts.

same. And the Public Curator and every such other Administrator shall furnish annually within three months from the first of May of the Christian era an account of the property in his charge, exhibiting the amounts received, disbursed, and invested on account of the estate, and the balance in hand. If any relative or friend of a Minor, or any public Officer by petition to

Proceeding if accuracy of inventory of account be impugned.

the Court shall impugn the accuracy of the said inventory and statement or of any annual account, the Court may summon

the Curator or Administrator, and inquire summarily into the matter and make such order thereon as it shall think proper, or the Court, at its discretion, may refer such petition to any subordinate Court for investigation and report.

XVII. All sums received by the Public Curator or such other Administrator on account of any estate, in excess of what may be required for the current expenses of the Minor or of the estate, shall by him be invested on account of the estate, from time to time, in the Public Securities.

Surplus funds to be invested by Public Curator, &c., in Public Securities on account of estate.

XVIII. Every person to whom a Certificate shall have been granted under the provisions of this Act may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a Minor, and may collect and pay all just claims, debts, and liabilities due to or by the estate of the Minor. But no such person shall have power to sell, alienate, mortgage, or otherwise incumber any immoveable property, or to grant a lease thereof for any period exceeding five years, without the sanction of the Civil Court previously obtained.

Powers of person to whom Certificate has been granted in the management of Minor's estate.

been exercised by the proprietor if not a

XIX. It shall be lawful for any relative or friend of a Minor at any time during the continuance of the minority to sue for an account from any Manager appointed under this Act, or from any person to whom a Certificate shall have been granted under the provisions of this Act, or from any such Manager or person

Relative or friend may sue for an account.

Minor at any time during the continuance of the minority to sue for an account

after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.

XX. If the disqualification of a person for whose benefit a suit shall have been instituted under this Act cease before the final decision thereof, it shall be lawful for such person to continue the prosecution of the suit on his own behalf.

Continuance of suit instituted under this Act after disqualification shall have ceased.

XXI. The Civil Court for any sufficient cause may recall any Certificate granted under this Act, and may direct the Collector to take charge of the estate, or may grant a fresh Certificate to the Public Curator or any other person as the case may be, and may compel the person whose Certificate has been recalled to make over the property in his hands to his successor, and account to such successor for all monies received and disbursed by him. The Court may also for any sufficient cause remove any Guardian appointed by the Court.

Revocation of Certificate.

Removal of Guardian.

XXII. The Civil Court may impose a fine not exceeding five hundred Rupees on any person who may wilfully neglect or refuse to deliver his accounts or any property in his hands, within the prescribed time or a time fixed by the Court, and may realize such fine by attachment and sale of his property under the rules in force for the execution of decrees of Court, and may also commit the recusant to confinement in the Civil Jail until he shall consent to deliver such accounts or property.

Penalty for neglect or refusal to deliver accounts or property.

XXIII. The Civil Court may permit any person to whom a certificate shall have been granted under this Act not being the Public Curator, and any Guardian appointed by the Court, to resign his trust, and may give him a discharge therefrom on his accounting to

Civil Court may permit resignation of trust, &c.

his successor duly appointed for all moneys received and disbursed by him and making over the property in his hands.

XXIV. The Public Curator and every other Administrator to whom a Certificate shall have been granted under Section X shall be entitled to receive such commission not exceeding five per centum on the sums received and disbursed by him, or such other allowance to be paid out of the Minor's estate, as the Civil Court shall think fit.

XXV. Every Guardian appointed by the Civil Court under this Act who shall have charge of any male Minor shall be bound to provide for his education in a suitable manner. The general superintendence and control of the education of all such Minors shall be vested in the Civil Court.

XXVI. In the exercise of this superintendence and control, it shall be lawful for the Civil Court to direct that such Minor shall reside either with or without his Guardian at the Sudder Station of the District, or at any other place within the Presidency of Bombay, and shall attend for the purposes of education such School or College as to the said Civil Court may seem expedient, and to make such provision as may be necessary for the proper care and suitable maintenance of the said Minor whilst attending such School or College.

XXVII. If it shall appear to the Civil Court inexpedient to place any such Minor at School or College, it shall, if the proceeds of the estate are sufficient for that purpose, cause such Minor to be educated by a private tutor properly qualified, either at the family residence of such Minor or at the Sudder Station, or elsewhere within the Presidency of Bombay, and in that case also the Civil Court shall have power to determine, from time to time, the place of residence of such Minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

XXVIII. All charges and expenses which may be incurred on account of any male Minor under the provisions of this Act, for College or School-fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority or with the sanction of the Civil Court.

Charges and expenses incurred under this Act for education, &c., to be paid out of the profits of Minor's estate.

XXIX. Every Guardian appointed under this Act who shall have charge of an unmarried Minor, shall pay all the necessary expenses of the marriage of such Minor out of the estate; provided that these expenses shall in no case, without the sanction of the Civil Court, involve the Minor's estate in debt.

Marriage of Minors.

Who to be held a Minor for the purposes of this Act.

XXX. For the purposes of this Act every person shall be held to be a Minor who has not attained the age of eighteen years.

XXXI. Nothing in this Act shall authorize the appointment of a Guardian of the person of a female whose husband is not a Minor, or the appointment of any person other than a female as the Guardian of the person of a female. If a Guardian of the person of a Minor be appointed during the minority of the husband of the Minor, the Guardianship shall cease as soon as the husband shall attain the age of majority.

Act not to authorize the appointment of Guardians of certain married women.

Guardianship during the minority of the husband of Minor when to cease.

XXXII. Nothing in this Act shall be held to interfere with the provisions of Act XXXV of 1858 (for making better provision for the care of the Estates of Lunatics).

Act not to interfere with Act XXXV of 1858.

XXXIII. All orders passed by the Civil Court under this Act, shall be open to appeal to the High Court at Bombay, and shall be subject to all the

Orders of the Civil Court open to appeal.

provisions contained in Section 366 of the Code of Civil Procedure.

XXXIV. The expression "Civil Court" as used in this Act, shall be held to mean the principal Court of original Civil Jurisdiction in the District, and shall not include the High Court of Judicature; and nothing contained in this Act shall be held to affect the powers of the High Court of Judicature over the person or property of any Minor subject to its jurisdiction. Unless the contrary appears from the context, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; and words importing the masculine gender shall include females.

Construction of words "Civil Court."

Powers of High Court not to be affected.

Number.

Gender.

POLICE MAGISTRATES.—CALCUTTA.

ACT No. XXI. OF 1864.

(Received the assent of the G. G. on the 1st April 1864.)

Recites expediency of enlarging summary powers of Police Magistrates in Calcutta.

1. Extends summary jurisdiction to offences under Chapter XIV. of I. P. C., except Sections 250, 281; but punishment not to exceed six months' rigorous imprisonment and fine 200 Rupees.

2. Extends to Calcutta Sections 62, 63, 308 to 314 of C. C. P.

3. Authorizes Magistrate in such cases to issue Summons or Warrant without complaint before him.

4—6. Extends procedure of Act XIII. 1856 to offences, &c., under this Act; and (5) Act to come into operation on 1st August 1864, and (6) may be extended by local Government to Madras and Bombay.

WHEREAS it is expedient to empower the Magistrates of Police in Calcutta to punish summarily certain offences in addition to those which they are now empowered so to punish; It is enacted as follows:—

Preamble.

I. Every case in which any person is charged before a Magistrate of Police in Calcutta with having within the limits of the said Town, or within the limits of the Port of Calcutta as those limits are or may hereafter be defined under Act XXII of 1855 (*for the regulation of Ports and Port-dues*), committed any offence under any of the provisions contained in Chapter XIV of the Indian Penal Code except Sections 280 and 281, may be heard and determined by such Magistrate in a summary way: and every such person shall on conviction by such Magistrate be punished in the manner provided by the Indian Penal Code for the punishment of the offence of which he shall be convicted. Provided that no Magistrate shall under this Act be competent to pass sentence in respect of any offence beyond the following limits, that is to say:—Imprisonment of either description not exceeding six months, or fine not exceeding two hundred Rupees, or both imprisonment and fine in cases in which both punishments are authorized by the Indian Penal Code. Provided also that the Magistrate may commit to the High Court for trial any such case which he may in his discretion think it proper so to commit.

II. Sections 62, 63, 308, 309, 310, 311, 312, 313, and 314 of the Code of Criminal Procedure are hereby extended to and shall have operation within the town of Calcutta and within the limits of the Port of Calcutta defined as aforesaid, and the words “Magistrate” and “Magistrate of a District” as used in the said Sections shall denote any Magistrate of Police in Calcutta who may be authorized in that behalf by the local Government.

III. Any Magistrate of Police in Calcutta authorized as aforesaid may without any complaint take cognizance of any offence which he has power to hear and dispose of in a summary manner, which may come to his knowledge, and he may issue a summons, or, in cases where a warrant may issue, a warrant

Persons guilty of certain offences may be tried summarily by a Magistrate of Police.

Sections 62, 63, 308, 309, 310, 311, 312, 313 and 314 of the Code of Criminal Procedure extended to Calcutta.

Magistrate may take cognizance of offences without complaint made.

of arrest against the person known or suspected to have committed such offence, in the same manner as if a complaint had been made against such person.

IV. Save as in this Act otherwise provided the procedure in such cases contained in Act XIII of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay) as amended by Act XLVIII of 1860 (to amend Act XIII of 1856) shall be applicable to offences committed and charges made under this Act.

V. This Act shall come into operation on the first day of May 1864.

VI. This Act may by an order of the Governor in Council of Fort St. George, or of the Governor in Council of Bombay respectively, to be published in the Official Gazette, be extended to the Towns and Ports of Madras and Bombay, and when so extended by such order, shall take effect in the Town and Port to which the order shall relate from the date of the publication of such order. When so extended to either the Town and Port of Madras, or the Town and Port of Bombay, this Act shall in all respects apply to such Town and Port as if the name of such Town and Port had appeared in this Act wherever the name of Calcutta appears.

Act may be extended by Governors in Council of Madras and Bombay.

Commencement of Act.

BENGAL.—MILITARY CANTONMENTS

ACT No. XXII. OF 1864.

(Received the assent of the G. G. on the 1st April 1864.)

Recites expediency of making regulations for administration of justice the Public Health in Military Cantonments.

- 1—2. Interprets the words "British India," "Local Government," "Session," words of "Number" and "Gender;" and (2) repeals Scheduled Act.
- 3—4. Appoints the name of Cantonment Magistrate, and requires him to proceed according to C. C. P.; (4) as if he were a Divisional District Magistrate.
- 5. Appoints the name of Assistant Cantonment Magistrate, and defines his powers.

“Section.”

The word “Section” denotes a Section of this Act:

Words importing the singular number include the plural number, and words importing the plural number include the singular number:

Gender

Words importing the masculine gender include females.

II. The Act and the parts of the Regulations in the Schedule hereunto annexed set forth, are hereby repealed to the extent in the said Schedule declared.

