

A COLLECTION
OF
THE ACTS
PASSED BY THE
GOVERNOR GENERAL OF INDIA IN COUNCIL
IN THE YEAR 1868.

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TITLES
OF
ACTS PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL
IN THE YEAR 1868.

Act No.	I.	An Act for shortening the language used in Acts of the Governor General of India in Council and for other purposes.
—	II.	to alter the rate of duty leviable on pepper exported from Cochin.
—	III.	to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsildár.
—	IV.	to exempt certain villages in the Bombay Presidency from the operation of the Regulations and Acts in force in that Presidency.
—	V.	to enable the Governor of Bombay in Council to delegate to the Commissioner in Sind certain of the powers of a Local Government.
—	VI.	to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes.
—	VII.	to amend the law relating to Appeals and Reviews of Judgment in the Panjáb.
—	VIII.	for repealing certain enactments which have ceased to be in force or have become unnecessary.
—	IX.	for taxing Professions and Trades.
—	X.	to amend the Consolidated Customs' Act.
—	XI.	to exempt Timber and Woods from Import Duty.
—	XII.	to empower the Governor General of India in Council to suspend the operation of Section 17 of Act No. XI of 1841.
—	XIII.	to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.
—	XIV.	for the Prevention of certain Contagious Diseases.
—	XV.	to provide for the collection of fees, by means of stamps, in the High Courts and the Courts of Small Causes at the Presidency Towns.
—	XVI.	to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes.

- Act No. ~~XVII.~~ An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.
- XVIII. for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.
- ~~XX.~~ to consolidate and amend the Law relating to Rent in Oudh.
- XX. to give validity to the levy of certain Duties in Lucknow.
- XXI. to appoint a Receiver of the property of the late Nawáb of the Carnatic.
- XXII. to bring the Mauza Kheria, in the District of Agra, under the operation of the general Regulations.
- XXIII. to give validity to certain Ábkári Rules in British-Burma.
- XXIV. to prohibit the practice of inoculation in Kumaon and Garhwál.
- XXV. to define the jurisdiction of the Courts in Coorg.
- XXVI. to enable Municipalities to provide for Lock-Hospitals.
- XXVII. to exempt certain Instruments from the Indian Registration Act, 1866.
- ~~XXVIII.~~ to define and amend the law relating to the tenancy of land in the Panjáb.

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ACT No. I OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd January 1868.)

An Act for shortening the language used in Acts of the Governor General of India in Council and for other purposes.

WHEREAS it is expedient to shorten the language used in Acts made by the Governor General of India in Council, and to make certain provisions relating to such Acts; It is hereby enacted as follows:—

Short title. 1. This Act may be cited as "The General Clauses' Act, 1868."

Interpretation-
clause. 2. In this Act and in all Acts made by the Governor General of India in Council after this Act shall have come into operation,— unless there be something repugnant in the subject or context,—

Gender. (1.) Words importing the masculine gender shall be taken to include females;

Number. (2.) Words in the singular shall include the plural, and *vice versa*;

" Person." (3.) " Person" shall include any company, or association, or body of individuals whether incorporated or not;

" Year" and
" month." (4.) " Year" and " month" shall respectively mean a year and month reckoned according to the British calendar;

" Immoveable pro-
perty." (5.) " Immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

(6.) " Moveable

PRICE TWO ANNAS.

ACT No. I OF 1868.

"Moveable property."
(6.) "Moveable property" shall mean property of every description, except immoveable property ;

"Her Majesty."
(7.) "Her Majesty" shall include Her heirs and successors to the Crown ;

"British India."
(8.) "British India" shall mean the territories for the time being vested in Her Majesty by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better government of India*), other than the Settlement of Prince of Wales' Island, Singapore and Malacca ;

"Government of India."
(9.) "Government of India" shall denote the Governor General of India in Council, or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone, as regards the powers which may be lawfully exercised by them or him respectively ;

"Local Government."
(10.) "Local Government" shall mean the person authorized by law to administer executive government in the part of British India in which the Act containing such expression shall operate, and shall include a Chief Commissioner ;

"High Court."
(11.) "High Court" shall mean the highest Civil Court of appeal in such part ;

"District Judge."
(12.) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction ; but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction ;

"Magistrate."
(13.) "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure ;

"Barrister."
(14.) "Barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland ;

"Section."
(15.) "Section" shall denote a section of the Act in which the word occurs ;

(16.) "Will"

ACT No. I OF 1868.

- " Will. " (16.) " Will " shall include a codicil and every writing making a voluntary posthumous distribution of property ;
- " Oath, " " swear " (17.) " Oath, " " swear " and " affidavit " shall include affirmation, declaration, affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing ;
- " Imprisonment. " (18.) " Imprisonment " shall mean imprisonment of either description as defined in the Indian Penal Code ;
- (19.) And in the case of any one whose personal law permits adoption, " son. " " son " shall include an adopted son, and " father " an adoptive father.

3. In all Acts made by the Governor General of India in Council after this Act shall have come into operation :—

- (1.) For the purpose of reviving, either wholly or partially, a Statute, Act or Regulation repealed, it shall be necessary expressly to state such purpose ;
- Revival of repealed enactments.
- (2.) For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word " from ; " ;
- Commencement of time.
- (3.) For the purpose of including the last in a series of days or any other period of time, it shall be sufficient to use the word " to " ;
- Termination of time.
- (4.) For the purpose of expressing that a law relative to the chief or superior of an office, shall apply to the deputies or subordinates lawfully executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior ;
- Official chiefs and subordinates.
- (5.) For the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations ; and
- Successors.
- (6.) For the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the
- Substitution of functionaries.

ACT No. 1 of 1868.

the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed.

4. Whenever by any Act or Regulation now in force or hereafter to be in force, any duty of customs or excise or in the nature thereof is leviable on any given quantity, by weight, measure or value, of any goods or merchandize, a like duty shall be leviable according to the same rate on any greater or less quantity.

Duty may be taken pro rata.

5. The provisions of sections sixty-three to seventy, both inclusive, of the Indian Penal Code, and of section sixty-one of the Code of Criminal Procedure, shall apply to all fines imposed under the authority of any Act hereafter to be passed, unless such Act shall contain an express provision to the contrary.

Recovery of fines.

6. The repeal of any Statute, Act or Regulation, shall not affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced before the repealing Act shall have come into operation.

Matters done under an enactment before its repeal to be unaffected.

7. All Courts of Justice, whether exercising civil or any other jurisdiction, and all persons having by law or consent of parties authority to receive evidence, shall take judicial notice of all Acts and Regulations heretofore made, or hereafter to be made, by the Governor General of India in Council, the Governor of Madras in Council, the Governor of Bombay in Council and the Lieutenant Governor of Bengal in Council, or by the like authority in other parts of British India, whether the same be of a public or of a private nature.

Judicial notice to be taken of Acts.

8. Any recital contained in any Act of the Governor General of India in Council heretofore made or hereafter to be made, shall be deemed by all such Courts and persons to be *prima facie* evidence of the truth of the fact recited.

Recital to be prima facie evidence of truth of fact recited.

ACT No. II OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th January 1868).

An Act to alter the rate of duty leviable on pepper exported from Cochin.

WHEREAS Act No. III of 1861 (to provide for the collection of duty of
Preamble. *customs on pepper exported by sea from the British port of
Cochin*) provides that a duty of fifteen rupees a candy shall
be levied on all pepper exported by sea from the British port of Cochin; and
whereas the Indian Customs Duties' Act, 1867, provides that a duty of three
per cent. shall be levied on pepper exported from British India; and whereas
the Governments of Travancore and Cochin have recently reduced the duty on
pepper exported from their ports, from rupees fifteen to rupees nine per candy;
and whereas it is expedient that the duty leviable on pepper so exported from
the said port should not exceed the said reduced duty; It is hereby enacted as
follows:—

1. In lieu of the duty prescribed by the said Acts or either of them,
there shall be levied a duty not exceeding nine rupees a
Duty leviable on
pepper exported by sea
from Cochin. candy on all pepper exported by sea from the said port of
Cochin; and the Governor of Fort St. George in Council
may from time to time determine the exact rate of duty to be levied under
this Act.

2. This Act shall be read with and taken as part
Act to be read with
Act No. III of 1861. of the said Act No. III of 1861.

PRICE TWO ANNAS.

ACT No. III OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 7th February 1868.)

An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsildár.

1. The Local Government may, by notification in the official *Gazette*, invest any person with the powers of an Assistant Commissioner with full powers, or of an Assistant Commissioner with special powers, or of an Assistant Commissioner with ordinary powers, or of a Tahsildár, as described in Act No. XIX of 1865, within such local limits as it may think proper, and may from time to time withdraw any of such powers.

The Local Government may also by such notification as aforesaid direct that any of the powers conferred under this Act shall be exercised only with reference to such class of suits as may be specified in the notification.

2. When any of the powers conferred under this Act shall be exercised by three or more persons, sitting together as a Court and each invested with the same powers, the decision of the majority of such persons shall be deemed to be the decision of the Court.

3. All decrees and proceedings heretofore passed and taken by any person invested by the Local Government, otherwise than under Act No. XIX of 1865, with powers to try and decide civil suits, shall be as valid as if this Act had then been passed and such powers had been conferred hereunder.

4. This

PRICE TWO ANNAS.

ACT No. III OF 1868.

Extent of Act. 4. This Act shall extend only to the territories for the
time being under the government of the Lieutenant Gov-
ernor of the Panjáb.

ACT No. IV OF 1868. ✓

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 14th February 1868.)

An Act to exempt certain villages in the Bombay Presidency from the operation of the Regulations and Acts in force in that Presidency.

WHEREAS the villages mentioned in the schedule to this Act have, by virtue of the enactments hereinafter specified, been brought under the operation of the Regulations and Acts in force in the Presidency of Bombay: And whereas it is expedient to exempt such villages from the operation of the Regulations and Acts aforesaid; It is hereby enacted as follows:—

I. So much of Regulation XXIX of 1827 of the Bombay Code, and of Act No. VI of 1842 of the Governor General of India in Council, and of Act No. III of 1863 of the Governor of Bombay in Council, as relates to the said villages, is hereby repealed.

SCHEDULE.

NAME OF VILLAGE.	DISTRICT.	Law by which each Village was brought under the Regulations and Acts of the Presidency of Bombay.		
1. The Punt Suchoo's Village of Aptee, Turuf Hirdus, Mawul	Poona	Bombay Regulation XXIX of 1827.		
2, 3, 4. The Punt Suchoo's Villages of Watar, Bhambourdy, and Goonund in that part of the Turufs of Neer Thurree and Seerwul which lies north of the Neera River				
5. The Dufay's Village of Moochundee in Pergunna Jutt			Belgaum	Act VI of 1842.
6. The Sangleekur's Village of Dorlee in Kuryat Sawurday			Sattara	Bombay Act III of 1863.
7. The Sangleekur's Village of Borgaum in Kuryat Digraj				
8. The Maerujkur's Village of Dooput Borgaum in Kuryat Doodgaum				
9. The Village of Sungum Mahoolee, Turuf Wundun, belonging to the Punt Prithinidhee				
10. The Village of Kinhee, Summut Koreygam, belonging to the Punt Prithinidhee				

PRICE TWO ANNAS.

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ACT No. V OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th March 1868).

An Act to enable the Governor of Bombay in Council to delegate to the Commissioner in Sind certain of the powers of a Local Government.

1. It shall be lawful for the Governor of Bombay in Council, by a notification published in the Bombay Government *Gazette*, to delegate to the Commissioner in Sind all or any of the powers conferred on the said Governor in Council, as the Local Government of the Province of Sind, by any of the Bombay Regulations, or by any Act of the Governor General of India in Council solely applicable to the Presidency of Bombay, or by any Act passed heretofore or hereafter by the Governor of Bombay in Council, or by any of the Acts of the Governor General of India in Council mentioned in the schedule to this Act.

Governor of Bombay in Council may delegate to Commissioner in Sind certain powers of Local Government.

2. It shall be lawful for the Governor of Bombay in Council, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind all or any of the powers heretofore or hereafter conferred by any Act of the Governor General of India in Council on the Governor of Bombay in Council as the Local Government of the Province of Sind.

Governor of Bombay in Council may, with consent of Governor General in Council, delegate to Commissioner of Sind certain powers of Local Government.

3. All acts done by the Commissioner in Sind under the authority of any power so delegated, shall be as valid as if they had been done by the Governor of Bombay in Council.

Validation of acts of Commissioner.

PRICE TWO ANNAS.

SCHEDULE.

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SCHEDULE.

Act XXVI of 1850 (to enable improvements to be made in Towns).

