CHAP. 34.

An Act to extend in certain respects the power of Local Legislatures in India as regards European British subjects. A.D. 1871.

[29th June 1871.]

WHEREAS it is expedient that the power of making laws and regulations conferred on Governors of Presidencies in India in Council by the Indian Councils Act, 24 & 25 Vict. c. 67., sec. 42, should in certain respects be extended:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Local Legislatures to confer jurisdiction over European British subjects to magistrates in certain cases.

1. No law or regulation heretofore made or hereafter to be made by any Governor or Lieutenant Governor in Council in India in manner prescribed by the aforesaid Act shall be invalid only by reason that it confers on magistrates, being justices of the peace, the same jurisdiction over European British subjects as such Governor or Lieutenant Governor in Council, by regulations made as aforesaid, could have lawfully conferred or could lawfully confer on magistrates in the exercise of authority over natives in the like cases.

Committal of defendant (being an European British subject) to the High Court. (Indian Act, No. xxv. of 1861, s.226.)

2. When evidence has been given in any proceeding under this Act before a magistrate, being a justice of the peace, which appears to be sufficient for the conviction of the accused person, being an European British subject, of an offence for which, if a native, he would under existing law be triable exclusively before the Court of Session, or which, in the opinion of the magistrate, is one which ought to be tried by the High Court, the accused person, if such European British subject, shall be sent for trial by the magistrate before the High Court.

Power to Local Legislatures to

3. And whereas by an Act passed by the Governor General of India in Council, Indian Act, No. XXII. of 1870, it is provided that

A.D. 1871.

amend and repeal certain laws.

certain Acts heretofore passed by the Governors of Madras and Bombay respectively in Council, and by the Lieutenant Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to be as valid as if they had been passed by the Governor General of India in Council at a meeting for the purpose of making laws and regulations: Be it further enacted, that the said Governors and Lieutenant Governor in Council respectively shall have power to repeal and amend any of the said Acts so declared valid, by Acts to be passed under the provisions of the Indian Councils Act.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1871.