III. When any person shall be invested by the local Government under the provisions of Section XXIII of the Code of Criminal Procedure, with the powers of a Magistrate within the limits of any Military Cantonment, such person shall be styled the Cantonment Magistrate, and within the limits of such Cantonment shall, subject to the control of the Magistrate of the District in which such Cantonment is situate, exercise the powers of a Magistrate as defined in the said Code, for the purpose of disposing of all cases arising within such Cantonment which the Magistrate of the District might dispose of, and for the commitment for trial before the Court of Session of the District or place in which such Cantonment is situate, of any person charged with any offence triable before the Court of Session, or for which the person charged shall appear to deserve a more severe sentence than a Magistrate is competent under the said Code of Criminal Procedure to award.

Cantonment Magistrate to be deemed a Magistrate in charge of a Division of a District.

nal Procedure.

IV. The Cantonment Magistrate shall be considered a Magistrate in charge of a Division of a District within the meaning and for the purposes of the Code of Criminal

Assistant Cantonment Magistrates.

V. When any person shall be invested by the local Government under the provisions of Section XVIII of the Code of Criminal

1st or 2nd Class, within the limits of any Military Cantonment, such person shall be styled the Assistant Cantonment Magistrate, and shall be subject to the Rules laid down for subordinate Magistrates in the said Code.

VI. The local Government may within the limits of any Military Cantonment establish a Court of Small Causes for the trial of suits of the nature described in Section III of Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter*), and the Cantonment Magistrate, if there be a Cantonment Magistrate, shall be the Judge of the Court so established within his jurisdiction. The local Government shall from time to time declare the pecuniary limit of the jurisdiction of every Court established under this Section, but such limit shall in no case exceed five hundred Rupees.

VII. Every Court of Small Causes established under this Act shall be deemed to be a Court established under the said Act XLII of 1860, and all the provisions of the said Act shall be applicable to every such Court, and to all suits instituted in any such Court, except as is herein otherwise provided.

VIII. Whenever a Court of Small Causes is established in any Military Cantonment under the provisions of Section VI, the jurisdiction exercised in such Cantonment by any Officer under Act III of 1859 (*for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registrars of Deeds*) shall cease and determine, and so much of any Act as authorizes the Commanding Officers of Stations or Cantonments to convene Military Courts of Requests for the trial of actions of debt and other personal actions as aforesaid, shall cease to have effect within the limits of such Cantonment.

Small Cause Courts may be established in Cantonments.

Act XLII of 1860 to apply to all such Courts.

Acts establishing Military Courts of Requests to cease to have effect in Cantonments where Cantonment Magistrates are appointed to be Small Cause Court Judges.

IX. The local Government may invest any Assistant Cantonment Magistrate with the powers of a Judge of a Court of Small Causes to try suits instituted in any Court which is established under Section VI; provided that no Assistant Cantonment Magistrate shall have jurisdiction to try suits for an amount exceeding fifty Rupees.

Assistant Cantonment Magistrate may be invested with powers of a Small Cause Court Judge in suits for an amount not exceeding fifty Rupees.

X. Any Military Cantonment may be declared by the local Government to be a Sub-District for the purposes of Act XVI of 1864 (*to provide for the Registration of Assurances*). The Cantonment Magistrate of any Cantonment so declared shall be the Deputy Registrar thereof.

Cantonment may be declared a Sub-District under Act XVI of 1864.

XI. The Police Force employed in any Military Cantonment shall be deemed to be part of the General Police Force under the local Government in whose Territories such Cantonment is situate, within the meaning of Section II, Act V of 1861 (*for the Regulation of Police*), and all the provisions of the said Act shall be applicable to such Force. The administration of the Police within the limits of any Cantonment in which there shall be a Cantonment Magistrate shall be vested in the District Superintendent subject to the general control and direction of the Commanding Officer of such Cantonment.

Act V of 1861 applicable to Police employed in Military Cantonments.

Administration of Police within Cantonments.

Extension of Section XXXIV, Act V of 1861, to Military Cantonments.

XII. The local Government may extend Section XXXIV of the said Act V of 1861 to any Military Cantonment situate in the Territories under such Government.

XIII. The Commanding Officer of a Cantonment may send any process requiring service or execution by any means not immediately at his disposal, to the Chief Police Officer in the Cantonment for service or execution through the Cantonment Police, and it shall be the duty of the said

Service and execution, through Cantonment Magistrate, of process issued by Commanding Officer of a Cantonment.

Chief Police Officer to serve or execute such process in the same manner as if it had been issued by the Cantonment Magistrate, and subject to the same rules.

XIV. It shall be lawful for the local Government to extend the provisions of Act XX of 1856 (to make better provision for the appointment and maintenance of Police Chowkedars in Cities, Towns, Stations, Suburbs, and Bazzars in the Presidency of Fort William in Bengal), to any Military Cantonment to which a Cantonment Magistrate may be appointed, and the Cantonment Magistrate of any Military Cantonment to which the said Act shall be so extended may exercise all the powers vested in a Magistrate by that Act subject only to the control of the Magistrate of the District and the local Government. If there be no Cantonment Magistrate, the Magistrate of the District shall carry out the provisions of the said Act when so extended as aforesaid.

XV. It shall be lawful for the local Government to order that any Military Cantonment to which the provisions of the said Act XX of 1856 shall be extended be divided into any number of Cantonment divisions, and to determine the nature of the tax to be levied in each such division according to Section X of the said Act.

XVI. The local Government may prescribe rules for regulating the expenditure for the general purposes of this Act, of any funds raised under the said Act XX of 1856. Such funds may be expended for the purpose of carrying out any measures under any of the Rules and Regulations made under Section XVII of this Act in addition to or in lieu of the purposes described in Section XXXVI of the said Act XX of 1856.

XVII. The local Government shall have power to make Rules and Regulations not inconsistent with the provisions of this Act or of any other law in force, to provide within the limits of any Military Cantonment for the matters hereinafter mentioned, and from time

Local Government may extend Act XX of 1856 to any Military Cantonment.

And may order division of Cantonments, &c.

And may prescribe rules for regulating expenditure of funds raised.

And may make Rules and Regulations to provide for certain matters hereinafter mentioned: the same to be general or special.

to time to repeal, or alter, such Rules and Regulation. The Rules and Regulations made under this Section may be general for all Military Cantonments in the Territories under the local Government making the same, or special for any one or more of such Cantonments, according as the local Government shall direct.

XVIII. No Rule or Regulation made or altered under the last preceding Section shall have effect until the same shall have been confirmed by the Governor-General of India in Council.

Rules and Regulations to be confirmed by Governor-General in Council.

A copy of every such Rule and Regulation when so confirmed, in English and in the Vernacular language chiefly in use, shall be hung up in some conspicuous part of the Office of the Cantonment Magistrate, or in such other place as the local Government or the Commanding Officer may direct.

XIX. The Rules and Regulations made under Section XVII may provide—

For what matters Rules and Regulations may provide.

1st.—For regulating in cases in which the land within the limits of the Cantonment is the property of Government and the occupation and use of which by private persons is only permissive, the conditions under which occupation or use shall be allowed, and under which the Government may resume possession of such land, and under which compensation shall be given to persons occupying or using the land so resumed.

2nd.—For maintaining proper registers or immoveable property within the limits of the Cantonment, and for providing for the registration of transfers of such property.

3rd.—For regulating the manner in which houses within the limits of the Cantonment shall be claimable for purchase or hire, when necessary, for the accommodation of Military Officers.

4th.—For regulating the management and expenditure of any funds made available by law or by the Government for the purpose of public improvements within the limits of the Cantonment, or for carrying out any Rules and Regulations passed under this Section, and the appointment of the necessary servants and establishments.

5th.—For the definition and prohibition of public nuisances.

6th.—For the maintenance generally of the Cantonment in a proper sanitary condition; for the prevention and cure of disease: for the management and regulation of the public roads, of conservancy and drainage; for the regulation and inspection of public and private necessaries, urinals, cess-pools, drains, and all places in which filth or rubbish is deposited; of slaughter houses, public markets, burial and burning grounds, and of all offensive or dangerous trades and occupations.

7th.—For inspecting and controlling houses of ill-fame and for preventing the spread of venereal disease.

8th.—For the supervision and regulation of public wells, tanks, springs of other sources from which water is or may be made available for public use.

9th.—For the execution and promotion of works of public utility and convenience.

10th.—For the registration of deaths, and for making and recording observations and facts important for the public health and interests.

11th.—For the imposition of penalties on persons convicted of the breach of any Rule or Regulation made under Section XVII, and for declaring what persons shall make the preliminary inquiry into or take cognizance of any breach of such Rules and Regulations, and the manner in which the investigation shall be conducted. Provided that no penalty so imposed shall exceed a fine of fifty Rupees, or imprisonment for eight days with or without labour.

XX. Breaches of any Rule or Regulation made under Section XVII shall be triable by the Cantonment Magistrate when there is such an Officer: but the local Government may invest any Assistant Cantonment Magistrate, or any other person, with powers to try such breaches, and may authorize such person to exercise such powers independently of the Cantonment Magistrate. The Magistrate of the District shall have no control over the Cantonment Magistrate, or over any Assistant Cantonment Magistrate, or any other person invested with such powers as herein aforesaid.

Trial of breaches of Rules and Regulations.

XXI. In every case in which an offender is sentenced to a fine for the breach of any Rule or Regulation made under Section XVII, the amount may in case of non-payment be levied by distress and sale of any moveable property of the offender which may be found within the limits of the Cantonment.

XXII. If no such property sufficient for the payment of the fine can be found, the offender shall be liable to be imprisoned without labour for any term not exceeding one month.

XXIII. The imprisonment under Section XIX or Section XXII may be, if without labour, in the Civil Jail; and if with labour, in the Criminal Jail of the District.

XXIV. Nothing in this Act nor in any Rule or Regulation made under Section XVII shall prevent any person from being prosecuted under any other Regulation or Act for any offence punishable under this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act: Provided that no person shall be punished twice for the same offence.

XXV. Whenever it shall appear necessary for the protection of the health of the troops in any Military Cantonment, it shall be lawful for the Governor-General of India in Council to extend to any place outside the limits of such Military Cantonment and in the vicinity of such Cantonment, all or any of the Rules and Regulations made for such Cantonment under Clause 7 of Section XIX, and to make any additional Rules and Regulations under the said Clause, and to define the limits around such Cantonment within which such Rules and Regulations or additional Rules and Regulations shall be in force.

XXVI. When such Rules and Regulations, with any additional Rules or Regulations made as above, shall be extended under the last preceding Section to any place outside the limits of such Cantonment, it shall be lawful for the Governor-General of India in Council to provide in the manner described in Clause 11. of Section XIX for the imposition of penalties for the breach of such Rules and Regulations, and for prescribing the manner in which, and the persons by whom, breaches of such Rules and Regulations shall be inquired into or be cognizable.