Act VII of 1854 (for the apprehension within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them).

Act XXV of 1861 (for simplifying the Procedure of the Courts of Criminal Judicature*not established by Royal Charter).

Act VI of 1863 (to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India).

Act VII of 1865 (to give effect to Rules for the management and preservation of Government Forests).

THE MUNICIPAL IMPROVEMENTS' (N. W. P.) ACT.

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ACT No. VI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 20th March 1868.*)

An Act to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes.

WHEREAS it is expedient to make better provision for the appointment of Municipal Committees in the North-Western Provinces of the Presidency of Fort William, and for the police, conservancy and local improvements, and for education and for the levying of rates and taxes, in the places to which this Act may be extended; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

- | | |
|------------------------|--|
| Short title. | 1. This Act may be called "The Municipal Improvements' (North-Western Provinces) Act, 1868." |
| Interpretation-clause. | 2. In this Act, unless there be something repugnant in the subject or context— |
| "Committee." | "Committee" means a Municipal Committee appointed under the provisions of this Act; |
| "Municipality." | "Municipality" means any town or towns to which this Act may be extended; |
| "Lieutenant Governor." | "Lieutenant Governor" means the Lieutenant Governor of the said Provinces. |
| Power to extend Act. | 3. The Lieutenant Governor may extend this Act, by notification in the local official Gazette, to any town or towns in the territories under his government. |
| | 4. For |

ACT No. VI OF 1868.

4. For the purposes of this Act, the Lieutenant Governor may from time to time, by notification in the local official Gazette, define the limits of any town, and may include within the limits of such town any Railway station, village, building or land in the vicinity :

Power to define limits of places to which Act extends.

Provided that no cantonment shall, without the previous consent of the Governor General of India in Council, be deemed to be a town for the purposes of this Act.

The Lieutenant Governor may from time to time, by notification in the local official Gazette, declare to be united for the purposes of this Act any two or more towns, and may also declare by what name the municipality so formed shall be designated.

5. All Municipal Committees hitherto appointed under the orders of the Lieutenant Governor shall be deemed Committees under this Act, and shall continue in office until a Committee shall have been appointed or elected under section six.

Existing Committees to be deemed Committees under this Act.

Act No. XXVI of 1850 (*to enable improvements to be made in towns*) shall cease to have effect in the towns into which it has been introduced, except as to any act done or liability incurred under it :

Provided that all rules made and taxes imposed under Act No. XXVI of 1850, which have been approved by the Lieutenant Governor, shall continue in force and recoverable as if they had been made and imposed under the provisions of this Act.

PART II.

APPOINTMENT OF MUNICIPAL COMMITTEES.

6. In any municipality to which this Act shall have been extended, the Lieutenant Governor may appoint or direct to be appointed by election, for such period not exceeding two years as to him may seem fit, any number of the inhabitants of such municipality, to be members of a Committee for carrying out the purposes of the Act.

Committees appointed by Lieutenant Governor or election.

The

ACT No. VI of 1868,

The persons so appointed shall continue in office for two years or until their successors shall have been appointed, and shall be eligible for re-appointment.

In cases when the Lieutenant Governor directs the appointment to be by election, he may fix the time and manner of the election and the qualification of the electors, and generally may make such rules as he shall think fit for regulating the election.

The Lieutenant Governor may from time to time remove any of the members of the Committee so appointed who shall desire to be discharged or refuse or become incapable to act, or be convicted of an offence punishable under the Indian Penal Code with imprisonment for a term of not less than six months. The Lieutenant Governor may also, if he think fit, on the recommendation of the Committee, add to their number, and fill up vacancies occurring among them.

Every member so appointed shall have the same powers and be subject to the same liabilities and vacate his office and be eligible for re-appointment as if he had been originally appointed a member under the first clause of this section.

In addition to the members appointed as aforesaid, the Lieutenant Governor shall have power to appoint, by notification in the official Gazette, *ex officio* members of the Committee for every place in which they exercise their offices and to which this Act shall have been extended :

Provided that the number of such *ex officio* members shall not be more than one-third of the total number of the Committee.

7. The Lieutenant Governor may also appoint the president and vice-president, or either of them, of any Committee, or sanction the election by any Committee of one of their members as president or as vice-president.

The Committee may appoint any one of their members or any other person to be their secretary.

All appointments made under this section shall be notified in the local official Gazette.

PART III.

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PART III.

OFFICE AND MEETINGS OF COMMITTEES.

Committee to have
an office.

8. The Committee shall have an office, where they shall meet for the transaction of business at least once in every month.

Chairman at meet-
ings.

9. The president, or in his absence the vice-president, shall take the chair at every meeting of the Committee. In the absence of both the president and vice-president, the members present may elect a chairman for the occasion.

The meetings shall be either general or special.

The president or vice-president may whenever he thinks fit, and he shall, upon a requisition made in writing by not less than one-fifth in number of the members, convene a meeting.

Notice shall be given of every such meeting, and when the meeting is to be special, at least three days' notice thereof shall be given. Every notice shall state the general nature of the business to be transacted at the meeting proposed to be called.

Quorum.

The quorum necessary for the transaction of business at a general meeting shall be three.

The quorum necessary for the transaction of business at a special meeting shall be one-half of the total number of members at the time of the meeting; and at least two-thirds of such quorum shall consist of non-official members.

Dissolution,

If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if summoned by the president or vice-president, shall be dissolved.

Adjournment,

In any other case it shall stand adjourned to the same day in the next week at the same time and place. And if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

All business may be transacted at a general meeting which this Act does not require to be transacted at a special meeting.

All

ACT No. VI OF 1868.

All questions which may come before the Committee at any meetings shall be decided by a majority of votes. Every member shall have one vote. In case of equality of votes, the chairman shall have a casting vote.

Voting.
Casting vote.

Such decisions shall be recorded in a book kept for the purpose, and shall be published in some local English or vernacular newspaper, or in such other manner as the Lieutenant Governor may from time to time direct.

Publication of proceedings.

10. All correspondence between the Committee and the Local Government shall pass through the Commissioner of the Division.

Correspondence between Committee and Local Government.

The Commissioner of the Division shall be entitled to make such suggestions for the consideration of the Committee as he may deem fit ; and the Committee shall furnish him with any information he may call for connected with the duties imposed upon them by this Act.

PART IV.

POWERS OF COMMITTEES.

11. The Committee may at a special meeting define the persons or property within the municipality to be taxed for the purposes of this Act and the amount or rate of the taxes to be imposed.

Power to make assessments and levy taxes.

If such taxes receive the sanction of the Lieutenant Governor, but not otherwise, the Committee may at a special meeting impose them accordingly.

The Committee may, at a special meeting, with the same sanction, cancel or vary any tax so imposed.

Such taxes may be all or any of the following :—

(1).—A tax on houses, buildings and lands according to the annual value thereof, not exceeding seven and a half per cent. of such value :

(2).—A tax on professions and trades :

(3).—Taxes

ACT No. VI of 1868.

(3).—Taxes on carriages, horses, mules, elephants, camels, bullocks and asses :

(4).—Tolls on carriages, carts and animals entering the limits of the municipality :

(5).—An octroi on articles brought within the said limits for consumption or use therein : Provided that a list of such articles shall have been submitted to and approved by the Lieutenant Governor : Provided also, that the Lieutenant Governor shall have power to exempt from the octroi any such articles intended for consumption or use by any class of persons or animals.

No other species of tax shall be imposed without the previous sanction of the Governor General of India in Council.

12. No tax shall be collected until it shall have been confirmed by such persons and in such manner as the Lieutenant Governor shall appoint.

Taxes to be confirmed.

The Lieutenant Governor may from time to time make rules as to the persons by whom and the manner in which any assessment of taxes under this Act shall be confirmed and for the collection of such taxes.

Rules for confirmation and collection of taxes.

The Lieutenant Governor may from time to time repeal, alter or add to such rules.

13. No rate on property made under this Act shall be invalid for defect of form, and it shall be enough, in any such rate on property or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

No rate invalid for defect of form.

Rules and Bye-laws.

14. Every Committee may at a special meeting make rules consistent with this Act, for regulating the time and place of their meeting, the conduct of their business, the restricting of the amount or objects of expenditure under section twenty-four, the division of duties among the

Power of Committees to make rules.

ACT No. VI OF 1868.

the members of the Committee, the salaries, appointment, suspension and removal of the officers and servants of the Committee, and other similar matters.

15. The Committee may appoint one or more of their number to carry out their resolutions, and to enforce the rules and bye-laws made under the provisions of this Act for the protection of the public health, or they may appoint a special officer for such purposes.

16. The Committee may at a special meeting make bye-laws for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 (*for the regulation of Police*), and for the securing of a proper registration of births, marriages and deaths, and for carrying out all or any of the purposes of this Act.

The Committee may from time to time at a special meeting repeal, alter or add to such bye-laws.

17. No bye-law and no alteration or repeal of, or addition to, a bye-law shall have effect until it shall have been confirmed by the Lieutenant Governor.

All bye-laws made under this Act and all rules made under section fourteen, and all alterations and repeals of, and additions to, such bye-laws and rules shall be published for such length of time and in such manner as the Lieutenant Governor shall from time to time direct.

Nuisances.

18. Every Committee may enjoin within the limits of the municipality any person not to repeat or continue a public nuisance. Every such injunction shall be deemed to have been made by a public servant.

19. Every Committee which the Lieutenant Governor shall authorize in this behalf may, so long as such authorization continues, exercise the powers of a Magistrate of a District as described in section 308 of the Code of Criminal Procedure for the removal of nuisances, and in the exercise of such powers shall follow the procedure prescribed in chapter XX of the same Code.

20. Any

ACT No. VI OF 1868.

Purchase and Sale of Land.

20. Any Committee may at a special meeting, and with the previous sanction of the Lieutenant Governor, purchase land for the purposes of this Act, and may at a like meeting and with the like sanction sell any portion of such land which is not required for the purposes aforesaid, and convey the same in the names of the president and two of the members of the Committee.

Power to buy and sell land for purposes of Act.

The receipt of the president and any two members of the Committee for any monies paid to them upon any such sale shall effectually discharge the persons paying the same therefrom, or from being concerned to see to the application thereof, or being accountable for the non-application or misapplication thereof, and the proceeds of any such sale shall be applied for the purposes of this Act.

Receipts.

Controlling Power of Lieutenant Governor.

Cancellation and suspension of proceedings of Committee.

21. The Lieutenant Governor may by order cancel, suspend or limit any of the acts, proceedings or rules of any Committee.

The Lieutenant Governor may also abolish any tax which shall have been sanctioned under the provisions hereinbefore contained, but not so as to entitle any person to a refund of monies paid in respect of such tax.

Abolition of taxes.

PART V.

RIGHTS, DUTIES AND LIABILITIES OF COMMITTEES.

Municipal Fund.

22. All sums received by the Committee of any municipality to which this Act extends, and all fines levied under this Act, and all receipts from property entrusted to and managed by the Committee, shall constitute a fund which shall be called the Municipal Fund of such municipality, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

Municipal fund.

23. The

ACT No. VI OF 1868.

23. The funds of every Committee shall be kept in the Government Treasury of the District, or in the Bank (if any) to which the Government Treasury business shall have been made over.

Custody and disbursement of Municipal Fund.

No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the Committee.

24. Every Committee, subject to such rules restricting the amount or the objects of expenditure as it shall make at a special meeting, and so far as the Municipal Fund at their disposal will permit, shall, after providing out of such fund for a police establishment in the manner hereinafter mentioned, keep the public streets, roads, drains, tanks and water-courses of the municipality for which they are appointed, clean and in repair,

Duties of Committees.

and may cause such streets and roads or any of them to be watered and lighted,

and may construct and provide for the management of poor-houses, dispensaries, market-places and other works of general utility,

and generally may do all acts and things necessary for the purposes of conservancy, and local improvement.

The Committee may also make provision, by the establishment of new schools or the aiding of already existing schools, or otherwise, for the promotion of education in the municipality for which such Committee is appointed.

Every contract made on behalf of any Committee in respect of any sum exceeding rupees twenty, or in respect of any property exceeding rupees twenty in value, shall be in writing, and shall be signed by the president or vice-president and at least two other members of the Committee, of whom one shall be an *ex officio* member. Unless so executed, it shall not be binding on the Committee.

Contracts.

Municipal Police.

25. Every Committee shall provide in the first place from its funds for the maintenance of the police establishment in the municipality.

Provision for police.

The

ACT No. VI OF 1868.

The municipal police shall be appointed under such Act of the Governor General in Council as may be applicable to the town, and their number shall be fixed by the Committee in consultation with the Inspector General of Police, subject to the final decision of the Lieutenant Governor.