Courts, &c., to take judicial notice of Rules and Regulations made under this Act.

XXVII. All Courts and Magistrates shall take judicial notice of all Rules and Regulations made under Section XVII or Section XXV.

XXVIII. Whenever in any Military Cantonment, Rules and Regulations have been made under Section XVII, so much of any Regulation or Act as may be held to empower the Commanding Officer to make local

Regulations regarding matters other than Military shall cease to have any effect in such Cantonment, and all local Regulations for any Military Cantonment which may have been made before the promulgation of the Rules and Regulations for such Cantonment made under said Section XVII, shall cease to

have any effect. Provided that nothing in this Section shall be held to interfere with any Military authority vested in the said Commanding Officer under the Articles of War.

XXIX. If within any Military Cantonment, or within any limits around such Cantonment prescribed by the local Government, any person not amenable to the Articles of War, or any Sutler, or Camp-Follower, shall knowingly barter, sell, or supply, or offer or attempt to barter, sell, or supply any spirituous liquor, wine, or intoxicating drug to, or for the use of any European Soldier, or to or for the use

Penalty for the unauthorized sale of spirituous liquor, &c., to certain persons in Cantonments.

of any European or Eurasian being a Camp-Follower or a Soldier's wife, without a written license, from the Officer Commanding or from some person having, sufficient authority from the Officer Commanding to grant such license, the person so bartering, selling, or supplying, or offering, or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable on conviction to a fine not exceeding one hundred Rupees, or in the discretion of the Magistrate to imprisonment with or without hard labour, for any period not exceeding three months, or in lieu of such fine or imprisonment to the punishment of whipping, as prescribed for offences under Section II of Act VI of 1864 (*to authorize the punishment of whipping in certain cases*) subject to all the provisions of that Act.

XXX. If any person convicted of an offence under the last preceding Section shall be again convicted of an offence under that Section, any spirituous liquor, wine, or intoxicating drug within such Cantonment or limits, which at the time of the commission of such subsequent offence shall belong to or be in the possession of such person, shall without further proof be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the provisions of this Act, and shall be liable to be seized and confiscated.

XXXI. If any Camp-Follower or Military Pensioner, or the wife or the widow of any Soldier, Camp-Follower, or Military Pensioner shall, within such Cantonment or limits remove, convey, or have, in his or her possession any quantity of spirituous liquor or wine exceeding one seer or quart, without a permit to be signed by the Officer in Command, or such other Officer as may be appointed by him to grant permits under this Act, every such person shall be liable upon conviction to a fine not exceeding fifty Rupees, and for any subsequent offence to a fine not exceeding one hundred Rupees, or to imprisonment with, or without hard labour, for any term not exceeding three calendar months:

Spirituous liquor, &c.,
to be confiscated in cer-
tain cases.

Penalty on certain per-
sons having in their pos-
session within Canton-
ments more than a cer-
tain quantity of spiritu-
ous liquor, &c., without
a permit.

provided that nothing in this Section contained shall apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

XXXII. If any person subject to the provisions of this Act shall be found committing any offence contrary to Section XXX or Section XXXI of this Act, any Police Officer may immediately without warrant arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug, together with any vessel containing the same, and any thing used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon without delay take such person, together with the things so seized, before the Cantonment Magistrate or other Officer having jurisdiction to punish the offender.

Arrest of persons committing offence under Section XXX or XXXI and seizure of spirituous liquor, &c., in their possession.

XXXIII. In case of a conviction for any offence under Section XXX or Section XXXI of this Act, the Cantonment Magistrate, or other Officer, may adjudge any liquor, wine, or intoxicating drug in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with any thing used for the purpose of conveying, removing, or concealing the same or any part thereof, to be confiscated; and such Magistrate may order the whole or any part or parts of any fine imposed under this Act to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the Officer who shall have apprehended the offender, or seized any of the goods, adjudged to be confiscated.

Confiscation of intoxicating liquor, &c., in respect of which there may be a conviction, or which may be in possession of the party convicted.

XXXIV. Anything seized under Section XXXII in respect of which any person shall be charged with an offence, may be ordered to be detained until the person in whose possession the same shall have been seized shall be

Property seized under this Act may be detained until party charged with offence is convicted or acquitted.

convicted or acquitted of the offence charged. If the person shall be acquitted, any thing so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by the Cantonment Magistrate or other Officer to be confiscated, shall be restored: the remainder shall be dealt with as confiscated.

XXXV. The foregoing Sections shall not apply to the sale or supply of any article for medicinal purposes, by recognized Medical Practitioners, Chemists, or Druggists.

XXXVI. Nothing in this Act shall interfere with the jurisdiction of Courts Martial, or of Commanding Officers of Cantonments or of Regiments, Corps, or Detachments under Act XXIX of 1861 (*to consolidate and amend the Articles of War for the Government of the Native Officers and Soldiers in Her Majesty's Indian Army*), or under Act V of 1863 (*to amend Act XXIX of 1861*), or with the provisions of any Statute for punishing mutiny and desertion of Officers and Soldiers in the service of Her Majesty in the East Indies, and the Cantonment Magistrate shall exercise no jurisdiction in respect of such offences.

Provided that when a Cantonment Magistrate or other Officer not being the Commanding Officer shall have been vested by the local Government with power within the limits of any Military Cantonment to dispose of cases under any Rule or Regulation made under Section XVII, it shall not be competent to the Commanding Officer to exercise the powers described in Article 84 of the said Act XXIX of 1861 in respect of any case arising under such Rule or Regulation, when such Rules and Regulations have been passed for such Cantonment under Section XVII, and penalties shall have been laid down for their infringement. The said Rules and Regulations shall be held to be the Rules and Regulations mentioned in the said Article 84 of the said Act XXIX of 1861, and so much of the said Article as declares the penalties which may be inflicted for breach of Cantonment Regulations, shall cease from that time to have any effect in such Cantonment.

XXXVII. All Acts done previously to the passing of this Act by Cantonment Joint Magistrates, or by persons acting under their authority or otherwise in any Military Cantonment in pursuance of an order of Government, or which shall have been or shall be ratified by the Executive Government, are hereby confirmed and made valid; and all such Officers and persons as aforesaid are hereby indemnified and discharged from liability in respect of such Acts.

Certain Acts done by Cantonment Magistrates before the passing of this Act confirmed.

Place of operation of this Act.

XXXVIII. This Act shall, save as hereinafter is provided, extend only to the Presidency of Fort William in Bengal.

XXXIX. The provisions of this Act may be extended by order of the Governor-General of India in Council to any place under the immediate administration of the Government of India, and to any place in India but not in British India in which British Troops are cantoned.

Operation of this Act may be extended by order of the Governor-General in Council to certain other places.

XL. The provisions of this Act may be extended by order of the Governor of Madras in Council, or by order of the Governor of Bombay in Council, and by order of the Lieutenant-Governor of the Punjab to any part of the territories subject to their respective Governments.

To what places the operation of this Act may be extended by the Governments of Madras, Bombay or the Punjab.

To what places the operation of this Act may be extended by the Government of Bengal, or of the North-Western Provinces.

XLI. The provisions of this Act may be extended by order of the Lieutenant-Governor of Bengal, or by order of the Lieutenant-Governor of the North-Western Provinces, to any part of the territories under their respective Governments not within the Presidency of Fort William in Bengal.

Publication of Orders extending the operation of this Act.

XLII. Every order issued under Sections XXXIX, XL or XLI shall be published in the Official Gazette.

XLIII. If in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, any person be invested with the powers of a Cantonment Magistrate within the limits of any Cantonment situated in any district or place in which there is no person exercising the powers of a Court of Session, the Governor-General of India in Council may direct to what authority the commitments shall be made and by what authority the appeals from the sentences and orders passed by such Cantonment Magistrate shall be heard and determined, and such commitments and appeals shall be heard and determined by such authority in the same manner as if the commitments had been made, or the sentences or orders appealed from had been passed, by a Magistrate within the jurisdiction of a Court of Session. The Governor-General of India in Council may also direct by what authority appeals from the sentences and orders passed in cases committed by such Cantonment Magistrate shall be heard and determined; and such appeals shall be heard and determined by such last mentioned authority in like manner as if the sentences and orders appealed from had been passed by a Court of Sessions.

XLIV. If a Court of Small Causes shall be established under Section VI in any Military Cantonment in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, the Governor-General of India in Council shall declare what authority shall exercise the powers vested in the Sudder Court by the provisions of the said Act XLII of 1860.

XLV. If any Military Cantonment in any part of India not subject to the British Government shall be declared by the Governor-General of India in Council to be a Sub-District for the purposes of Registration under Act

Authority to which commitments shall be made and appeals preferred if Cantonment be not situate in any district in which there is any person exercising the powers of a Court of Session.

In certain cases powers vested in the Sudder Court under Act XLII of 1860 to be exercised by such authority as the Governor-General in Council shall declare.

In certain cases for purposes of Registration under Act XVI of 1864, the Governor-General of India in Council to

declare what authorities to be deemed to be the District Registrar and the Registrar General.

XVI of 1864, the Governor-General of India in Council shall declare what authorities shall be deemed to be the District Registrar and the Registrar General respectively with reference to such Military Cantonment and the Deputy Registrar thereof.

XLVI. From the date on which any Cantonment Magistrate shall begin to exercise jurisdiction under this Act in any Cantonment in the Territories subject to the Government of Madras, or to the Government of Bombay, or to the Lieutenant-Governor of the Punjab, so much of the Regulations and Acts for the time being in force in such part of the said Territories as is in any way inconsistent with or repugnant to any of the provisions of this Act shall cease to have effect in such Cantonment.

Regulations and Acts inconsistent with this Act when to cease to have effect in Cantonments in Madras, Bombay, and the Punjab.

SCHEDULE.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Reg. III. 1809 ...	Bengal Code	For the support of the Police in the Cantonments and Military Bazars; for defining the powers of the Civil and Military Officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazars	Sections II & III.
Reg. XX. 1810...	Bengal Code	For subjecting persons attached to the Military Establishments to Martial Law in certain cases, and for the better Government of the retainers and dependants of the Army receiving public pay on fixed Establishments, and of persons seeking a livelihood by supplying the Troops in Garrison, Cantonment, and Station Military Bazars, or attached to	So much of Section XII as declares that the persons therein mentioned shall be liable to be tried by a Native Court Martial for the offence stated. Also Sections XIII, XIV, XV, XVI, XVII, XVIII, and XXI.

Number and date of Act.	Title.	Extent of Repeal.
Act XVIII of 1853.	For regulating the sale of spirituous liquors, &c., in Cantonments ...	The whole Act so far as it relates to the Bengal Presidency.

CUSTOMS DUTIES.

ACT No. XXIII. OF 1864.

(Received the assent of the G. G. on the 7th April 1864.)

1. Repeals Act XXVI., 1863; and (2) establishes new import duties.

Preamble.