26. Every officer of police in any municipality to which this Act shall have been extended shall have power to take into custody without a warrant any person who, within his view, commits any of the offences mentioned in section 34 of Act No. V of 1861 (*for the regulation of Police*), and shall be bound to carry out the orders issued by the Committee for the prohibition and prevention of public nuisances, or nuisances defined to be such by any bye-law made under this Act.

Police to aid in carrying out orders regarding nuisances.

Annual Reports.

27. Every Committee shall annually, or oftener if directed by the Lieutenant Governor to do so, submit statements of their receipts on account of and disbursements from the Municipal Fund, and also reports of all works executed or proceedings taken by them under the authority of this Act.

Annual reports and statements to be submitted.

The Committee shall also submit, at such time and in such form as may be directed by the Lieutenant Governor, an estimate of their probable receipts for the financial year next following, with proposals for their expenditure.

An abstract of such estimate and proposals shall, on being so submitted, be published in such manner as the Lieutenant Governor shall from time to time direct.

The Lieutenant Governor may from time to time make rules consistent with this Act, as to the cost and the class of works which the Committee may execute, and the Committee shall be legally bound to obey such rules.

Public Highways.

28. All public highways in any municipality in which this Act is in force, not specially reserved by Government, together with all erections thereon and all materials thereof, shall be vested in and belong to the Committee.

Right of Committee in public highways.

29. When

ACT No. VI OF 1868.

Land required for Public Purposes.

29. When any land within the limits of any municipality to which this Act is extended is required for the construction or improvement of a highway, for the promotion of the healthiness of the neighbourhood, or for any other public purpose, if the Committee cannot agree with the owner for the purchase thereof, the Lieutenant Governor, on the recommendation of the Committee, may notify in the local official Gazette that such land is required under the provisions of Act No. VI of 1857 (*for the acquisition of land for public purposes*), and on payment by the Committee of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act.

Land required for municipal purposes may be taken up under Act No. VI of 1857.

Suits by and against Committees.

Suits by and against Committees.

30. Every Committee shall sue and be sued in the name of their president.

No member of a Committee shall be personally liable 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 chargeable with all contracts made in the manner above provided for.

Members not personally liable for contracts made by Committee.

Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee to which he shall have been a party, or which shall happen through or be facilitated by the neglect of his duty, and he shall be liable to be sued for the same in such Court as the Lieutenant Governor shall direct as for money due to Government.

Liability of members for breach of trust.

31. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Notice previous to suing Committee or their officers.

Unless such notice be proved, the Court shall find for the defendant.

Every

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Every such suit shall be commenced within three months next after the accrual of the cause of the suit and not afterwards.

If any person to whom any such notice of suit is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

PART VI.

PENALTIES AND PROSECUTIONS AND RECOVERY OF TAXES.

32. No member of a Committee or servant of a Committee shall be interested directly or indirectly in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of rupees five hundred :

Penalty on member or servant of a Committee being interested in contracts made with Committee.

Provided always that no person shall be disqualified from acting as a member or servant of a Committee by being a shareholder in or member of any incorporated or registered Company by reason of any contract entered into between such Company and the Committee.

33. Whoever infringes any bye-law made and confirmed as directed in this Act, shall be liable to a fine not exceeding rupees fifty, and in the case of a continuing infringement, to a fine not exceeding rupees five, for every day after notice from the Committee of such infringement.

Penalty for infringement of bye-laws or non-payment of fines.

In default of payment of any fine imposed under this section, the defaulter shall, in the case of a continuing infringement, be liable to imprisonment for a term not exceeding one month; and in any other case, to imprisonment for a term not exceeding eight days.

34. Prosecutions under this Act for infringements of rules or bye-laws may be instituted before any Magistrate by the Committee or any person authorized by the Committee in this behalf.

Prosecutions.

35. All arrears of taxes imposed under this Act may be recovered as if they were fines, in the manner prescribed in section 61 of the Code of Criminal Procedure.

Recovery of taxes.

ACT No. VII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 27th March 1868.)

An Act to amend the law relating to Appeals and Reviews of Judgment in the Panjáb.

WHEREAS it is expedient to amend the law relating to appeals and reviews of judgment in the Courts established in the Panjáb; It is hereby enacted as follows:—

Preamble.

1. This Act may be called “The Panjáb Appeals’ Act, 1868.”

Short title.

2. This Act shall extend only to the territories for the time being under the government of the Lieutenant Governor of the Panjáb.

Extent of Act.

Commencement and continuance of Act.

It shall come into operation from the thirtieth day of April 1868, in regard to all appeals preferred after that day, and shall continue in force to the thirtieth day of April 1873 :

Provided that, as to such appeals (if any) as shall before the day last mentioned have been preferred under the provisions herein contained, and shall not have been disposed of, this Act shall remain in force until such appeals shall have been disposed of as aforesaid.

3. Except when otherwise provided in this Act or any other Act in force for the time being, an appeal shall lie from the decrees of the Courts of original and appellate jurisdiction to the Courts authorized under Act No. XIX of 1865 (*The Panjáb Courts’ Act*) and Act IV of 1866 (*The Panjáb Chief Court Act*) to hear appeals.

Appeals when to lie.

4. All appeals falling within the jurisdiction of the Courts established in conformity with the said Acts shall, save as in the said Acts and in this Act is otherwise provided, be regulated by the Code of Civil Procedure.

Code of Civil Procedure to apply to appeals.

5. If

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5. If the decision of a Deputy Commissioner or of a Commissioner passed in regular appeal reverse or modify the decision of the Court of original jurisdiction on a point material to the merits of the case, the Commissioner, where the decision shall have been passed on regular appeal by the Deputy Commissioner, and the Chief Court where the decision shall have been passed on regular appeal by the Commissioner, may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the Courts below, a further consideration of the case appear to the Commissioner or the Chief Court (as the case may be) requisite for the ends of justice.

6. The memorandum of appeal prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, accompanied by copies of the judgments of the lower Courts, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, within sixty days if the appeal lie to the Court of a Deputy Commissioner or Commissioner, and within ninety days if the appeal lie to the Chief Court.

The period shall be reckoned from and exclusive of the day on which the judgment and decree appealed against was pronounced and also exclusive of such time as may be requisite for obtaining a copy of the judgment and decree from which the appeal is made.

7. When a memorandum of appeal, or an application for the admission of a special appeal, has been registered, the Appellate Court may, if it sees fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the lower Court, without sending intimation of the appeal to such Court and without issuing notice to the respondent.

8. The Chief Court of the Panjáb may, whenever it thinks proper to do so, either on the agreement of the parties to that effect or for purposes of justice, remove and try any appeal falling within the jurisdiction of any Court subject to its superintendence.

9. Any

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9. Any person considering himself aggrieved by a decree of a Court of original jurisdiction from which no appeal shall have been preferred to a superior Court, or by a decree of a District or Divisional Court from which no regular or special appeal shall have been admitted by the Chief Court, or by a decree of the Chief Court from which either no appeal may have been preferred to Her Majesty in Council, or, an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council, and who, from the discovery of new matter or evidence which was not within his knowledge, or could not have been adduced by him at the time when such decree was passed, or from any other good or sufficient reason, may be desirous of obtaining a review of the judgment passed against him, may apply for a review of judgment by the Civil Court which passed the decree, or by any Court to which the business of the former Court has been transferred.

Except as hereinbefore provided, the judgments of the Civil Courts established in conformity with the said Acts and with Act No. III of 1868 (*to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsildár*) shall not be subject to revision.

10. If in any suit pending when this Act comes into operation, it appears to the Court that the application of its provisions would deprive any party to a suit of a right of appeal which, but for the passing of this Act, would have belonged to him, the Court shall proceed according to the law in force immediately before this Act takes effect.

ACT No. VIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd April 1868.)

An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.

WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed:

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Nor

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Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or practice not now existing, or in force :

Nor shall this Act affect any duties leviable on salt or opium.

Short title. 2. This Act may be cited as "The Repealing Act, 1868."

SCHEDULE.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
I of 1834	Governor General	The whole.
I of 1835	Governor of Madras	The whole.
X III of 1835	Revenue	The whole.
IV of 1835	Calcutta Justices of the Peace	The whole.
V of 1835	Munsifs' fees (Madras)	The whole.
VII of 1835	Sessions Judges	The whole.
XII of 1835	Sanads (Madras)	The whole.
XIV of 1835	Bombay Magistracy	So much as has not been repealed.
XVI of 1835	Indigo contracts	The whole.
XVII of 1835	Gold and silver coinage	So much of section 8 as provides that the gold coins therein specified shall bear the words 'East India Company.'
II of 1836	Bombay Customs	So much as has not been repealed.
X III of 1836	Cattle-duty (Salsette)	The whole.
X IV of 1836	Insolvent-debtors	The whole.
V of 1836	Executions	The whole.
VII of 1836	Municipal taxes (Bombay)	The whole.
X of 1836	Indigo contracts	Section 5.
XI of 1836	Repeal of 53 Geo. iii, c. 105, s. 107. Exemption from Jurisdiction.	The whole.
XIII of 1836	Sicca Rupees	The whole.
XVI of 1836	Commissioner's Wakil (Madras)	The whole.
XVII of 1836	Begum Sumroo	The whole.
XIX of 1836	Bank of Bengal	So much as has not been repealed.
XXIV of 1836	Native Judges (Madras and Bombay)	The whole.
XXIX of 1836	Sadr Amfins' fees (Madras)	The whole.
I of 1837	Justices of the Peace (Calcutta)	The whole.

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No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
IX of 1837	Parsees' Landed Property	The whole.
XI of 1837	Bombay Regulation I. 1820... ..	The whole.
XIII of 1837	Courts Martial (Bombay)	The whole.
XIV of 1837	Foreign Bottoms	The whole.
XIX of 1837	Evidence	The whole.
XXIV of 1837	Mofussil Police (Bengal)	The whole.
XXVI of 1837	Governor General	The whole.
XXVIII of 1837	Stamp Officer (Bengal)	The whole.
XXIX of 1837	Persian Language (Bengal)	The whole Act, except so far as it gives power to prescribe the language and character to be used in revenue and judicial proceedings and to delegate such power.
XXXIV of 1837	Judiciary system (Madras)	The whole.
XXXVIII of 1837	Local Agents (Bengal)	The whole.
IV of 1838	Perjury (Bombay)	The whole.
XIV of 1838	Ganja and Bhang (Madras)	The whole.
XV of 1838	Bombay Regulation XII. 1827, section 35, clause 1	The whole.
XXIV of 1838	Bank of Bengal	So much as has not been repealed.
XXV of 1838	Wills	The whole Act, except as to Wills made before first January 1866.
XXVIII of 1838	Supreme Court—Perjury	The whole Act, except as to the Straits' Settlement.
XXXI of 1838	Supreme Courts—Criminal Law	The whole Act, except sections 30 and 31.
III of 1839	British subjects	So much as has not been repealed.
XI of 1839	Institution fees on appeal to Privy Council	The whole.
XIII of 1839	Port-dues (Madras)	Sections 1, 2, 3, 4, and so much of section 6 as relates to the Madras Presidency.
XXII of 1839	An Act for enabling persons charged with offences to make their defence more effectually.	The whole Act, except section 4.
XXV of 1839	An Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.	The whole.

ACT No. VIII OF 1868.

No. OF ACT	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXIX of 1839	An Act for the amendment of the Law relating to Dower...	The whole Act, except as to marriages contracted before first January 1866.
XXX of 1839	An Act for the amendment of the Law of Inheritance ...	The whole Act, except as to intestacies occurring before first January 1866.
XXXI of 1839	An Act for remedying certain defects in the Statute 9th Geo. iv, cap. 74, relating to the coin.	The whole.
VII of 1840	An Act for authorizing the appointment of uncovenanted servants to the offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.	The whole.
IX of 1840	An Act for amending the law administered in Her Majesty's Courts of Justice with reference to arbitrations, damages, and interested witnesses.	The whole Act, except section 2.
X of 1840	An Act for the abolition of certain pilgrim taxes, and for the superintendence of the Temple of Juggernath.	Sections 1 and 4.
XX of 1840	An Act for declaring the law touching the liability of auction purchasers of permanently assessed estates under Section 21, Regulation XI. of 1822, of the Bengal Code.	The whole.
XXI of 1840	An Act concerning suits instituted under the provisions of Regulation XLIX. of 1793, prior to, and pending at the date of the enactment of Act IV of 1840.	The whole.
V of 1841	An Act for the greater uniformity of the process upon trials for State offences, and the amendment of such process in certain cases.	So much of sections 2 and 4 as refers to Law Officers.
XV of 1841	An Act for exempting residents within Calcutta from giving security in suits in the Mofussil Courts on certain occasions.	The whole.
XXIV of 1841	An Act for the greater uniformity of the law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of testators; illusory appointments; the transfer of estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters.	The whole Act, except so far as it relates to illusory appointments and infants, and except section 5.
XXV of 1841	An Act for amending the law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.	So much as has not been repealed.
XXVI of 1841	An Act for extending in cases governed by English law certain provisions of the Statute 3rd and 4th William iv., chap. 42, entitled "An Act for the further amendment of the law and the better advancement of justice."	Sections 2, 5 and 6.
XXVII of 1841	An Act for appropriating the unclaimed dividends on Insolvent Estates.	Sections 3 and 4.

ACT No. VIII OF 1868.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXX of 1841	An Act for repressing obstructions to justice in certain Courts of the East India Company.	So much as has not been repealed.
II of 1842	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
VII of 1842	An Act for repealing certain provisions of the Bengal Code regarding translations.	The whole.
XVI of 1842	An Act concerning the terms of leases granted by Zemindars and Proprietors.	The whole.
VII of 1843	An Act 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.	Sections 5, 16, 24, 28, 45 and 46, and so much of sections 1, 4, 8, 20, 23 and 44 as refers to Subordinate Judges and Sadr Amíns.
VIII of 1843	An Act for disposing of the original suits and appeals depending before the Provincial Court of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.	The whole.
XVI of 1843	An Act regarding the offering of rewards for the apprehension of offenders.	The whole.
XX of 1843	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
XXII of 1843	An Act for amending the law relating to the jurisdiction of the Dewanny Adawlut of the Zillah of the 24-Pergunnahs.	The whole.
XXIII of 1843	An Act for amending the law relating to the jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places.	The whole.
I of 1844	An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, his family and retinue.	The whole.
IV of 1844	An Act for repealing Regulation IX. of 1808, of the Bengal Code.	The whole.
VI of 1844	An Act for abolishing the levy of transit or inland customs duties, for revising the duties on imports and exports by sea, and for determining the price at which salt shall be sold for home consumption within the territories subject to the Government of Fort St. George.	Sections 1, 2, 3, 4, 5, 42, and so much of schedules A, B and C as is not repealed.
VII of 1844	An Act for improving the law of evidence ...	The whole.
IX of 1844	An Act for authorizing the institution of suits in the Courts of Principal Sadr Amíns and Sadr Amíns.	So much of section 3 as refers to Sadr Amíns in the presidency of Fort St. George.

ACT No. VIII OF 1868.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
X of 1844	An Act to amend the law respecting the period of the execution of persons convicted of the crime of murder.	The whole.
XII of 1844	An Act for better securing the observance of an exact discipline in the Indian Navy.	The whole.
XIII of 1844	An Act for making Trisoolee Pyce no longer a legal tender within the Province of Benares, and for their withdrawal from circulation.	The whole.
IX of 1845	An Act for amending the Schedules of import duties, annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, and for repealing Act XV. of 1844.	So much as has not been repealed.
XII of 1845	An Act for authorizing the employment of the uncovenanted Assistant Register of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on the duties of Register.	The whole.
XIII of 1845	An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as attornies of the said Court.	The whole.
XXII of 1845	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
XXIII of 1845	An Act to enable "The Union Bank of Calcutta" to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.	The whole.
XXVIII of 1845	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort St. George.	The whole.
V of 1846	An Act for placing the Police of Surat under the Magistrate.	The whole.
II of 1847	An Act to declare the meaning and extent of certain words in Act V. of 1840.	The whole.
IV of 1847	An Act to authorize the Governor in Council of Fort St. George to appoint any military officer a magistrate.	The whole.
XI of 1847	An Act to authorize the reception of convicts transported from Her Majesty's Settlement of Hong Kong.	The whole.
XII of 1847	An Act for repealing the law which authorizes the imposition of fines on Moonsiffs and Sadr Amins.	The whole.
XIV of 1847	An Act for repealing parts of section 3, Regulation IV. 1793, and section 3, Regulation III. 1803, of the Bengal Code.	The whole.
XV of 1847	An Act for the survey of lands in the town of Calcutta, within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature.	The whole.

ACT No. VIII OF 1868.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXI of 1847	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Bombay.	The whole.
XXIII of 1847	An Act for the amendment of Act No. XXXI of 1838 ...	The whole.
VI of 1848	An Act for equalizing the duties on goods imported and exported on Foreign and British bottoms, and for abolishing duties on goods carried from port to port in the territories subject to the Government of the East India Company.	The whole.
XII of 1848	An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.	The whole.
XIII of 1848	An Act for limiting the time within which a Suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.	The whole.
XXI of 1848	An Act for avoiding Wagers	Section 2.
XXII of 1848	An Act to simplify Indictments for Forgery	The whole.
XXIV of 1848	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
XXV of 1848	An Act for Restoration of the Jagheer of Bunganapilly ...	The whole.
XXVII of 1848	An Act to amend the Act XII of 1844.	The whole.
II of 1849	An Act to abolish the practice of branding and exposing Convicts.	The whole.
III of 1849	An Act to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.	The whole.
V of 1849	An Act for better defining the Duties of Customs and Excise.	The whole.
IX of 1849	An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George.	So much of the preamble as refers to Act No. I of 1837, and section 2.
XII of 1849	An Act for improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section 36, Regulation II. 1827, of the Bombay Code.	The whole.
XV of 1849	An Act to amend the Law respecting the Stamped Material in use in the Presidency of Bombay.	The whole.
IX of 1850	An Act for the more easy Recovery of Small Debts and Demands in Calcutta, Madras and Bombay.	So much of section. 35 as refers to writs and processes sued out against persons privileged by Act No. I of 1844.
XXII of 1850	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.

ACT NO. VIII OF 1868.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXIX of 1850	An Act to amend Act XXXI. 1838, for the Prevention of Poisoning.	The whole.
XXX of 1850	An Act to remove doubts on the Construction of Act I. 1846, and Act IV. 1850.	So much as has not been repealed.
XXXII of 1850	An Act to repeal Act XV. 1836	The whole.
XXXIX of 1850	An Act to continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI. 1847.	The whole.
II of 1851	An Act to amend Regulation XIII. 1810, of the Bengal Code, for the trial of Appeals.	The whole.
III of 1851	An Act to amend Regulation X. 1819, and Act XXIX. 1838, for preventing the unlawful manufacture and transportation of Salt.	The whole.
V of 1851	An Act for relief of certain sufferers by the Insolvency of Sir Thomas Turton, Baronet.	The whole.
XIII of 1851	An Act to amend Act No. V. of 1851	The whole.
IX of 1852	An Act to repeal Regulation I. of 1832 of the Bengal Code	The whole.
XV of 1852	An Act to amend the law of evidence	Sections 1, 2, 4, 11, and so much of section 13 as creates a felony and declares the punishment and provides for the trial of the principal and the accessory.
X XXII of 1852	An Act to avoid doubts as to the validity of certain decisions in summary suits for arrears of rent, and of certain sales of Putnee Talooks and other saleable tenures.	The whole.
XXVIII of 1852	An Act to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency.	So much as has not been repealed.
XXXI of 1852	An Act to repeal clause 17, section XVI. Regulation XX. 1817, of the Bengal Code.	The whole.
IV of 1853	An Act for the abolition of the Government monopoly of Tobacco in the Provinces of Coimbatore, Malabar and Canara.	The whole.
IX of 1853	An Act to amend Act No. VI. 1853	The whole.
XIV of 1853	An Act for regulating the collection and distribution of the Effects of Officers, Seamen and others dying in the Marine Service of the East India Company, called the Indian Navy.	The whole.
XVII of 1853	An Act to repeal Regulation VII. of 1816, and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.	Sections 1, 4 and 5.

ACT No. VIII OF 1868.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXI of 1853	An Act for providing for the exercise of certain Powers by the Governor General during his absence from the Council of India.	The whole.
II of 1854	An Act to abolish the office of Assessor to the Court of Petty Sessions at Bombay.	The whole.
VI of 1854	An Act to amend the practice and course of proceeding on the Equity side of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Madras and Bombay.	The whole.
XV of 1854	An Act to facilitate the proceedings of the Commissioners appointed to inquire into certain matters connected with the position of Sir James Brooke, Her Majesty's Commissioner and Consul General in Borneo.	The whole.
XIX of 1854	An Act for removing the prohibition against the importation of Foreign Sugar.	The whole.
XXII of 1854	An Act to repeal certain parts of the 53 George 3, c. 155, of Section II, Regulation XV. of 1806 of the Bengal Code, and of Regulation IV. of 1809 of the Madras Code.	The whole.
XXV of 1854	An Act for discontinuing the practice of issuing Warrants for the payment of money from the Treasuries of the Collectors.	The whole.
XXIX of 1854	An Act to prohibit the Exportation of Saltpetre to certain Ports in Europe.	The whole.
XXXII of 1854	An Act to facilitate enquiries respecting the alleged use of Torture in the Presidency of Fort St. George.	The whole.
I of 1855	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
II of 1855	An Act for the further improvement of the law of evidence.	Sections 1, 9, 52, 53, 54, 55, and so much of section 2 as relates to Acts and Regulations made by the Governor General of India in Council.
III of 1855	An Act for the better prevention of Desertion from the Indian Navy.	The whole.
V of 1855	An Act to assimilate the process of Execution on all sides of Her Majesty's Supreme Courts, and to extend and amend the provisions of Act XXV. of 1841.	The whole Act, except as to the Straits' Settlement.
VII of 1855	An Act to amend the law of Arrest on mesne process in Civil Actions in Her Majesty's Courts of Judicature, and to provide for the subsistence of Prisoners confined under Civil process of any of the said Courts.	The whole Act, except as to the Straits' Settlement.
XIX of 1855	An Act to amend the Law relating to District Moonsiffs in the Presidency of Fort St. George.	So much as has not been repealed.

ACT No. VIII OF 1868.

No. OF ACT.	SUBJECT OR TITLE OF ACT	EXTENT OF REPEAL
XXIII of 1855	An Act to amend the law relating to the administration of the Estates of deceased persons charged with money by way of Mortgage.	The whole Act, except as to descents or devises occurring or made before the first January 1866.
XXV of 1855	An Act to empower the Session Judge of Coimbatore to hold Sessions at Ootacamund on the Neilgherry Hills.	The whole.
XXX of 1855	An Act to repeal Section VII of Act No. XXVIII. of 1839	The whole.
XXXIII of 1855	An Act to prohibit the exportation of Saltpetre, except in British vessels bound to the Ports of London or Liverpool.	The whole.
XXXV of 1855	An Act to abolish the levy of Customs Duty on the import of Cotton into the North-Western Provinces of the Presidency of Bengal.	The whole.
XXXVIII of 1855	An Act to provide for the trial and punishment of rebellion and other offences committed within certain Districts in which Martial Law has lately been proclaimed.	The whole.
VII of 1856	An Act to enable the Bombay Government to provide for a due supply of Water for public use in the Islands of Bombay and Colaba.	The whole.
XVI of 1856	An Act to authorize the levy of Port-dues and Fees at the present rates for a further period of twelve months.	The whole.
XXIV of 1856	An Act to provide for the dissolution of the Bengal Mariners' and General Widows' Fund Society, and the distribution of the funds belonging thereto.	The whole.
I of 1857	An Act to prevent the over-crowding of vessels carrying Native passengers in the Bay of Bengal.	The whole.
IX of 1857	An Act to repeal Act VI. of 1856.	The whole.
XIV of 1857	An Act to make further provision for the trial and punishment of certain offences relating to the Army, and of offences against the State.	The whole.
XV of 1857	An Act to regulate the establishment of Printing Presses, and to restrain in certain cases the circulation of printed books and papers.	The whole.
XVI of 1857	An Act to make temporary provision for the trial and punishment of heinous offences in certain districts.	The whole.
XVII of 1857	An Act to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion.	The whole.
XVIII of 1857	An Act relating to the issuing of writs or process against certain members of the family, household, and retinue of His late Highness the Nabob of the Carnatic.	The whole.
XXIV of 1857	An Act to authorize the levy of port-dues and fees at the present rates for a further period of six months.	The whole.

ACT No. VIII OF 1868.