WHEREAS it is expedient to amend the law relating to the Customs Duties; It is enacted as follows:—

I. From and after the passing of this Act, Act XXVI of 1863 (to amend Act XI of 1862, to amend Act X of 1860, to amend Act VII of 1859, to alter the Duties of Customs on Goods imported or exported by Sea) shall cease to have effect, except as to any act done or liability incurred.

II. From and after the passing of this Act, in lieu of the Customs Duties authorized in Act XI of 1862 (to amend Act X of 1860, to amend Act VII of 1859, to alter the Duties of Customs on Goods imported or exported by Sea) to be charged on Iron; on Wines and Liqueurs; on Porter, Ale, Beer, Cider, and other similar fermented liquors and on Tobacco and on all articles not enumerated in the Schedule A annexed to the said Act XI of 1862, there shall be levied and collected, in conformity with the provisions of Act VI of 1863 (the consolidated Customs Act), the following Customs Duties; that is to say;—

On Iron (which shall not be taken to include ironmongery, cutlery, or hardware) ...	One per cent. <i>ad valorem</i> :
On Wines and Liqueurs ...	One Rupee the Imperial gallon:
On Porter, Ale, Beer, Cider and other similar fermented liquors ...	One Anna the Imperial gallon :
On Tobacco whether manufactured or not manufactured ...	Ten per cent. <i>ad valorem</i> :

JHANSI, JALOUN, LULLUTPORE, KUMAON, AND JOUNSAR BAWUR.

ACT No. XXIV. OF 1864.

(Received the assent of the G. G. on the 8th April 1864.)

1—3. Legalizes retrospectively proceedings under recited rules, notwithstanding specified defects in the Rules.

4—7. Proceedings in Civil Court to follow Code of Civil Procedure; and (5) suits to be brought in lowest Court competent to try; but (6) Commissioner, &c., may withdraw suit from subordinate Court and try it, &c.; and (7) as to suits for immoveable property in different districts.

8. From what time right of appeal is to run.

9. Extends Act XIV., 1859, to Jhansi, &c.

10—13. Empowers N. W. Government to extend Acts, &c., to Jhansi, &c.; and (11) to declare in what officer, &c., the Civil, Criminal and Revenue administration in Jounsar Bawur of Dehra Dhoon shall be vested; and (12) prescribes what rules such officer shall follow; but Code of Civil Procedure may be extended to that tract.

14. Saves the operation of the I. P. C.

15. Act to come into operation 1st May 1864.

WHEREAS certain Rules for the administration of Civil Justice and for the superintendence of the settlement and of the realization of the

Preamble.

Public Revenue and of matters relating to rent in the Districts of Jhansi, Jaloun, and Lullutpore, were made by the Lieutenant-Governor of the North-Western Provinces, and came into operation on the twenty-eighth day of January and the seventh day of February 1862: and whereas the said Rules, so far as they relate to the administration of Civil Justice were afterwards extended by an order of the Lieutenant-Governor of the North-Western Provinces to the Provinces of Kumaon and Gurhwal: and whereas it is expedient to prevent the validity of decisions, orders, and proceedings passed or held under the said Rules being questioned only by reason that the said Rules were not made in accordance with the provisions of the Indian Councils' Act 1861: and whereas it is expedient, to make provision for the administration of the Districts and Provinces aforesaid and also of a tract of country in Dehra Dhoon in the North-Western Provinces known as Jounsar Bawur; It is enacted as follows:—

I. The Rules made as aforesaid by the Lieutenant-Governor

Rules relating to jurisdiction and procedure of Revenue Officers, &c., to be deemed valid from date of issue.

of the North-Western, Provinces relating to the jurisdiction and procedure of the Revenue Officers, and for the superintendence of the settlement and of the realization

of the Public Revenue, and of matters relating to rent, within the said Districts of Jhansi, Jaloun and Lullutpore, shall be deemed valid for all purposes from the date, on which such Rules were issued.

II. The Rules made as aforesaid by the Lieutenant-Governor

Rules relating to the administration of Civil Justice to be deemed valid from date of issue until the coming into operation of this Act, and in part to continue of effect after such period.

of the North-Western Provinces for the administration of Civil Justice within the said Districts, and thereafter extended to the Provinces of Kumaon and Gurhwal as aforesaid, shall be deemed valid for all purposes from the date on which they

were issued until this Act shall come into operation. So much of the said Rules as relates to the establishment of Courts of Civil Judicature, and provides for the trial of suits and appeals by Commissioners, Deputy Commissioners of Districts, Assistant Commissioners, Extra Assistant Commissioners, and Tehsildars, together with so much of the said Rules as relates to the periods of appeal from decisions and orders made by such Courts, shall continue to be in force after this Act shall have come into operation.

III. No decision, order, or proceeding of any Court or Officer

Validity given to all decisions, &c., before the coming into operation of this Act.

under any of the said Rules, made and extended as aforesaid by the Lieutenant-Governor of the North-Western Provinces, shall be questioned on the

ground of such order, or decision, having been passed, or of such proceeding having been held, before the date fixed for this Act to come into operation.

IV. Except as in this Act is otherwise provided, the proceedings

Proceedings in Civil suits how to be regulated.

in Civil suits of every description between party and party, brought in the

In what Courts suits
to be instituted.

V. Every suit shall be instituted in the Court of the lowest grade competent to try it.

Power of Commissioner
and Deputy Commissioner
as to suits instituted in
any subordinate Court.

VI. It shall be lawful for the Commissioner or for the Deputy Commissioner of a District to withdraw any suit instituted in any Court subordinate to the Court of such Commissioner or Deputy Commissioner, and to try such suit himself, or to refer it for trial to any other Court subordinate to his authority, and competent in respect of the value of the suit to try the same.

Trial of suits for
immoveable property
situate within the juris-
diction of different
Courts.

VII. If the suit be for land or other immoveable property situate within the local limits of the jurisdiction of different Courts, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of the land, or other immoveable property, in suit is situate; but in such case the Court in which the suit is brought shall apply to the Deputy Commissioner of the District if the suit is brought in any Court subordinate to the Deputy Commissioner, or to the Commissioner if the Court in which the suit is brought is the Court of a Deputy Commissioner, for authority to proceed with the same.

Periods of appeal how
to be reckoned.

VIII. The periods of regular and special appeal prescribed in the Rules, which by Section II of this Act are to continue in force after this Act shall have come into operation, shall be reckoned from and exclusive of the day on which the judgment appealed against shall have been pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the decree from which the appeal is made. Appeals from orders, when such appeals are allowed by the Code of Civil Procedure, shall be presented within the same period as appeals from decrees.

Act XIV of 1859 ex-
tended to certain districts
and provinces.

IX. Act XIV of 1859 (*to provide for the limitation of suits*) is hereby extended to the said Districts of Jhansi, Jaloun and Lullutpore, and to the said Provinces of Kumaon and

Gurhwal, and shall take effect therein from the date on which this Act comes into operation, subject to the provision contained in Section XXIV of the said Act XIV of 1859, as regards pending suits instituted within two years from the date above mentioned.

X. It shall be lawful for the Lieutenant-Governor of the North-Western Provinces by notification in the Official Gazette, to extend to the said Districts and Provinces the operation of any Regulation or Act now in force in the Districts, under his Government, which are subject to the General Regulations, and to declare in whom any authority to be exercised under any Regulation or Act so extended shall be vested.

Operation of Regulations and Acts may be extended to the same districts and provinces, &c.

XI. 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 tract of country in the Dehra Dhoon called Jounsar Bawur, are hereby vested in such Officer or Officers as the Lieutenant-Governor of the North-Western Provinces may, for the purpose of tribunals of first instance or of reference and appeal, appoint.

Administration of justice and collection of Revenue in tract known as Jounsar Bawur in whom to be vested.

XII. The Officer or Officers so appointed shall be guided by the Rules made before the date fixed for this Act to come into operation by the Lieutenant-Governor of the North-Western Provinces under the authority of Act XIV of 1861 (*to remove certain tracts of country in the Rohilkund Division from the jurisdiction of the tribunals established under the General Regulations, and Acts*), for the guidance of the Officers appointed to administer the tracts of country described in the said Act.

Rules for administration.

XIII. The Lieutenant-Governor of the North-Western Provinces may, by notification in the Official Gazette, extend the Code of Civil Procedure to the said tract of country known as Jounsar Bawur and the tracts of country described

Code of Civil Procedure may be extended to certain tracts.

XIV. Nothing in this Act, or in the said Act XIV of 1861

Such tracts not to be held excluded by this Act or Act XIV of 1861 from the operation of the Indian Penal Code. shall be held to exclude the said tract of country known as Jounsar Bawur, or the tracts of country described in the said Act XIV of 1861, from the operation of the Indian Penal Code.

Operation of Act.

XV. This Act shall come into operation on the first day of May 1864.

MARRIAGE LAW OF CHRISTIANS.

ACT No. XXV. OF 1864.

(Received the assent of the G. G. on the 9th April 1864).

1—2. No person professing the Christian religion to be married except according to this Act; that is, (2) by Christian Ministers, Scotch Church Clergymen or Marriage Registrars, Ministers licensed to marry, or certificated persons.

3—5. Repeals the declaration at present required on marriage; and (4) authorizes the issue to Ministers of license to solemnize marriage; and (5) where licenses have been issued all marriages other than by this Act to be void.

6. Saves marriages prior to 1st July 1864 from consequences of specified defects.

7—14. Prescribes notice of intended marriage to the marrying Officers stating specified particulars; such notice (8) to be published by such Officer, and how and where; and (9) how when marriage is not to be in private dwelling; and (10) what he is to do with this notice when it is for marriage of a minor; and (11) what the Marriage Registrar or (12) the Senior Marriage Registrar is to do with it in such case; and (13) such notice to be certified before marriage is performed; such certificate (14) to be postponed if one party is a minor, &c.

15. Before certificate is issued, one of the parties to appear before Minister and make declaration, &c.

16—18. Makes consent of father or guardian to marriage of minor necessary, and (17) such father, &c., may prohibit the marriage, and how; and (18) after prohibition, marriage not to be made till after investigation, &c.

19—22. Directs what is to be done by Minister on application of Native Christian for a certificate, and (20) prescribes form of certificate; and (21) permits marriage in presence of two witnesses after certificate issued; but (22) such certificate to remain in force only two months; after which, new certificate necessary.

23. Saves from operation of these regulations marriage by Minister according to Part I. of this Act.

PART III.

24. Marriage ceremony to be performed between 6 A. M. and 7 P. M., except when under special license.

PART IV.

25—29. Enjoins registration of marriages, except those under the Act of Parliament or Act V., 1852; but registration not necessary to validity of marriage; and (26) prescribes the form of registration when marriage is by Church of England Clergyman; and (27) prescribes quarterly returns to the Archdeaconry Registrar, and (28) same returns when marriage is by Church of Scotland Clergyman; and (29) the mode of registering in other cases.