No. OF ACT.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXVIII of 1857	An Act relating to the importation, manufacture, and sale of arms and ammunition, and for regulating the right to keep or use the same.	The whole.
XXXIII of 1857	An Act to make further provision relating to Foreigners.	The whole.
IV of 1858	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
VI of 1858	An Act to authorize the impressment of artisans and laborers for the erection of Buildings for the European troops in India, and for works urgently required for Military purposes.	The whole.
X of 1858	An Act to authorize the confiscation of Villages, the imposition of fines, and the forfeiture of certain offices in cases of rebellion and other crimes committed by Inhabitants of Villages, or by members of tribes; and also to provide for the punishment of proprietors of land who neglect to assist in the suppression of rebellion, or in the apprehension of rebels, mutineers, or deserters.	The whole.
XI of 1858	An Act to authorize the infliction of corporal punishment in certain cases.	The whole.
XIII of 1858	An Act for the punishment of persons who unlawfully possess or conceal arms or other property belonging to Her Majesty or to the East India Company.	The whole.
XVI of 1858	An Act to extend Act XXV of 1855	The whole.
XVII of 1858	An Act to repeal the Laws relating to the levy of Light-dues at Ports within the limits of the Gulf of Cambay.	The whole.
XX of 1858	An Act to facilitate the recovery of land and other real property, of which possession may have been wrongfully taken during the recent disturbances in the North-Western Provinces of the Presidency of Bengal.	The whole.
XXII of 1858	An Act to continue in force for a further period Acts XIV. of 1857, XVI. of 1857, and XVII. of 1857, and to authorize in certain cases the transportation of offenders sentenced to imprisonment.	The whole.
XXIV of 1858	An Act to continue for six months the privileges granted by Act I. of 1844 to certain members of the family, household, and retinue of His late Highness the Nabob of the Carnatic.	The whole.
XXVI of 1858	An Act to make further provision for the trial and punishment of offences against the State.	The whole.
XXVII of 1858	An Act to continue in force for a further period of six months, Act IV. of 1858, for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.

ACT No. VIII OF 1868.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXIX of 1858	An Act for the relief of persons who, in consequence of the recent disturbances, have been prevented from instituting or prosecuting suits or appeals in the Civil Courts of the North-Western Provinces within the time allowed by law.	The whole.
XXX of 1858	An Act to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.	The whole.
XXXII of 1858	An Act for bringing the Fort of Tanjore and the adjacent territory under the Laws of the Presidency of Fort St. George.	Sections 2, 3, 4, 5, 6, 7 and 8.
XXXIII of 1858	An Act to amend Act XII of 1844 (for better securing the observance of an exact discipline in the Indian Navy).	The whole.
XXXVIII of 1858	An Act to repeal Regulation V. 1832, of the Bengal Code, and to make certain provisions rendered necessary by the transfer of the Delhi Territory to the administration of the Chief Commissioner of the Punjab.	The whole.
II of 1859	An Act to amend Act XXX. of 1858 (to provide for the administration of the Estate, and for the payment of the debts of the late Nabob of the Carnatic).	The whole.
IV of 1859	An Act to make further provision for the removal of prisoners.	The whole.
IX of 1859	An Act to provide for the adjudication of claims to property seized as forfeited.	The whole Act, except sections 16, 17, 18 and 20.
XIX of 1859	An Act to continue in force until the end of the year 1859 Act XXVIII. of 1857 (relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same).	The whole.
XXI of 1859	An Act for providing for the exercise of certain powers by the Governor General during his absence from his Council.	The whole.
XXVI of 1859	An Act to continue in force for a further period Act XXVIII. of 1857.	The whole.
XXVII of 1859	An Act to continue in force for a further period Acts XIV. of 1857, XVI. of 1857, and XVII. of 1857.	The whole.
XXVIII of 1859	An Act to revive and continue in force for a further period Act XXXIII. of 1857 (to make further provision relating to Foreigners).	The whole.
I of 1860	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	Sections 1 and 3.
X of 1860	An Act to amend Act VII. of 1859 (to alter the Duties of Customs on goods imported or exported by Sea).	The whole.
XI of 1860	An Act to enforce the fulfilment of Indigo Contracts; and to provide for the appointment of a Commission of Enquiry.	The whole.

ACT No. VIII of 1868.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XIII of 1860	An Act to repeal certain Laws relating to the jurisdiction of the Zillah Court of Furruckabad.	The whole.
XVI of 1860	An Act to amend Act XIV. of 1856	The whole Act, except as to the Straits' Settlement.
XVII of 1860	An Act to repeal Act V. of 1858 (for the punishment of certain Offenders who have escaped from jail, and of persons who shall knowingly harbour such Offenders), and to make certain provisions in lieu thereof.	Sections 1, 4 and 5.
XVIII of 1860	An Act to continue in force for a further period of three months Act XXI. of 1859, for providing for the exercise of certain powers by the Governor General during his absence from his Council.	The whole.
XXIV of 1860	An Act for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland.	The whole.
XXIX of 1860	An Act to continue in force Act XXVIII. of 1857 ...	The whole.
XXX of 1860	An Act to remove the Pergunnah of Koonch and Calpee in Zillah Jaloun from the operation of the general Regulations.	The whole.
XXXII of 1860	An Act for imposing Duties on Profits arising from Property, Professions, Trades and Offices.	So much as has not been repealed.
XXXVII of 1860	An Act to repeal Act XVI. of 1859	The whole.
XXXVIII of 1860	An Act to explain Act XXX. of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.)	The whole.
XXXIX of 1860	An Act to amend Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades and Offices).	The whole.
XLIV of 1860	An Act for providing for the exercise of certain powers by the Governor General during his absence from his Council.	The whole.
LIII of 1860	An Act to amend Act X. of 1859	The whole.
I of 1861	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature in Bombay.	The whole.
VI of 1861	An Act to alter the time from which the Indian Penal Code shall take effect.	The whole.
XI of 1861	An Act to amend Act XIV. of 1859 (to provide for the limitation of suits).	The whole.
XIII of 1861	An Act to regulate temporarily the procedure of the Police enrolled under Act V. of 1861 (for the regulation of Police).	The whole.

ACT No. VIII OF 1868.

No. of Act.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXI of 1861	An Act for limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades and Offices), and Act XXXIX. of 1860 (to amend Act XXXII. of 1860.)	The whole.
XXX of 1861	An Act to enable the Bengal Military Orphan Society to register under Act XXI. of 1860 (for the Registration of Literary, Scientific, and Charitable Societies).	The whole.
XXXII of 1861	An Act to postpone the operation of a portion of Clause 8, Section 1 of Act XIV. of 1859 (to provide for the Limitation of Suits).	The whole.
I of 1862	An Act to revive and continue in force for a further period Act XXXIII. of 1857 (to make further provision relating to Foreigners).	The whole.
II of 1862	An Act to repeal Act XVIII. of 1861 (for imposing a Duty on Arts, Trades, and Dealings).	The whole.
IX of 1862	An Act for constituting the Secretaries and other officers of the Banks of Bengal, Madras, and Bombay, respectively, <i>Ex Officio</i> Assessors of certain of the duties payable under Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades and Offices).	The whole.
XI of 1862	An Act 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).	The whole.
XII of 1862	An Act to repeal Act II. of 1835 so far as it relates to the Provinces of Arracan and Tenasserim.	The whole.
XIV of 1862	An Act to amend Act XIV. of 1859 (to provide for the Limitation of Suits).	The whole.
XVI of 1862	An Act to limit in certain cases the amount of assessment to the Duties chargeable after the 31st day of July 1862 under Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices), and Act XXXIX. of 1860 (to amend Act XXXII. of 1860), and otherwise to modify the said Acts.	The whole.
XVII of 1862	An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.	The whole Act, except sections 3, 4, 5 and 6.
XXI of 1862	An Act to provide for the dissolution of the Subordinate Medical Officers' Widows' and Orphans' Fund, and the distribution of the funds belonging thereto.	The whole.
XXIII of 1862	An Act to amend Act XI. of 1862 (to amend the duties of Customs on Goods imported and exported by Sea).	The whole.

ACT No. VIII OF 1868.

No. of Act.	SUBJECT-MATTER TITLE OF ACT.	EXTENT OF REPEAL.
XXIV of 1862	An Act to continue in force Act XX. of 1862 (to provide for the levy of fees and stamp duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain Sections of Act VIII. of 1859 in the said High Court).	The whole Act, except section 2.
XVIII of 1863	An Act to make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the Oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its Original Civil Jurisdiction.	Sections 1, 2, 3 and 4.
XXVI of 1863	An Act 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).	The whole.
XXVII of 1863	An Act to further amend Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices), and to amend Act XXXIX. of 1860 (to amend Act XXXII. of 1860), and Act XVI. of 1862 (to limit in certain cases the amount of assessment to the duties chargeable after the 31st day of July 1862, under Act XXXII. of 1860, and Act XXXIX. of 1860, and otherwise to modify the said Acts).	The whole.
X XXX of 1863	An Act to provide for the appointment of Commissioners to enquire into certain claims against the late Native Government of Oudh.	The whole.
IV of 1864	An Act to give validity to certain proceedings of the Court of Small Causes at Kurrachee.	The whole.
V of 1864	An Act to give validity to the extension of the Code of Civil Procedure to the Province of Scinde from the first day of January 1862.	The whole.
IX of 1864	An Act to repeal Act VIII. of 1861 (for the levy of Port-dues in the Port of Amherst).	The whole.
XI of 1864	An Act to repeal the Laws relating to the offices of Hindoo and Mahomedan Law Officers, and to the offices of Cazee-ool Cozaat and of Cazee; and to abolish the former offices.	The whole.
XIV of 1864	An Act to give validity to certain acts and proceedings of the Joint Judge of the Konkan.	The whole.
XXIII of 1864	An Act to amend the law relating to the Customs Duties on goods imported by Sea.	The whole.
XXIV of 1865	An Act to give effect to certain Warrants of Attorney and Cognovits.	The whole Act, except section 5.
XXV of 1865	An Act to amend the Law relating to the duties of Customs on Goods imported and exported by Sea.	The whole.

ACT No. VIII OF 1868.

No. OF ACT.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL.
XXVIII of 1865	An Act to provide for the more speedy liquidation of Insolvent Traders' Estates in Bombay.	The whole Act, except as to the estates not completely wound up under its provisions.
XVIII of 1866	An Act to alter the Customs duty on the export of Saltpetre.	The whole.
No OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
B E N G A L.		
II of 1793	A Regulation for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing Rules for the conduct of the Board of Revenue and the Collectors.	Section 17, and the following words in section 46: "giving land in farm to any European, directly or indirectly, or accepting the security of a European for any farmer, dependent talookdar or ryot, or"
III of 1793	A Regulation for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the Trial of Civil Suits in the first Instance, established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.	Section 14.
IV of 1793	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.	Sections 14 and 20.
VI of 1793	A Regulation for extending and defining the Powers and Duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the Decisions of the Provincial Court of Appeal.	Sections 3, 13 and 14.
IX of 1793	A Regulation for re-enacting, with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3rd December, 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.	Sections 2, 20, 21, 25, 31, 32, 33, 35, 36, 37, 39, 60, 62, 63, 71, 72, 73 and 79.
XV of 1793	A Regulation for fixing the Rates of Interest on past and future Loans.	So much as has not been repealed.
XIX of 1793	A Regulation for re-enacting, with Modifications, the Rules passed by the Governor General in Council, on the 1st December, 1790, for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the payment of Revenue to Government, under Grants not being of the Description of those termed Badshahet or Royal; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the payment of public Revenue.	Section 23.
XXII of 1793	A Regulation for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December, 1792, for the establishment of an efficient Police throughout the Country.	Sections 24, 25, 26, 27, 28, 30, 35, 36 and 39.

ACT No. VIII of 1868.

No OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
XXVIII of 1793	A Regulation for prohibiting British subjects (excepting King's Officers serving under the Presidency of Fort William, and the Civil Covenanted Servants of the Company and their Military Officers) residing at a greater distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section VII, Regulation III, 1793, and for enabling British Subjects to recover any Demands, recoverable under the Regulation, which they may have upon such Persons.	The whole.
XXXI of 1793	A Regulation for re-enacting, with Modifications and Amendments, the Rules passed on the 23rd July 1787, and subsequent Dates, for the conduct of the Commercial Residents and Agents, and all persons employed or concerned in the Provision of the Company's Investment.	The whole.
XXXV of 1793	A Regulation for re-enacting, with Amendments, the Rules passed on the 20th June, 24th October and 31st November, 1792, and subsequent Dates, for the Reform of the Gold and Silver Coin in Bengal, Behar and Orissa; and for prohibiting the Currency of any gold or silver coin in those Provinces, but the nineteenth sun Sica Rupees, and the nineteenth sun Gold Mohur, and their respective Divisions and Sub-divisions into Halves and Quarters; and for preventing the counterfeiting, defacing, or debasing of the Coin.	So much as has not been repealed.
XXXVIII of 1793	A Regulation for re-enacting, with Modifications, such Part of the Rule passed on the 27th June, 1787, as prohibits covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue, lending Money to Zemindars, independent Talookdars, or other actual Proprietors of Land, or dependent Talookdars, or Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for re-enacting, with alterations, the existing Rules prohibiting Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings, for carrying on Manufactures or other Purposes, without the Sanction of the Governor General in Council.	Sections 3, 4, 5 and 6, and so much of section 1 as relates to Europeans purchasing or holding land.
XLI of 1793	A Regulation for forming into a regular Code all Regulations that may be enacted for the internal Government of the British territories in Bengal.	The whole.
XLVII of 1793	A Regulation for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations.	The whole.
XLVIII of 1793	A Regulation for forming a quinquennial Register of the landed Estates in Bengal, Behar, and Orissa, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate.	Section 2, clause 2.

ACT No. VIII OF 1868.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
II of 1794	A Regulation for postponing the Operation of Section LXL Regulation VIII. 1793, in the Zillah of Boglepore, to the end of Kautic 1201, Bengal era.	The whole.
V of 1794	A Regulation for restricting the Sudder Dewanny Adawlut, and the Provincial Courts of Appeal, from admitting Appeals from Decisions passed by any of the Courts of Dewanny Adawlut, heretofore denominated Courts of Mofussil Dewanny Adawlut, between the 6th April, 1781, and the 1st May 1793, that were declared to be final by the Regulations for the Administration of Justice which existed during that Period.	The whole.
VI of 1794	A Regulation for postponing to the 10th April, 1795, the Operation of such parts of Sections XVIII. XIX. XX. and XXIII. Regulation XXXV. 1793, as regard the Silver Coin.	The whole.
VIII of 1794	A Regulation for extending and defining the Powers given by Section VI. Regulation XIII. 1793, to the Registers of the Zillah and City Courts, to try and decide Causes referred to them by the Judges of their respective Courts, and for empowering the Zillah and City Courts in certain cases to refer Rent and Revenue Accounts to the Collectors for report.	The whole.
IV of 1795	A Regulation for prohibiting the Collection of internal Duties in the Province of Benares.	The whole.
V of 1795	A Regulation prescribing Rules for the Conduct of the Collector of the public Revenue in the Province of Benares.	Section 17.
VII of 1795	A Regulation for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying Civil Suits, in the first Instance, at the City of Benares, and at Mirzapore, Ghazepore, and Juanpore, in the Province of Benares, and for defining the Jurisdiction and Powers of those Courts.	Section 8.
X of 1795	A Regulation for empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from Decisions of the Provincial Court of Appeal established in the Province of Benares; and for defining the Jurisdiction, Powers, and Authorities of the Sudder Dewanny Adawlut in that Province.	Sections 1, 4 and 10.
XVI of 1795	A Regulation for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors in the Province of Benares; for enabling one of the Judges, in his capacity of Judge of the Provincial Court of Appeal, to transact certain Parts of the Business of that Court, whilst the other two Judges, as Judges of Circuit, are making the Circuits; and for providing against the Absence or Indisposition of any of the Judges or their Law Officers, and against Vacancies in the Judicial or Law Appointments.	So much as has not been repealed.
XVIII of 1795	A Regulation for the Establishment of an efficient Police in the Province of Benares.	So much as has not been repealed.

ACT No. VIII OF 1868.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
XXII of 1795	A Regulation for preserving the Record of the principal Rules regarding the Administration of Justice and the Police in the Province of Benares, passed between the Year 1781 and the Period of the Abolition of the Office of Resident in 1795; and for determining what Part of those Rules are to be considered still in force; and for transferring the Causes depending in the Courts of Judicature abolished on this Date to the Courts established in lieu of them.	The whole.
XXIV of 1795	A Regulation extending to the Province of Benares, Regulation XXVIII. 1793, entitled "A Regulation for prohibiting British subjects (excepting King's Officers serving under the Presidency of Fort William, and civil covenanted Servants of the Company, and their military Officers) residing at a greater Distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny Adawlut, in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section VII. Regulation III. 1793, and for enabling British subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons."	The whole.
XXV of 1795	A Regulation for extending to the Province of Benares, Regulation XLVII. 1793, entitled "A Regulation for providing for differences of opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations."	The whole.
XXIX of 1795	A Regulation for extending to the Province of Benares, Regulation XX. 1793, entitled "A Regulation for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance."	The whole.
XXXIII of 1795	A Regulation for enacting into a Regulation the Rules passed relative to the Cultivation and Manufacture of Indigo, on behalf of, or by natural-born British Subjects, and other Europeans, having the Permission of Government to reside in the Province of Benares.	The whole.
XXXIV of 1795	A Regulation for re-enacting, with Modifications, the Rules respecting the Pensions payable from the Government and Moolky Treasuries in the Province of Benares.	Sections 5, 12 and 13.
XXXVI of 1795	A Regulation for repealing Section VII, Regulation VIII, 1794, and empowering the Judges of the Zillah and City Courts to hear Appeals from Decisions which may be passed by their Registers under that Regulation, and rendering final the Decisions of the Judges in all such Appeals where the Suit may be for Money or personal Property; for making final the Decrees of the Judges of the Zillah and City Courts, in Appeals from Decisions passed by the Native Commissioners appointed under Regulation XL. 1793, for rendering Serberakars, or Managers of joint undivided Estates, eligible to the Office of Commissioner for hearing and deciding Suits under Regulation XL. 1793; for providing against the Loss or Miscarriage of the Proceedings in Trials referred by the Judges of Circuit to the Nizamut Adawlut, or the Sentences or Orders of that Court on such Trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan.	So much as has not been repealed.

ACT No. VIII OF 1868.

No. of REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
XXXVIII of 1795	A Regulation for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause Sixth, Section V. Regulation XL. 1793; and for the appropriation of the fees so collected.	The whole.
XLVIII of 1795	A Regulation for prohibiting covenanted Civil Servants of the Company employed in the Administration of Justice, or the Collection of the public Revenue, in the Province of Benares, from lending Money to Talookdars, Zemindars, Putteedars, or other actual Proprietors of Land, or to Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for prohibiting in the said Province, Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings for carrying on Manufactures, or other Purposes, without the Sanction of the Governor General in Council.	Sections 3, 4, 5 and 6.
LIX of 1795	A Regulation for further postponing to the 10th April, 1796, the Operation of such Parts of Sections XVIII. XIX. XX. and XXIII. Regulation XXXV. 1793, as regard the Silver Coin.	The whole.
LX of 1795	A Regulation for extending to the Province of Benares, Regulation XXXVIII. 1795, entitled "A Regulation for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under clause Sixth, Section V. Regulation XL. 1793."	The whole.
LXI of 1795	A Regulation for determining what Sicca Rupees of the nineteenth Sun shall be considered as of standard Weight in Payments, in the Provinces of Bengal, Behar and Orissa.	The whole.
LXII of 1795	A Regulation for withdrawing the Mint established at Moorshedabad under Regulation XXXV. 1793.	The whole.
IV of 1796	A Regulation to provide for the occasional Absence of the Zillah and City Judges and Magistrates, in the Provinces of Bengal, Behar, Orissa, and Benares, from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants, on such occasions, as well as in the Discharge of their official Functions.	Sections 5 and 6.
XVII of 1796	A Regulation for repealing such Part of Regulations VIII. and X. 1793, as excludes the Proprietors of Land from the Management of their Estates on Grounds of Contumacy or Profligacy of Character.	The whole.
X of 1796	A Regulation for the guidance of the Courts of Justice in Cases of a Difference of Opinion on the Meaning and Construction of the Regulations.	The whole.

ACT No. VIII OF 1868..

NO. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
III of 1797	A Regulation for constituting one Court of Circuit to expedite the Gaol Deliveries of the Zillahs and Cities within the several Divisions of the Courts of Circuits for Calcutta, Dacca, Patna, Moorshedabad and Benares, instead of two Courts, as provided by Regulation VII. 1794, and Regulation XVI. 1795.	The whole.
VIII of 1797	A Regulation for rendering Prosecutions instituted for the Recovery of Losses sustained by Theft and Robbery in the Province of Benares, cognizable in the Courts of Civil Judicature; and for ascertaining the Responsibility in such cases of Tehseeldars of Places held khaum in the said Province; and for transferring the Nomination of the Pleaders for Government in the several Courts of Judicature, from the Sudder Dewanny Adawlut to the Governor General in Council.	So much as has not been repealed.
XI of 1797	A Regulation for amending the Form of Bond to be executed by British Subjects or others not amenable to the Zillah and City Civil Courts, on their instituting Suits in such Courts; and for prescribing a Form of Bond to be executed by the Sureties of Defendants in the above Courts.	The whole.
II of 1798	A Regulation for authorizing a Review of Causes decided by the Civil Courts in certain Cases; and for explaining Parts of Regulations IV. V. and VI. 1793.	So much as has not been repealed.
III of 1799	A Regulation for postponing to the End of the Bengal year 1204, or to the 10th of April, 1798, the Operation of Section XX. Regulation XXXV. 1793, within the Zillah of Sylhet.	The whole.
II of 1801	A Regulation for the more speedy and effectual Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	The whole Regulation, except sections 7, 14 and 15.
IX of 1801	A Regulation to limit the Operation of Section XV. Regulation VII, 1799, upon Persons employed in the Salt Manufacture, or in the Provision of the Company's Investment, and to explain and amend Section II. Regulation XI. 1796, with respect to Persons so employed, and others charged with Resistance of Process under that Regulation.	So much as has not been repealed.
IV of 1802	A Regulation to constitute an occasional Second Court of Appeal for the Division of Dacca.	The whole.
I of 1803	A Regulation for forming into a regular Code all Regulations which may be enacted for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.
VI of 1803	A Regulation for the Guidance of the Magistrates of the several Zillahs in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, in apprehending Persons charged with Crimes, or Offences, and bringing them to Trial.	So much as has not been repealed.

ACT NO. VIII OF 1868.

No. of REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
VII of 1803	A Regulation for the Establishment of a Court of Circuit for the Trial of Persons charged with Crimes, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
IX of 1803	A Regulation for empowering the Judges of the Zillah Courts, the Magistrates, the Judges of the Provincial Court of Appeal, and the Judges of the Court of Circuit, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to propose Regulations regarding Matters coming within their Cognizance, respectively.	The whole. •
XII of 1803	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 6, 7, 8, 9, 10, 15, 17, 18, 20 and 21.
XV of 1803	A Regulation for providing for Differences of Opinion between the Judges of the Provincial Court of Appeal and Court of Circuit, established in Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and prescribing Rules regarding other Matters connected with their official Situation.	The whole.
XVIII of 1803	A Regulation for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William, and the Civil Covenanted Servants of the Company, and their Military Officers) from residing in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, without the Permission of the Governor General in Council, and without rendering themselves amenable to the Courts of Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section IV. Regulation II. 1803; and for enabling British Subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons.	The whole.
XIX of 1803	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, from lending Money to Zemindars, independent Talookdars, or other Proprietors of Land, or dependent Talookdars or Farmers of Land holding Farms immediately of Government, or the Under-Farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above-mentioned, or their respective Sureties; and for prohibiting Europeans, of any Description, holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands in the said Provinces for erecting Houses or Buildings for carrying on Manufactures or other purposes, without the Sanction of the Governor General in Council.	Sections 3, 4, 5 and 6.

ACT No. VIII OF 1868.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL
XXII of 1803	A Regulation for the Guidance of the Courts of Justice established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, in Cases of Difference of Opinion on the Meaning and Construction of the Regulations.	The whole.
XXV of 1803	A Regulation prescribing Rules for the Conduct of the Board of Revenue and the Collectors; and for declaring the proprietary Right in the Lands, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to be vested in the Zemindars and other Landholders, under the Terms and conditions of the Settlement of the Land Revenue formed by the Honourable the late Lieutenant Governor and the Board of Commissioners, pursuant to the authority vested in them by His Excellency the Most Noble the Governor General.	Section 16.
XXXIV of 1803	A Regulation for determining the Rate of Interest on Money in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 2, 4 and 11.
XXXV of 1803	A Regulation for the establishment of an efficient System of Police in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 4, 5, 6, 22 and 23.
XXXVII of 1803	A Regulation prescribing Rules respecting the provision of the Honourable the English East India Company's investment, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.
XLV of 1803	A Regulation for the reform of the gold, silver and copper coin of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.
LI of 1803	A Regulation for empowering the Court of Circuit established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and the Nizamut Adawlut, to take Cognizance of all depending Criminal Cases, the Trial of which had been commenced previous to the Period when the Regulations passed on the 24th of March, 1803, for the Trial of Crimes and Offences committed in the said Provinces, were directed to take Effect.	The whole.
LIV of 1803	A Regulation for postponing the operation of Section XX, Regulation XXXV, 1793, within the Zillah of Chittagong.	The whole.
II of 1804	A Regulation for altering the periods of the Half-Yearly Gaol Deliveries in the Divisions of Calcutta, Moorshedabad, Patna, and Benares; and for providing a Quarterly Gaol Delivery in the Zillahs of the Twenty-Four Pergunnahs, Dacca, Jelalpoore, and Moorshedabad.	The whole.
IV of 1804	A Regulation for the Administration of Justice in criminal Cases in the Zillah of Cuttack.	The whole.