30. Marriage Register book to be signed by parties and witnesses.

31—33. Certificate of marriage to be sent to Marriage Registrar to be copied in a book; and (32) directs how such copies are to be entered; and (33) what additions are to be made by Registrar.

34—35. Provides for the custody and disposal of Register book; and (35) for the transmission of specified entries to Secretary of State for India.

36. Provides for the correction of errors.

37. Provides for making searches.

38. Provides respecting fees.

39. Makes certified copy of entry of marriage proof of the facts.

40. Saves from operation of this part of the Act marriages under English Act and Act V., 1852.

PART V. Makes exceptional regulations as to marriage of certain Native Christians.

41—43. Empowers the local Governments to issue license to issue certificates of marriage for Native Christians to whom Act V., 1852, and the English Act are not suitable; and (42) dispenses with certain requirements of this Act, and establishes the conditions under which such marriages may be made; and (43) entitles the parties to marriage certificate.

44—45. Local Government may revoke license; (45) such revocation to be gazetted.

46. Makes valid all marriages under Section 42.

47—48. Prescribes a register book under these provisions; and (48) authorizes searches to be made.

PART VI. *As to Penalties.*

49—57. Extends Penal Code to false oath, declaration, notice or certificate under this Act; and (50) for specified false representation; and (51) for unauthorized person performing marriage ceremony; and (52) for performing ceremony out of legal hours, &c.; and (53) for marrying minor after notice; and (54) for Registrars issuing certificates, &c., without publication of notice; and (55) for persons not being Church of England or Scotland

Clergymen marrying without publication of notice, &c., and (56) for unlicensed persons granting pretended certificates; and (57) for inserting false entries in Register Book.

58—59. Gives jurisdiction to try offences against this Act to Court of Session, and in case of European British subjects to the High Courts, &c.; and except as to these (59) the procedure to be according to the Code of Criminal Procedure. All offences under this Act to be bailable.

60. Interprets the words "Church of England," "Church of Scotland."

61. Act to come into operation 1st July 1864.

Schedule A. Notice of Marriage. B. Registrar's Certificate. C. Form of Register of Marriage. D. Form of Register Book.

WHEREAS it is expedient to provide further for the solemnization of marriages in India of persons professing the Christian Religion; It is enacted as follows:—

Preamble.

PART I.

As to the persons by whom Marriage may be solemnized,

I. From and after the first day of July 1864 no marriage between persons, one of whom is a person, or both of whom are persons, professing the Christian Religion, shall be solemnized, except in accordance with the provisions hereafter stated in this Act.

Marriage between persons professing the Christian Religion to be solemnized according to the provisions of this Act.

By whom to be solemnized.

II. Marriages may be solemnized in India—

1st.—By any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of which such person is a Minister.

2nd.—By any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies, and customs, of the Church of Scotland.

3rd.—By, or in the presence of, a Marriage Registrar under the provisions of the Statute 14 and 15 Vic., cap. 40, or of Act V of 1852 (*for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty entitled an Act for Marriages in India*) of the Governor-General of India in Council.

4th.—By any Minister of Religion who, under the provisions of this Act, has obtained a license to solemnize marriages.

5th.—By any person who, with respect to marriages between Native Christians, shall have received under the provisions of Part V of this Act, a license to grant certificates of marriage.

III. From and after the first day of July 1864, the declaration and certificate required by the Statute 58, Geo. III, cap. 84, and Act XXIV of 1860 (*for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland*) of the Governor-General of India in Council, shall be no longer required.

IV. From and after the first day of July 1864, the Governor-General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces, and the Punjab, shall have authority to grant licenses to Ministers of Religion, to solemnize marriages within the territories subject to such Governor-General, Governors, and Lieutenant-Governors respectively.

V. From and after the first day of July 1864, all marriages solemnized in India otherwise than in accordance with the provisions of Sections I and II of this Act, shall be null and void.

VI. All marriages solemnized in India before the first day of July 1864 by persons who have not received episcopal ordination, or who have not otherwise received express authority to solemnize such marriages under Acts of Parliament or Acts of the Governor-General of India in Council, if not otherwise invalid, shall be deemed valid, to all intents and purposes.

PART II.

As to the mode of solemnizing Marriages under this Act.

VII. In every case of intended marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, otherwise than—

Notice of intended marriage to whom to be given. Form of notice.

1st.—Under the provisions of the Statute 14 and 15 Vic., cap. 40, or of the said Act V of 1852 of the Governor-General of India in Council : or

2nd.—By a Clergyman of the Church of England according to the rites, rules, ceremonies, and customs, of that Church : or

3rd.—By a Clergyman of the Church of Scotland according to the rites, rules, ceremonies, and customs, of that Church : or

4th.—By a person who has received a license to grant certificates of marriage between Native Christians under the provisions of part V of this Act—

One of the parties shall give notice in writing according to the form prescribed by the Schedule (A) to this Act annexed or to the like effect, to the Minister of Religion whom he shall desire to solemnize the said marriage, and shall state therein the name or names, and the profession or condition, of each of the parties intending marriage, the dwelling place of each of them and the time (not being less than four days) during which each has dwelt there, and the Church, Chapel, or other place of, or generally used for, public worship, or the private dwelling in which the marriage is to be solemnized.

• Proviso.

Provided that if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein, that he or she has dwelt there one month and upwards. Provided also that at any place or Station where there is a Church or Chapel, or other building generally used for public worship, no Clergyman of the Church of England shall solemnize a marriage in a private dwelling or in any place except in such Church, or Chapel, or other building generally used for public worship, unless he has received a special license authorizing him to do so from and under the hand and seal of the Bishop of the Diocese, or from the Commissary of such Bishop. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

VIII. The Minister of Religion to whom such notice shall have been delivered, if he shall be entitled to officiate in the Church, Chapel, or place

Publication of such notice.

of, or generally used for, public worship in which it is intended to solemnize the said marriage, shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of the said Church, Chapel, or place of, or generally used for, public worship in which it is intended that the said marriage shall be solemnized. If such Minister of Religion shall not be entitled to officiate as a Minister in such Church, or Chapel, or place of, or generally used for, public worship, he shall at his option either return the said notice to the person delivering the same to him, or shall deliver the same to some other Minister entitled to officiate in such place of worship, who shall thereupon cause the same to be so published and affixed in the said Church, Chapel, or place of, or generally used for, public worship.

IX. If it be intended that the marriage shall be solemnized not in a Church, Chapel, or other place of, or generally used for, public worship, but in a private dwelling, the Minister of Religion receiving the notice prescribed in Section VII shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own Office.

X. When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, every Minister as aforesaid who shall receive such notice, and who shall not forthwith return such notice to the party delivering the same under Section VIII shall, within twenty-four hours after the receipt by him thereof, send or cause to be sent by the Post, or otherwise, a copy of such notice to the Marriage Registrar of the District.

XI. The Marriage Registrar of the District on receiving any such notice shall affix the same to some conspicuous place in his own Office.

XII. If there be more Marriage Registrars than one in any District, the local Government shall appoint one of such Registrars to be Senior Marriage Registrar, and such notice as aforesaid shall be sent

to such Senior Marriage Registrar, who, on receiving the same, shall, besides affixing it in the manner laid down in the last preceding Section, send or cause to be sent a copy of such notice to all the other Marriage Registrars in the same District, who shall likewise affix the same in their own Offices or Churches, Chapels, or places of worship as aforesaid.

XIII. Any Minister of Religion, who shall consent or intend to solemnize any such marriage as aforesaid on being required so to do by or on behalf of the party by whom the notice was given and upon one of the parties intending marriage making such declaration as is hereinafter required, shall issue under his hand a certificate of such notice having been given and of such declaration having been made.

Issue of certificate of notice given and declaration made.

Proviso. Provided no lawful impediment according to the law of England be shown to the satisfaction of such Minister why such certificate should not issue, and the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned, by any person authorized in that behalf.

XIV. When by such declaration it appears, or when it is otherwise known to such Minister of Religion, that one of the parties intending marriage not being a widower or widow, is under twenty-one years of age, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

Certificate in certain cases not to issue until fourteen days after receipt of notice.

XV. Before any such certificate as aforesaid shall be issued by any such Minister, one of the parties intending marriage shall appear personally before such Minister, and shall make a solemn declaration that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and when either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

Declaration to be made before issue of certificate.

XVI. The father, if living, of any party under twenty-one years of age, such party not being a widower or widow, or if the father be dead the guardian or guardians of the person of the party so under age lawfully appointed, or one of them, and in case there be no such guardian then the mother of such party, shall have authority to give consent to the marriage of such party, and such consent is hereby required for the marriage of such party so under age, unless there be no person authorized to give such consent resident in India.

XVII. Every person whose consent to a marriage is required as aforesaid, is hereby authorized to prohibit the issue of the certificate by any Minister as aforesaid, at any time before the issue of such certificate, by notice in writing to such Minister, subscribed by the person authorized as aforesaid, with his name and place of abode, and his or her character in respect of either of the parties, by reason of which he or she is so authorized.

XVIII. If any such notice prohibiting the marriage shall be received by such Minister as aforesaid, he shall not issue his certificate, and shall not solemnize the said marriage until he shall have examined into the matter of the said prohibition, and shall be satisfied that the person prohibiting the said marriage is not authorized by law so to do, or until the notice of the said prohibition be withdrawn by the person who gave the same.

XIX. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, and if not, shall translate or cause to be translated the said notice or certificate to such Native Christian in the language of such Native Christian, or in some language which he understands.

XX. The certificate to be issued by such Minister as aforesaid, may be in the form prescribed by the Schedule (B) to this Act annexed, or to the like effect.

XXI. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between and by the parties therein described according to such form or ceremony as such Minister shall see fit to adopt. Provided that it be solemnized in the presence of at least two witnesses.

XXII. Whenever a marriage is not solemnized within two calendar months after the date of the certificate which shall have been issued by such Minister as aforesaid, such certificate and all other proceedings thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice shall have been given and certificate thereof issued in the manner aforesaid.

XXIII. Provided that whenever any marriage has been solemnized by a Minister of Religion in accordance with the provisions of Part I of this Act, it shall not be necessary in support of such marriage to give any proof in respect of the dwelling of the parties, or of the consent of any person whose consent is thereunto required by law, or of the notice of marriage, or of the certificate or the translation thereof respectively, or in respect of the hours between which the same may have been solemnized; nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

PART III.

Time for solemnizing Marriages.

XXIV. Every marriage solemnized in India from and after the first day of July 1864, by any person who has received episcopal ordination, or by any Clergyman of the Church of Scot-

land, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening. But

Proviso.

the provisions of this Section shall not apply to a Clergyman solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, from and under the hand and seal of the Bishop of the Diocese or from his Commissary. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the Bishop of the Diocese may sanction.

PART IV.

As to the Registration of Marriages in India.