ACT No. VIII OF 1868.

No OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
VI of 1804	A Regulation for rescinding Regulation XXXIX. 1803; for establishing Rules for levying a Duty on the Importation and Exportation of Salt in the Provinces ceded to the Honourable Company by the Nawaub Vizier, in the conquered Provinces in the Doaab and on the right Bank of the Jumna, and in the Province of Benares; for reducing the Rate of Duty established by Clause Sixth, Section IV. Regulation VI. 1801, on the Importation of Salumba and Bahumba Salt into the Province of Benares; and for withdrawing the Prohibition contained in Section VI of that Regulation on the Manufacture of Salt within the Province of Benares.	So much as has not been repealed.
VII of 1804	A Regulation for determining the Rates of Duty to be levied, under Sections IV. and VII. Regulation VI. 1804, on the Importation and Exportation of Salt in the Provinces ceded to the Honourable Company by the Nawaub Vizier, and in the conquered Provinces situated within the Doaab and the right Bank of the River Jumna.	The whole.
VIII of 1804	A Regulation for transferring the Zillahs of Allahabad and Goruckpore from the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of the Provinces ceded to the Honourable the English East India Company by the Nawaub Vizier; and for annexing those Zillahs to the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of Benares.	The whole.
I of 1805	A Regulation for empowering the Court of Sudder Dewanny Adawlut to hear and determine Appeals from the Decisions of the Courts of Civil Justice established under the Authority of the British Government at Chandernagore and Chinsurah.	The whole.
II of 1805	A Regulation to explain the existing Limitations of Time for the Cognizance of Suits in the Civil Courts of Justice; to provide further Limitations with respect to certain Suits, regular and summary; and to make other Provisions relative to the Admission and Trial of original Suits, and of Appeals.	So much as has not been repealed.
IV of 1805	A Regulation for extending to the Province of Benares Regulation XXXI, 1793, entitled "A Regulation for re-enacting, with Modifications and Amendments, the Rules passed on the 23rd of July, 1787, and subsequent Dates, for the Conduct of the Commercial Residents and Agents, and all Persons employed or concerned in the Provision of the Company's Investment," and also for exempting from Duty all Goods and Articles provided in the Province of Benares, on Account of the Investment of the Honourable East India Company.	The whole.
V of 1805	A Regulation for forming the Settlement of the Land Revenue of the Provinces ceded to the Honourable the English East India Company by the Nawaub Vizier, for the years 1213, 1214, and 1215, of the Fussily Era.	The whole.

ACT No. VIII OF 1868.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL
VII of 1805	A Regulation for empowering the Governor General in Council to grant a temporary Exemption to covenanted Civil Servants of the Company, holding certain Offices, from the Obligations of that part of the Oath prescribed to be taken by certain Descriptions of Public Officers, which prohibits their being concerned in commercial Transactions.	The whole.
VIII of 1805	A Regulation 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 Honourable 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 Nawaub Vizier to the Honourable 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 2, section 3, clause 2, section 4, section 6, clause 2.
XI of 1805	A Regulation for extending to the Conquered Provinces situated within the Doab and on the right Bank of the River Jumna, and to the Territories ceded to the Honourable the English East India Company in Bundelcund by the Peishwa, Regulation XLV. 1803, entitled "A Regulation for the reform of the Gold, Silver, and Copper Coin, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company;" also for providing for the Appointment of Native Officers of Government employed in the Mint established at Furruckabad, under Regulation XLV. 1803; and for extending to such Native Officers such Parts of Regulation V. 1804, as provide for the Appointment and Removal of the Native Officers of Government in certain Departments.	The whole.
XVI of 1805	A Regulation for extending the Jurisdiction of the Court of Circuit to the Division of Calcutta, and of the Court of Nizamut Adawlut, over the Settlements of Chandernagore and Chinsurah, in certain Cases, and for defining the Powers and Duties of the Superintendent of Chandernagore and Commissioner of Chinsurah, in his Capacity of Magistrate for those Settlements.	The whole.
XVIII of 1805	A Regulation for the appointment of a Magistrate of the Jungle Mehals, in Zillahs Beerbhoom, Burdwan, and Midnapore; and for declaring and extending the Rules prescribed for Zemindars and Managers of Zemindaries intrusted with the Police in those Mehals.	So much as has not been repealed.
I of 1806	A Regulation for abolishing the Jurisdiction of Zillah Moershedabad, and annexing the Mehals composing it to the Jurisdictions of the City of Moershedabad and Zillah Beerbhoom; for altering the Jurisdiction of the Courts of Circuit and Provincial Courts of Appeal of the Divisions of Calcutta and Moershedabad; for fixing the Order of holding the Half-Yearly Gaol Deliveries in those Divisions, and in the Divisions of Benares and Bareilly; for rescinding such Parts of the existing Regulations as restrict the senior Judges of the Courts of Circuit from proceeding upon the Circuit in their respective Divisions; and for extending the Authority of the Courts of Nizamut Adawlut and Sudder Dewanny Adawlut in certain Cases.	The whole.

ACT No. VIII OF 1868.

No. of REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
III of 1806	A Regulation for defining the Weight and Standard of the Silver Coin, established in the Ceded and Conquered Provinces by Regulation XLV, 1803, and Regulation XI, 1805, and the Weight of the Copper Coin established in the said Provinces by the Regulations above-mentioned; also for fixing a Table of Rates for regulating the Receipt and Payment of Rupees of different Descriptions during the Periods prescribed by Regulation XLV. 1803, for the Receipt and Payment of Rupees not being the Rupees declared by that Regulation, and by Regulation XI. 1805, to be the established and legal Silver Coin within the Ceded and Conquered Provinces.	The whole.
IV of 1807	A Regulation for determining the Rates at which Rupees of Sorts shall be received and issued in the Ceded and Conquered Provinces, during the Existence of the depending Settlement of the Land Revenue in those Provinces.	The whole.
X of 1807	A Regulation for the Conclusion of the ensuing Settlement in the Ceded and Conquered Provinces.	So much as has not been repealed.
XI of 1807	A Regulation for vesting the Control of the Customs, with certain Exceptions, in the Board of Commissioners appointed under Regulation X. 1807.	The whole.
XII of 1807	A Regulation for the Appointment of Ameens of Police in the Provinces of Bengal, Behar, and Orissa, and for defining the Duties to be performed by them; also for obtaining a complete Register of Guards and Watchmen employed by Landholders, Farmers, and others, and declaring the Responsibility of their Employers for the Conduct of such Servants in certain Cases.	So much as has not been repealed.
XIII of 1807	A Regulation for modifying certain Parts of Regulation XXXV. 1793, Regulation XLV. 1803, and Regulation XII. 1805, relative to Engagements for Rupees or Gold Mohurs, not being of the established Coinage.	The whole.
XIV of 1807	A Regulation for amending the System of Police established in the Province of Benares and in the Ceded and Conquered Provinces within the Divisions of Bareilly and Benares; also for extending to those Provinces the Provisions contained in Regulation XII. 1807, for the Appointment of Ameens of Police.	Sections 2, 3 and 18, and so much of section 17 as has not been repealed.
XV of 1807	A Regulation for modifying the Constitution of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, so far as relates to the Appointment of the Judges of those Courts.	So much as has not been repealed.
II of 1808	A Regulation for the better security of the Property of Minors subject to the Jurisdiction of the European Court at Chandernagore.	So much as has not been repealed.
VI of 1808	A Regulation for the Settlement of the Revenues of the Zillah of Cuttack.	So much as has not been repealed.
X of 1808	A Regulation for the Appointment of a Superintendent of Police, and for defining his Jurisdiction and Authority.	So much as has not been repealed.

ACT No. VIII OF 1868.

NO. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
✓ I of 1809	A Regulation for rendering permanent the Board of Commissioners in the Upper Provinces, and for investing that Board with certain Powers in the Province of Benares.	The whole.
II of 1809	A Regulation for enabling the Commander-in-Chief to delegate the Power of appointing General Courts-Martial on Native Officers and Soldiers of Detachments from the Bengal Army serving beyond Sea, and for determining the Number of Officers necessary for the Formation of such Courts-Martial.	The whole.
IX of 1809	A Regulation for empowering the Calcutta Provincial Court to receive Appeals from the Decisions of the Commissioner at Chinsurah and Superintendent of Chandernagore in certain Cases, and to make further Provision for the Administration of Civil Justice at those settlements.	The whole.
X of 1809	A Regulation for the establishment of a Copper Coinage in the Province of Benares.	The whole.
✓ IV of 1810	A Regulation for abolishing the Office of Commissioner in Cuttack.	So much as has not been repealed.
VIII of 1810	A Regulation for the Appointment of Superintendents of Police in the Divisions of Patna, Benares and Bareilly.	The whole.
XII of 1810	A Regulation for modifying the Rules contained in Section II, Regulation VII, 1809, and Section VI, Regulation X, 1809.	So much as has not been repealed.
III of 1811	A Regulation for the Conduct of the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies; and for defining the Duties to which such Trade shall be subject, at such of the said Ports and Settlements as are immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
✓ VI of 1811	A Regulation for rescinding such Parts of Regulation XXVII, 1793, as declare the holders of Lakheraj and Malguzarry lands entitled to a Compensation on account of the Abolition of the Sayer.	The whole.
X of 1811	A Regulation for preventing the Importation of Slaves from foreign Countries, and the Sale of such Slaves in the Territories immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
XII of 1811	A Regulation for augmenting the Number of Judges of the Courts of Sudder Dewanny Adawlut, according as may from Time to Time appear necessary for the Despatch of the Business of those Courts.	The whole.
I of 1812	A Regulation for modifying certain Parts of Regulation IX, 1810; for imposing a Duty on Horses imported by Sea, with an Exception to Horses imported from Europe; and for prohibiting the Exportation of Woollens from Bengal to China.	So much as has not been repealed.

ACT No. VIII OF 1868.

No. of REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
II of 1812	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Re-coinage of Rupees and other Coins, with certain Exceptions, at the Mints established at Calcutta, Furruckabad and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the Coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the above-mentioned Mints respectively.	The whole Regulation, except sections 1 and 3, so much of section 5 as is unrepealed, and section 6.
VII of 1812	A Regulation for rescinding Regulations XV. 1810, and IV. 1811.	The whole.
XIV of 1812	A Regulation for modifying, in certain Cases, the Rule contained in Section II. Regulation V. 1812, regarding the Grant of Leases by the Proprietors of lands in the Ceded and Conquered Provinces to their tenants.	Sections 2 and 3.
XV of 1812	A Regulation for extending to the Ceded and Conquered Provinces, and to the Province of Benares, certain Parts of Regulation I. 1811, and for rescinding Regulation II. 1810.	The whole Regulation, except so far as it extends Regulation I. 1811, section 10.
XVI of 1812	A Regulation for authorizing the Judge of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs to execute Judgments passed by the Court of Requests for the Town of Calcutta.	The whole.
XIX of 1812	A Regulation for making certain Alterations in the Rules before established for the Collection of the Government Customs and Town Duties.	So much as has not been repealed.
XXI of 1812	A Regulation for rescinding certain Parts of Regulation I. 1811.	The whole.
X of 1813	A Regulation for modifying the Rules established respecting the Settlement of Cuttack, the Pergunnah of Puttas-pore, and its Dependencies.	The whole.
VII of 1813	A Regulation for extending to the Ceded and Conquered Provinces the Provisions contained in Regulation III. 1801, and in Section XIII. Regulation VIII. 1794; and for rescinding parts of Sections XI. and XV. Regulation I. 1803.	So much as has not been repealed.
XII of 1813	A Regulation for modifying some of the Provisions in the Regulations before enacted for the Collection of the Government Customs and Town Duties.	So much as has not been repealed.
XIV of 1813	A Regulation for abolishing the Duties before established on the importation of Horses by Sea, or through the District of Cuttack.	The whole.
X of 1813	A Regulation for the general Abolition of the Office of Dewaun to the Collectors of the Land Revenue in the Provinces immediately dependent on the Presidency of Fort William.	The whole.
IV of 1814	A Regulation for repealing Regulation VIII. 1812.	The whole.