XXV. All marriages solemnized in India from and after the first day of July 1864, between persons both or one of whom shall profess the Christian Religion, except marriages solemnized under the said Statute 14 and 15 Vic., cap. 40, and the said Act V of 1852 of the Governor-General of India in Council, shall be registered in the manner hereinafter prescribed. Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

Marriages with certain exceptions to be registered as hereinafter prescribed.

Proviso.

XXVI. Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in the Register of Marriages of the Station or District in which the marriage shall be solemnized, according to the form contained in the Schedule (C) to this Act annexed.

Registration of marriages solemnized by Clergyman of the Church of England.

XXVII. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by the signature of such Clergyman, of the entries in the Register of Marriages solemnized at or in any Station or District at which such Clergyman shall have any spiritual charge, to the Registrar of

Quarterly returns to Archdeaconry.

the Archdeaconry to which he shall be subject, or within the limits of which such Station or District shall be situated. Such quarterly returns shall contain all the entries of marriages contained in the said Register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one duplicate to the Secretary to the Government at the Presidency in which such Archdeaconry shall be.

XXVIII. Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a Register of Marriages to be kept by him for the Station or District in which the marriage shall be solemnized, in the form prescribed in Section XXVI for marriages solemnized by Clergyman of the Church of England, and such Clergyman shall forward quarterly to the Secretary to Government, through the Senior Chaplain of such Church, returns similar to those prescribed in the preceding Section for Clergymen of the Church of England, of all marriages solemnized by him.

XXIX. After the solemnization of any marriage under this Act by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or by any Minister of Religion licensed under this Act to solemnize marriages, the person solemnizing the same shall forthwith register such marriage in duplicate:—that is to say, in a Marriage Register Book to be kept by him for that purpose, according to the form prescribed by the Schedule (D) to this Act annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil.

Registration and returns of marriages by Clergyman of the Church of Scotland.

Marriages solemnized by certain persons to be entered in a Register Book and also in a certificate.

XXX. The entry of such marriage in both the certificate and Marriage Register Book shall be signed and attested by the person by whom the said marriage has been solemnized and also by the parties married, and shall be attested by two witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

XXXI. The person solemnizing the said marriage shall forthwith separate the certificate from the Marriage Register Book, and transmit it within one calendar month from the time of the solemnization of the said marriage to the Marriage Registrar of the District in which such marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause the same to be copied into a book to be kept by him for that purpose, and shall transmit all the said certificates which he shall have received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Government of the Presidency or Lieutenant-Governorship within which he resides, together with the certificates from his own Marriage Register Book which he shall transmit under the twelfth Section of the said Statute 14 and 15 Vic., cap. 40, but distinct therefrom.

XXXII. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar indicating the number of the entry of the said copy in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

XXXIII. The Marriage Registrar shall also add such last mentioned number of the entry of the copy in the book, to the certificate, with his signature or initials, and shall at the end

Such entries to be signed and attested.

Such certificate to be forwarded to Marriage Registrar, copied, and transmitted to Government.

Copies of certificates how to be entered and numbered.

Registrar to add number of entry of copy to the certificate, &c.

of every month transmit the same to the Secretary to the Government of the Presidency, or Lieutenant-Governorship, as aforesaid.

XXXIV. The person solemnizing any such marriage as is provided for in Part V of this Act, shall keep safely the said Register Book until the same shall be filled, or if he shall leave the District in which he solemnized the marriage before the said book is filled, shall make over the same to the person who shall succeed to his duties in the said District, who shall keep safely the same, and shall enter therein the entries by this Act required to be made in respect of any marriage solemnized by him within the said District; and the person having the control of the book at the time when the same shall be filled, shall transmit the same to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall transmit the same to the Secretary to the Government at the Presidency as aforesaid, to be kept by him with the records of his Office.

XXXV. Provided that with regard to the marriages so certified, of which it may appear to the Governor-General of India in Council desirable that evidence shall be transmitted to England, the Secretary to the Government shall, at the end of every three calendar months in each year, send all the certificates of marriage sent to him as aforesaid during such three months, signed by him, to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages.

XXXVI Any person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, may within one calendar month next after the discovery of such error, in the presence of the parties married, or, in case of their death or absence in the presence of two other credible witnesses who shall respectively

Custody and disposal of Register Book of marriages solemnized under Part V of this Act.

Transmission of certificates of certain Marriages to Secretary of State for India.

Correction of Errors.

attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof, and in case such certificate shall have been already transmitted to the Secretary to the Government of the Presidency or place within which he resides, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

XXXVII. Every person solemnizing a marriage under this Act and hereby required to register the same, and every Marriage Registrar or Secretary to Government who shall have the custody for the time being of any Register of Marriages, or of any certificate or copies of certificate under this Act, shall at all reasonable times allow searches to be made of any Marriage Register Book, or of any certificate, or duplicate, or copies of certificate in his custody, and shall give a copy under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is, for every search extending over a period of not more than one year the sum of one Rupee, and four annas additional for every additional year, and the sum of one Rupee for every single certificate.

XXXVIII. All fees received by a Marriage Registrar or Secretary shall be accounted for and paid over by him to Government, and all fees received by a person solemnizing a marriage not being a Marriage Registrar, may be retained by such person.

XXXIX. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any Marriage Register or certificate or duplicate certificate required to be kept or delivered under this Act, of any entry of a marriage in such Register, or of any such certificate or duplicate certificate, shall be received as evidence

Searches may be made and copies of certificates given.

Appropriation of fees.

Certified copy of entry in Marriage Register, &c., to be received as evidence of marriage without further proof.

of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such Register or certificate, or duplicate copy, or of any entry therein respectively, or of such copy.

XL. Nothing contained in this Part of this Act shall apply

These provisions not to apply to Registers or certificates of certain marriages solemnized by Marriage Registrars.

to the Register or certificate of any marriage solemnized under the said Statute 14 and 15 Vic., cap. 40, or the said Act V of 1852 of the Governor-General of

India in Council.

PART V.,

As to the Marriage of certain Native Christians.

XLI. And whereas it is expedient to make provision for the

Provision for marriages of certain Native Christians.

marriage of certain Native Christians to whom the provisions of the said Statute 14 and 15 Vic., cap. 40, and the said Act

V of 1852 of the Governor-General of India in Council are found not to be suitable, it shall be lawful for the local Government of any Presidency or place, or the Chief Commissioner of any Province, to issue a license, to any person, authorizing him to grant certificates of marriage between Native Christians, being converts from any religion in India.

XLII. It shall not be a necessary preliminary to the grant

No notice necessary before marriage, but certificate of marriage may be given.

of a certificate by any person licensed under the last preceding Section, that any notice of marriage should have been given by either of the parties to such marriage,

or that any certificate should have been issued of any notice having been given under the provisions of the said Act V of 1852 of the Governor-General of India in Council, or otherwise, and every marriage between Native Christians as aforesaid applying for a certificate under this Part of this Act, shall be

Conditions.

certified under this Part of this Act if the following conditions be fulfilled, and not

otherwise :

1. The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years :

2. The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity :

3. Neither of the parties intending to be married shall have a wife or husband still living :

4. In the presence of the person so licensed and of at least two witnesses, each of the parties shall say to the other—

“I call upon these persons here present to witness that I, A. B., in the presence of Almighty God, do take thee, C. D., to be my lawful wedded wife (*or husband*),” or words to the like effect :

5. That such declaration be made between the hours of six in the morning and seven in the evening.

XLIII. When in respect to any marriage falling under this Part of this Act, the conditions prescribed in the last preceding Section shall have been fulfilled, it shall be the duty of the person licensed as aforesaid, in whose presence the said declaration shall have been made, to grant a certificate of such marriage on the application of either of the parties to such marriage on the payment of a fee of four annas. Such certificate shall be signed by such licensed person, and shall be received as conclusive evidence of such marriage having been performed, in any suit touching the validity of such marriage, and no evidence to prove the contrary shall be received in any such suit.

XLIV. The local Government, or the Chief Commissioner, may at any time revoke any license granted by such Government or Chief Commissioner under Section XLI of this Act.

XLV. The grant or revocation of any license under Sections XLI and XLIV respectively of this Act shall be notified in the Official Gazette.

On marriage, (the conditions having been fulfilled,) licensed person to grant a certificate thereof.

Licenses may be revoked.

Grant or revocation of license how to be notified.

XLVI. All marriages performed between Native Christians as aforesaid, in accordance with the provisions of Section XLII of this Act, shall be good and valid to all intents and purposes.

Marriages performed under the provisions of Section XLII to be valid.

XLVII. A Register Book of all marriages of which certificates shall be granted under Section XLIII of this Act, shall be kept by the person granting such certificates in his own vernacular language. Such Register Book shall be kept according to such form as the local Government shall from time to time prescribe, and true extracts therefrom duly authenticated shall be deposited at such places and at such times as the local Government shall direct.

Register Book to be kept.

XLVIII. Every person licensed under this Act to grant certificates of marriage and who shall have the custody of a Marriage Register Book under the last preceding Section, shall at all reasonable times allow search to be made in such Book in his custody, and shall give a copy certified under his hand of any entry or entries in the same on the payment of the fees hereinafter mentioned: that is to say—for every search extending over a period not exceeding two years—the sum of eight annas, and two annas additional for every additional year.

Searches to be allowed in the Register Book.

PART VI.

As to Penalties.

XLIX. Whoever intentionally makes any false oath or declaration, or signs any false notice or certificate required by the said Statute 14 and 15 Vic., cap. 40, or the said Act V of 1852 of the Governor-General of India in Council, or by this Act, for the purpose of procuring any marriage, shall be guilty of the offence described in Section 193 of the Indian Penal Code, and on conviction shall be liable to the punishment prescribed in that Section.

Punishment for false oath, declaration, notice, or certificate, for procuring marriage.

L. Whoever forbids the issue by a Marriage Registrar of a certificate, by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be guilty of the offence described in Section 205 of the Indian Penal Code; and shall on conviction be liable to the punishment prescribed in that Section.

Punishment for forbidding the issue by a Marriage Registrar of a certificate by false representation.

Ll. Whoever, not being authorized under Section II of this Act to solemnize a marriage shall, on or after the first day of July 1864, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, in the absence of Marriage Registrar of the District in which such marriage is solemnized, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, which may extend to ten years, and shall also be liable to fine; or in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years and not exceeding ten years; or if the offender be an European or American to penal servitude according to the provisions of Act XXIV of 1855 (*to substitute penal servitude for the punishment of transportation in respect of, European and American Convicts, and to amend the law relating to the removal of such Convicts.*)

Punishment for solemnizing a marriage otherwise than between certain hours, &c.

LII. Whoever shall, from and after the first day of July 1864, knowingly and wilfully solemnize a marriage between persons, one or both of whom shall be a person or persons professing the Christian Religion, at any time otherwise than between the hours of six in the morning and seven in the evening, or in the absence of at least two witnesses, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages

solemnized under special licenses granted by the Bishop of the Diocese or by his Commissary.

LIII. Any Minister of Religion licensed to solemnize marriages under this Act, who shall knowingly and wilfully solemnize a marriage when one of the parties to such marriage, not being a widower or widow, is under twenty-one years of age, within fourteen days after the receipt by him of notice of such marriage, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to three years, and shall also be liable to fine. But the provisions of this Section shall not apply to marriages solemnized between Native Christians under the provisions of Part V of this Act.

LIV. Whoever, being a Marriage Registrar appointed under the provisions of the said Act V of 1852 of the Governor-General of India in Council, shall knowingly and wilfully issue any certificate for marriage, or solemnize any marriage under the said Act V of 1852, without publishing or affixing in some conspicuous place the notice of such marriage as directed by the said Act; or after expiration of two calendar months after a certificate in respect of a marriage shall have been issued by him shall solemnize such marriage; or shall, without an order of a competent Court authorizing him to do so, solemnize any marriage when one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, before the expiration of fourteen days after the receipt of such notice as is required by the said Act, or without sending or causing to be sent by the Post or otherwise a copy of such notice of marriage to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the District; or shall issue any certificate, the issue of which shall have been prohibited as in this Act provided by any person

authorized to prohibit the issue thereof, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

LV. Whoever, being a person authorized under the pro-

Punishment for persons authorized under this Act, but not being Clergymen of the Church of England or of the Church of Scotland, solemnizing marriages without publication of notices, &c.

visions of this Act to solemnize a marriage, and not being a Clergyman of the Church of England solemnizing a marriage after due publication of Banns or under a license from the Bishop of the Diocese or a Sarrogate duly authorized in

that behalf, or not being a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church, shall knowingly and wilfully issue any certificate for marriage under this Act, or solemnize any marriage between such persons as aforesaid, without publishing or causing to be affixed the notice of such marriage as directed in Part II of this Act, or after the expiration of two calendar months after the certificate shall have been issued by him; or shall knowingly and wilfully issue any certificate for marriage, or solemnize a marriage between such persons, when one of the persons intending marriage, not being a widower or widow, is under twenty-one years of age, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending or causing to be sent by the Post or otherwise a copy of such notice to the Marriage Registrar, or if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the District; or shall knowingly and wilfully issue any certificate, the issue of which shall have been forbidden under this Act, by any person authorized to forbid the issue; or shall knowingly and wilfully solemnize any marriage which shall have been forbidden by any person authorized to forbid the same, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to four years, and shall also be liable to fine.

LVI. Whoever, not being licensed to grant a certificate of marriage under Part V of this Act, shall grant such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment of either description, as defined in the Indian Penal Code, for a term which may extend to five years, and shall also be liable to fine.

LVII. Whoever shall wilfully insert or cause to be inserted any false entry in any such Register Book, or such authenticated extract therefrom as is mentioned in Section XLVII of this Act, shall be liable to the punishment prescribed by Section 193 of the Indian Penal Code.

LVIII. Offences punishable under this Act shall be tried under the provisions of the Code of Criminal Procedure by the Court of Session defined in the said Code of Criminal Procedure; provided that no European British subject shall be liable to be tried for any offence punishable under this Act except by one of Her Majesty's High Courts of Judicature in India. In cases beyond the limits of the Presidency Towns of Calcutta, Madras, and Bombay, charges against European British subjects for any offence under this Act shall be investigated, and the committal for trial shall be made under the provisions of Sections 39, 40, and 41 of the Code of Criminal Procedure, and the trial of European British subjects under this Act by any of the said High Courts shall be under the procedure by which the proceedings of the said High Courts are regulated.

LIX. Except as provided in the last preceding Section, the provisions of the Code of Criminal Procedure shall apply to the investigation and committal in all cases of charges under this Act. Provided that a summons shall ordinarily issue in the first instance, and provided also that offences punishable under this Act shall be bailable.

LX. The words "Church of England" wherever used in this

The words "Church of Scotland" wherever used in this Act, shall mean the Church of Scotland as by law established.

Operation of Act. LXI. This Act shall come into operation on the first day of July 1864.

SCHEDULE (A)—(See Section VI).

Notice of Marriage.

To the Rev. John Brown, a Minister of the Free Church of Scotland, at Calcutta.

I hereby give you notice, that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say),

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	Widower.	Carpenter.	Of full age.	16, Clive Street.	23 days.	Free Church of Scotland Church, Calcutta.	
Martha Green.	Spinster.	.....	Minor.	20, Hastings' Street.	More than a month.		

Witness my hand, this sixth day of July, one thousand eight hundred and sixty-four.

(Sd.) JAMES SMITH.

SCHEDULE (B)—(See Section XX).

Registrar's Certificate.

I, the Reverend John Brown, a Minister of the Free Church of Scotland at Calcutta in Bengal, do hereby certify, that on the sixth day of July 1864, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of James Smith, one of the parties (that is to say),

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, or place of worship, in which the marriage is to be solemnized.	District in which the other party resides when the parties dwell in different Districts.
James Smith.	Widower.	Carpenter.	Of full age.	13, Clive Street.	23 days.	Free Church of Scotland Church, Calcutta.	
Martha Green.	Spinster.	.....	Minor.	20, Hastings' Street.	More than a month.	Free Church of Scotland Church, Calcutta.	

and that the declaration required by Section XV of this Act has been duly made by the said (James Smith.)

Date of notice entered 6th July 1864.

Date of Certificate given 20th July 1864.

The issue of this Certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this Twentieth day of July one thousand eight hundred and sixty-four.

This Certificate will be void unless the marriage is solemnized on or before the 20th day of *September* 1864.

(The *Italics* in the Schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.)

SCHEDULE (C)—(See Section XXVI).

Form of Register of Marriages.

Quarterly Returns
of

MARRIAGES,

for

The Archdeaconry of... { *Calcutta,*
Madras,
Bombay,

Calcutta,

I, Registrar of the Archdeaconry of *Madras,*
do hereby *Bombay,*
certify, that the annexed are correct Copies of the Original and
Official Quarterly Returns of Marriages

Calcutta,

within the Archdeaconry of *Madras,* as made and transmitted to
me for the Quarter commencing the

Bombay,

First day of January ending the *Thirty-first* day of *March,* in
the Year of Our Lord One Thousand Eight Hundred and
Sixty-four.

Signature of Registrar

Registrar of the Archdeaconry of { *Calcutta,*
Madras,
Bombay,

Allahabad,

Barrackpore,

MARRIAGES solemnized a

SCHEDULE (D)—See Section XXIX.

MARRIAGE REGISTER BOOK.				CERTIFICATE OF MARRIAGE.					
WHEN MARRIED.		NAME OF PARTIES.		Age.	Condition.	Rank or Profession.	Residence at the time of Marriage.	Father's Name and Surname.	
Day.	Month.	Year.	Christian.	Surname.					
5th	July	1864	James	White	26 years	Widower	Carpenter	Agra	William White.
			Martha	Duncan	17 years	Spinster	.....	Agra	John Duncan.
<p>MARRIED in the Free Church of Scotland Church, Agra.</p> <p><i>John Young</i>, Minister of the Free Church of Scotland.</p> <p>This Marriage was solemnized { <i>James White</i>, } in the presence of us { <i>John Smith</i>. between us .. { <i>Martha Duncan</i> } { <i>John Green</i>.</p>				<p>MARRIED in the Free Church of Scotland Church, Agra.</p> <p><i>John Young</i>, Minister of the Free Church of Scotland.</p> <p>This Marriage was solemnized { <i>James White</i>, } in the presence of us { <i>John Smith</i>. between us .. { <i>Martha Duncan</i> } { <i>John Green</i>.</p>					

SMALL CAUSE COURTS.—PRESIDENCY TOWNS.

ACT No. XXVI. OF 1864.

(Received the assent of the G. G. on the 14th April 1864.)

Recites the expediency of enlarging the jurisdiction of Small Cause Courts, and increasing the number of the Judges.

1. Interprets words "Local Government," "High Court."

2-3. Enlarges the jurisdiction to 1,000 Rupees, if cause of action arises or defendant dwells, &c., within local jurisdiction; and (3) empowers the Court to try by agreement cases above 1,000 Rupees, excepting specified ones.

4. Extends Act VII, 1847, to arrears of rent not exceeding 1,000 Rupees.

5. Extends the provisions of Act IX. 1850, Section 91, to occupations, &c., where the rent does not exceed 1,000 Rupees.

6-8. Extends to the enlarged jurisdiction all the powers, &c., of the Court under Act IX., 1850; and (7) the power in case of doubt to reserve question for High Court, and if two Judges differ question to be reserved; (8) security for costs to be given by whom in case of reference, unless money is paid into Court, &c.

9. If suit brought in High Court, for case within Small Cause Court jurisdiction, the plaintiff succeeding is to have no costs, and if the defendant succeeds he is to have costs between Attorney and client, unless Judge certifies to effect specified.

10. In action in High Court against Clerk, &c., of Small Cause Court, plaintiff succeeding to have no costs, unless he recovers 1,000 Rupees, or the Judge certifies.

11. Establishes the Fees of Court as per Schedule.

12. Empowers the local Government, with consent of Government of India, to increase the number of Small Cause Court Judges.

13. Regulates the fees of Counsel and Attornies.

14. Establishes the rank of First Judge, and gives him powers.

15. Empowers the local Government, with consent of the Government of India, to extend the Code of Civil Procedure to the Small Cause Courts.

16. This Act and Act IX., 1850, to be construed as one.

Schedule of Fees.

WHEREAS it is expedient to increase the limit of the jurisdiction of the Courts of Small Causes held under Act IX of 1850 (*for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay*), and to increase the number of Judges of the said Courts: It is enacted as follows:—

Preamble.

I. The words "Local Government" and "High Court" as used in this Act, shall bear respectively the same meaning as the words "Governor in Council" and "Supreme Court," as used in the said Act IX of 1850.

II. The jurisdiction of the Courts held or to be held under the said Act IX of 1850 shall extend to the recovery of any debt, damage, or demand exceeding the sum of five hundred Rupees but not exceeding the sum of one thousand Rupees, and to all actions in respect thereof (except the several actions specified in the proviso in Section XXV of the same Act), provided that the cause of action shall have arisen or the defendant at the time of bringing the action shall dwell or carry on business or personally work for gain within the local limits of the jurisdiction of the Court.

III. If both parties shall agree by a Memorandum signed by them or by their Attornies and filed with the Clerk of the Court of Small Causes, that the said Court shall have power to try any action (not included in the proviso in Section XXV of Act IX of 1850), in which the debt or damage claimed or value of the property in dispute whether on balance of account or otherwise shall exceed the sum of one thousand Rupees, then and in such case the said Court shall have jurisdiction to try such action.

IV. The powers and provisions of Act VII of 1847 (*to regulate distresses for small rents in Calcutta*) shall be extended to the recovery of all arrears of rent not exceeding one thousand Rupees, and the Judges of the Calcutta Court of Small Causes under Act IX of 1850 shall be empowered to exercise within their jurisdiction the extended powers of the said Act VII of 1847: and the said Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal the limits of the jurisdiction of the Court had been

Interpretation.

Courts held under Act IX of 1850 may take cognizance of suits for sums not exceeding one thousand Rupees.

Such Courts may take cognizance of suits for sums exceeding one thousand Rupees, if the parties consent.

Powers under Act VII of 1847 extended to recovery of arrears of rent not exceeding one thousand Rupees, and the Calcutta Court of Small Causes to exercise such powers.

therein mentioned, and the Judges of the Calcutta Court of Small Causes under Act IX of 1850 instead of the Commissioners of the Court therein mentioned, and the amount of one thousand Rupees instead of one hundred Rupees, and the forms contained in the Schedule annexed to the said Act VII of 1847, shall be altered accordingly, and shall refer to Act IX of 1850 and to this Act instead of to Act VII of 1847.

V. The powers and provisions of Section XCI of Act IX of 1850 are hereby extended so as to apply to the case of any person who shall hold or occupy any house, land, or tenement of which the value or the rent payable in respect thereof does not exceed the rate of one thousand Rupees by the year, and the said Section XCI of Act IX of 1850 shall be read as if the words "five hundred" were omitted, and the words "one thousand" substituted for them.

Provisions of Section XCI, Act IX of 1850 extended to tenements not exceeding in value one thousand Rupees.

VI. The several powers and provisions of the said Act IX of 1850 and all rules, orders, and regulations which have been or may be made in pursuance of the said Act, shall extend to all debts, damages, and demands which may be sued for in the said Courts exceeding the sum of five hundred Rupees, and to all proceedings and judgments for the recovery of the same, or otherwise in relation thereto respectively, as fully and effectually, to all intents and purposes, as the same respectively are now or may be applicable to debts, damages, and demands within the present jurisdiction of the said Courts.

Provisions of Act IX of 1850 and all rules, &c., made in pursuance thereof extended to demands under this Act.

VII. In any cause of an amount exceeding five hundred Rupees, the Judges of the said Courts of Small Causes shall reserve any question of law or equity or any question as to the admission or rejection of any evidence as to which they shall entertain any doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the High Court, and shall give judgment contingent upon the opinion of the said High Court, on a

In what cases questions to be reserved for the opinion of the High Court.

case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together and shall differ in opinion, the question on which they differ shall be so reserved.

VIII. When judgment is given contingent upon the opinion of the High Court, the party against whom such judgment is given shall, unless he be willing to submit to such judgment, forthwith give security to be approved by the Clerk of the Court, for the costs of the reference to the High Court and for the amount of the judgment; provided nevertheless, that such security, so far as regards the amount of the judgment, shall not be required in any case where the Judge of the Court of Small Causes who tried the suit shall have ordered the defendant to pay the amount of such judgment into the hands of the Clerk of the said Court, and the same shall have been paid accordingly; and the said High Court may either order a new trial on such terms as it thinks fit, or may order judgment to be entered for either party as the case may be, and may make such order with respect to the costs of reserving the question and stating the same for their opinion, and otherwise arising thereout or connected therewith, as such High Court may think proper. And all orders made by the High Court under this Section shall be final.

Security to be given in certain cases when question is reserved for the opinion of the High Court.

Costs arising from the reserving the question to be at the discretion of the High Court.

costs in cases brought in the High Court when verdict is for less than a certain amount.

IX. If any action shall after the passing of this Act be commenced in the High Court, for any cause other than those specified in Section C of Act IX of 1850, for which a summons might have been taken out from a Court held under the said Act IX of 1850, or under this Act, and in which such Court would have had jurisdiction, and if a verdict shall be found for the plaintiff for a sum less than one thousand Rupees if the said action is founded on contract, or less than three hundred Rupees if it is founded on wrong, the plaintiff shall have judgment to recover such sum only and no

defendant shall be entitled to his costs as between Attorney and client, unless in either case the Judge who shall try the case shall certify that by reason of the difficulty, novelty, or general importance of the case, or of some erroneous course of decisions in like cases in the Court of Small Causes, the action was fit to be brought in the High Court.

X. If any person shall bring any suit in the High Court

No costs to be allowed in suit in High Court against Officer of Court held under Act IX of 1850, if verdict for no more than one thousand Rupees, unless Judge shall certify.

in respect of any grievance committed by the Clerk, Bailiff, or Officer of any Court held under Act IX of 1850, or under this Act, or under color or pretence of the process of the said Court, and upon the trial of the action no greater damages shall be found for the plaintiff than the sum of one thousand Rupees, no cost shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court that the action was fit to be brought in the High Court.

XI. There shall be payable in the Court of Small Causes at

Fees payable in the Courts of Small Causes in suits under this Act.

Calcutta, Madras, and Bombay respectively, in every cause of an amount to which jurisdiction is given to the said Court by this Act, the fees set forth in the Schedule hereto annexed, besides the sum of two annas in each Rupee of the amount sued for, so far as such amount does not exceed five hundred Rupees, and one anna in the Rupee so far as such amount exceeds five hundred Rupees, which fee shall be paid over to the same account as that to which the fees payable under Section XIX of Act IX of 1850 are paid over.

XII. Whereas by Section VIII of the said Act IX of 1850,

Local Governments, with the sanction of the Governor-General of India, to appoint as many Judges as may be necessary.

provision is made for the appointment of so many persons as may be necessary not exceeding three, to be Judges of the said Courts of Small Causes respectively, it is hereby enacted that it shall be lawful for the local Government with the previous sanction of the Governor-General of India in Council, to appoint as many persons as may be necessary to be Judges of the said Courts

XIII. The fees to be taken by Barristers at Law and Attornies' practising in the said Courts in cases brought within the jurisdiction given by this Act, shall be as follows:—an Attorney shall be entitled to have or recover a sum not exceeding fifty-one Rupees for his fees and costs, and in no case shall any fee exceeding eighty-five Rupees be allowed for employing a Barrister as Counsel in the cause. The expense of employing a Barrister or an Attorney, or both a Barrister and an Attorney, either by plaintiff or defendant, shall not be allowed as costs, unless by order of the Judge; and the Judges of the said Court shall determine in what cases such expenses shall be so allowed.

Fees payable to Barristers and Attornies in suits tried under this Act.

XIV. Of the Judges appointed under Section VIII of the said Act IX of 1850, the one who is a Barrister at Law or Advocate of one of the High Courts of India or of the Court of Session of Scotland shall be styled the First Judge. The First Judge shall make such arrangements as he shall think fit, with regard to the distribution of the suits and of the general business of the Court among the various Judges thereof: and he may vary such arrangements from time to time.

XV. The Local Government may, with the sanction of the Governor-General of India in Council, declare that the whole or any part or parts of the Code of Civil Procedure shall be applicable to any Court held under Act IX of 1850 or under this Act: and the procedure prescribed in the said Code or the part or parts thereof so declared to be applicable shall thereupon be the procedure followed in such Court: Provided that no right of appeal or review shall in any case be given by any declaration made under this Section.

XVI. This Act and the said Act IX of 1850 shall be read and construed as one Act, as if the several provisions in the said Act contained, not inconsistent with the provisions of this Act, were repealed

Code of Civil Procedure may be extended to Small Cause Courts.

This Act to be read as part of Act IX of 1850.

SCHEDULE OF FEES.

Sums not above.	Every Summons or Subpœna.	Warrant.
Rs.	Rs.	Rs. As.
600	2 4	6 0
700	2 8	7 0
800	2	8 0
900	3 0	9 0
1,000	3 4	10 0

OATHS OF QUALIFICATION, JUSTICES OF THE PEACE.

ACT. No. XXVII. OF 1864.

(Received the assent of the G. G. on the 28th November 1864).

Recites conscientious objections to the oaths administered to Justices of the Peace.

1. Repeals Act XVI Section 1 of 1841.
2. Appoints a new declaration.
3. Directs that the declarations subscribed under this Act shall be sent to Government.

WHEREAS cases have arisen wherein persons have brought forward conscientious objections to taking the several oaths hitherto administered to Justices of the Peace in order that they may be duly qualified to act under Commissions of the Peace; It is enacted as follows:—

Repeal of Section I of Act XVI of 1841.

I. Section 1 of Act XVI of 1841 is hereby repealed.

II. All persons who are or shall be nominated and appointed in any Commission of the Peace, shall be capable of acting as Justices of the Peace in every respect according to the terms of such Commission, upon making and

Justices of the Peace to be capable of acting as such on making certain declarations.

subscribing before any other Justice of the Peace or the Chief Civil Officer of any Station within the places in and for which any such Commission shall have issued, declarations to the following effect:—

“I declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.”

“I declare that I will truly and faithfully discharge the office of a Justice of the Peace.”

III. The subscriptions of such persons to the said declarations shall be deposited and kept with the records in the Home Department of the Office of the Secretary to the Government in the Province wherein such declarations shall have been made.

Subscriptions to such declarations where to be deposited.

ABKARREE REVENUE.—PUNJAB.

ACT No. XXVIII. OF 1864.

(Received the assent of the G. C. on the 28th November 1864).

Recites expediency of extending the Abkárí Laws of Bengal to the Punjab.

1. Empowers the Governor-General in Council to extend Act XXI. 1856, to any parts under the control of the Lieutenant-Governor of the Punjab; (2) powers under the Act to be vested in such Courts, &c., as the Lieutenant-Governor, with consent of the Governor-General in Council, may appoint.

3. Gives immunity from legal responsibility for acts done before specified date under illegal Government orders.

WHEREAS it is expedient to empower the Governor-General of India in Council to extend the provisions of Act XXI of 1856 *(to consolidate and amend the law relating to the Abkárí Revenue in the Presidency of Fort William in Bengal)*, and of Act XXIII of 1860 *(to amend Act XXI of 1856)*, to any province or place under the control of the Lieutenant-Governor of the Punjab: It is enacted as follows:—

Preamble.

I. It shall be lawful for the Governor-General of India in Council by notification in the *Gazette of India*, to extend all or any of the provisions of the said Act XXI of 1856 relating to the manufacture of spirits and the sale of spirituous and fermented liquors and intoxicating drugs, and of the said Act XXIII of 1860, to any of the provinces or any part or parts thereof under the control of the Lieutenant-Governor of the Punjab.

Provisions of Act XXI of 1856 and of Act XXIII of 1860 may be extended to the Punjab.

II. The powers to be exercised under any of the provisions of the said Acts shall be vested in such Courts and Officers as the said Lieutenant-Governor may with the sanction of the Governor-General in Council appoint for the purpose.

Powers to be exercised under said Acts in what Courts and Officers to be vested.

III. No proceedings at law shall be taken against any Officer, for any act done or omitted on or after the eighteenth day of April 1864 by virtue of any order of the Government of the Punjab heretofore made, directing the levy of any such Duty as is authorized by the said Acts XXI of 1856 and XXIII of 1860 to be levied.

Levy of Duties under said Acts, under orders of Punjab Government, legalized.