ACT No. VIII OF 1868.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
V of 1814	A Regulation for amending such Parts of the Regulations before enacted as relate to the Appointment of the Judges of the Provincial Courts of Appeal and Circuit.	The whole.
VII of 1814	A Regulation for modifying a Part of the Provisions contained in Regulation X. 1809, respecting the Copper Coinage of the Province of Benares.	The whole.
IX of 1814	A Regulation for explaining the extent and meaning of Regulation XIII. 1813, and Regulation III. 1814.	The whole.
X of 1814	A Regulation for explaining so much of Regulation I. 1814, as relates to Engagements contracted between Government and Individuals.	The whole.
XIII of 1814	A Regulation for the Abolition of the Office of Cutwal in the Cities of Dacca, Patna and Moorsshedabad.	The whole.
XX of 1814	A Regulation for rescinding the Regulations in force relative to the College of Fort William.	The whole.
XXV of 1814	A Regulation for modifying the Constitution and Jurisdiction of the Sudder Dewanny Adawlut and of the Provincial Courts, for expediting the Trial of Civil Causes in those Courts, and for defining more fully the Powers of single Judges holding the Sittings of those Courts, or of the Nizamut Adawlut and Courts of Circuit.	The whole Regulation, except section 15.
III of 1815	A Regulation for continuing the existing Settlement of the District of Cuttack, the Pergunnah of Puttaspoore, and its Dependencies, until the Expiration of the Year 1223, Umlee.	The whole.
IV of 1815	A Regulation for modifying some of the Provisions at present in Force, for the Collection of Customs on certain Articles of Commerce in the Territories immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
II of 1816	A Regulation for re-establishing the office of Canoongoe in that Portion of the Province of Behar which forms the Districts of Shahabad, Tirhoot, Sarun, and Behar.	The whole.
III of 1816	A Regulation for rescinding Regulation XII. 1808.	The whole.
IV of 1816	A Regulation for allowing Prisoners confined under Process of the Civil Courts to deliver Petitions upon unstamped paper in certain Cases, and to make further Provision for the Treatment of Prisoners in the Civil Jails.	So much as has not been repealed.
VI of 1816	A Regulation for extending for a further Period of three Years the existing Settlement of Cuttack, Pergunnah Puttaspoore, and its Dependencies, in all Cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of the Land.	The whole.
XII of 1816	A Regulation for the Establishment of a Custom House at Cox's Bazar, for the Collection of Government Customs.	The whole.

ACT No. VIII OF 1868.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
XIV of 1816	A Regulation to provide more effectually for the Management of the Public Jails ; and to enable the Magistrates to maintain good Order and Discipline in those Jails ; as well as among the Prisoners employed on the Public Roads, or other Public Works :—Also to place the Jail at Alipore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut ; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	Sections 2, 3, 11, 12, 13 and 14.
XVI of 1816	A Regulation for extending for a further Period of five years the existing Settlement in the Provinces ceded by the Nawaub Vizier to the British Government, in all Cases in which the Settlement may have been concluded with the actual Proprietors of the Land.	The whole.
XVIII of 1816	A Regulation for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a Part of the Territories of His Excellency the Nawaub Vizier.	Sections 3 and 4.
XXI of 1816	A Regulation for modifying Section XLIII. Regulation XLV. 1803, which prescribes a specified weight for the copper pice to be coined at the Mint of Furruckabad.	The whole.
II of 1817	A Regulation for re-establishing the Office of Canoongoe, in those Portions of the Districts of Ramghur, Bhaugulpore, and Purneah, which are comprised in the Province of Behar.	The whole
IV of 1817	A Regulation for annexing to the Zillah of Seharunpore the Tract of Country called Deyra Doon, formerly composing a Part of the Territories of the Rajah of Nepal.	The whole.
V of 1817	A Regulation for declaring the Rights of Government and of Individuals with respect to hidden Treasure, and for prescribing the Rules to be observed on the Discovery of such Treasure.	Sections 3 and 4.
IX of 1817	A Regulation for rescinding Regulation V. 1815 ...	The whole.
XIV of 1817	A Regulation for amending certain Parts of Regulation II. 1812.	The whole.
XXV of 1817	A Regulation for fixing the Weight of the Pice struck at the Calcutta Mint, and for giving general Circulation to Pice struck at any of the Mints subordinate to this Presidency.	The whole.
XXVI of 1817	A Regulation for authorizing the Circulation of Furruckabad Rupees, coined in either of the Mints of Calcutta, Furruckabad, or Benares, or at any other Mint established by Order of the Governor General in Council.	The whole.
II of 1818	A Regulation for annexing to the Zillah of Bundelcund the Elakeh of Khundeh, appertaining to the Pergunnah of Mahoba, together with certain Villages belonging to the Pergunnah of Choorkee, on the right Bank of the Jumna, formerly composing a part of the Territories of Nana Govind Row.	Sections 3 and 4.

ACT No. VIII OF 1868.

No. of REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL
V of 1818	A Regulation for the Appointment of a Commissioner to be vested with special Powers in the Administration of Civil Affairs in Zillah Cuttack.	So much as has not been repealed.
X IX of 1818	A Regulation for extending for a further Period of five Years the existing Settlement in the conquered Provinces lying on the right and left Banks of the River Jumna, with the exception of the Southern Division of the District of Seharunpore, and in the Territory ceded to the British Government by his Highness the Peishwah in Bundelcund, in all cases in which the Settlement may have been concluded with the actual Proprietors of the Land.	The whole.
X XIII of 1818	A Regulation for extending for a further Period of three years the existing Settlement of Cuttack, Pergunnah Puttaspoore and its Dependencies, in all Cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of Land.	The whole.
XI of 1819	A Regulation for discontinuing the coinage of the Benares Rupee; for declaring the Furruckabad Rupee the legal Currency of the Province of Benares; for altering the Standard of the Furruckabad Rupee, and for defining the Rate at which that Rupee is to be received within the Province of Benares.	The whole.
V of 1820	A Regulation for imposing a general Custom Duty on Tobacco.	So much as has not been repealed.
VI of 1820	A Regulation for rescinding Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803.	The whole.
X I of 1821	A Regulation for the Appointment of a Special Commission in the Ceded and Conquered Provinces, for the Investigation and Decision of certain Claims to recover Possession of Land illegally or wrongfully disposed of by Public Sale, or lost through Private Transfers effected by undue Influence; and for the Correction of the Errors or Omissions of the Proceedings adopted by the Revenue Officers in regard to the Record and Recognition of Proprietary Rights, and the Ascertainment of the Tenures, Interests and Privileges of the Agricultural Community.	The whole.
V of 1821	A Regulation for settling the Rates at which Benares and Furruckabad Rupees shall be received in Payment of the Revenue of Malguzars, whose Engagements are expressed in Gohurshahee or Trisoollee Rupees.	The whole.
V of 1822	A Regulation for amending certain Provisions of Regulation IX. 1808.	The whole.
I of 1823	A Regulation to amend certain Parts of Regulation I. 1821.	The whole.

ACT No. VIII OF 1868.

No OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
V of 1823	A Regulation for giving Currency throughout the Provinces dependent on the Presidency of Fort William, to Rowannahs issued by the Officers in Charge of the Dehlee Territory, for reducing the Transit Duty chargeable on Piece-goods, the manufacture of the British Territories, from Seven and a Half to Two and a Half per Cent., and for making certain other Alterations in the Rules applicable to the Collection of Customs.	So much as has not been repealed.
✓ I of 1824	A Regulation for enabling the Officers of Government to obtain, at a fair Valuation, Land or other immoveable Property required for Roads, Canals, or other Public Purposes; and for declaring in what manner the Claims of the Zemindars, and of the Officers in the Salt Department, are to be adjusted in certain Districts, where Lands are required for the Purposes of Salt Manufacture.	So much as has not been repealed.
II of 1824	A Regulation for abolishing the Furruckabad Mint, and for modifying some of the Rules in force relative to the Furruckabad Rupee.	The whole.
✓ IX of 1824	A Regulation to extend, with certain Exceptions and Conditions, the existing Settlement in the Conquered Provinces and in Bundelound for a further Period of Five Years.	The whole Regulation, except section 4.
V of 1825	A Regulation for removing certain Doubts as to the Legality of an Union of the Powers of Judge and Collector in the same Individual.	The whole.
X of 1825	A Regulation more distinctly to define the Meaning and Intent of the Provisions contained in Regulations XXXI. of 1793, and XXXVII. of 1803, which prescribe Rules for the Conduct of Commercial Residents carrying on Trade for themselves.	The whole.
✓ XVIII of 1825	A Regulation for annexing the Settlement of Chinsurah, and other Territories ceded to the British Government by the Government of the Netherlands, to the Zillah and City Jurisdictions most contiguous thereto; and to provide for the Administration of the said Territories.	Sections 4, 5, 8, 9 and 10.
✓ I of 1826	A Regulation for augmenting the Number of Judges of the Provincial Courts of Appeal and Circuit, as may from Time to Time appear necessary.	The whole.
II of 1826	A Regulation to extend, with certain Exceptions and Conditions, the existing Settlement in the Provinces ceded by the Nawaub Vizier to the British Government, for a further Period of Five Years.	The whole.
IV of 1826	A Regulation for expediting the Proceedings of the Mofussil and Sudder Special Commissions, acting under the Provisions of Regulation I. 1821.	The whole.
V of 1826	A Regulation for annexing to the Zillah of Agra the Pergunnah of Goberdhun.	Section 2, excepting the first twelve words, and sections 3, 4 and 5.
VII of 1826	A Regulation for transferring the Control of the Benares Mint from the Board of Revenue in the Central Provinces to a Local Committee.	The whole.

ACT No. VIII OF 1868.

No. of REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
II of 1827	A Regulation to legalize certain Criminal Trials, held in the Division of Barsailly.	The whole.
II of 1828	A Regulation for rescinding parts of Regulation I. 1799.	The whole.
III of 1829	A Regulation for abolishing certain Official Designations amongst the Judges of the Courts of the 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, and for discontinuing the Offices of Hindoo and Mahomedan Law Officer in the Provincial Courts.	Sections 1, 2, 3, 4 and 5.
V of 1829	A Regulation for rescinding part of Regulation X. 1817, and parts of Regulation XXI. 1825.	Section 2, and section 3, clause 1.
IX of 1829	A Regulation for rescinding some of the Rules of Regulation XXX. 1793, and the corresponding Rules for Benares and the Ceded Provinces, and for placing the Commercial Agents of the East India Company on the same Footing towards Natives of the country as other Persons.	The whole.
XIII of 1829	A Regulation for abolishing the Office of Superintendent and Remembrancer of Legal Affairs.	So much as has not been repealed.
XVIII of 1829	A Regulation to rescind Section III. Regulation IV. 1829, and to make further Modifications in the Provisions of Regulation I. 1821, and Regulation I. 1829.	The whole.
I of 1830	A Regulation for rescinding certain Provisions of Regulation I. of 1829, in regard to the administration of Civil Justice in Zillah Midnapore.	The whole.
V of 1830	A Regulation for amending the Provisions of Regulation VI. 1823, and for providing more effectually for enforcing the Execution of Contracts relating to the Cultivation and Delivery of Indigo Plant.	Section 2.
I of 1831	A Regulation for rescinding Clause Second, Section III. Regulation XVI. 1825.	The whole.
II of 1831	A Regulation to remove Doubts regarding the Legality of certain Criminal Trials.	The whole.
III of 1831	A Regulation for legalizing the Circulation of Copper Half-Anna and Single Pie Pieces.	The whole.
VI of 1831	A Regulation for the Appointment of one or more Judges, to be ordinarily stationed at Allahabad, for the Purpose of exercising the Powers and Authority of the Sudder Dewanny and Nizamut Adawlut, within the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Shaharunpoor, Mozuffurnuggur, and Bolundshuhur, which are now subject to the Chief Commissioner at Delhi, and the Powers and Authority of the Nizamut Adawlut in the Province of Kumaon and the Saugor and Nerbudda Territories.	Section 7, so far as it relates to the Court of Sadr Diwani Adalat.

ACT No. VIII OF 1863.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
VII of 1831	A Regulation for enabling the Governor General in Council to afford Relief to the Commissioners of Circuit, by vesting the Zillah and City Judges, not being Magistrates, with Powers to hold Monthly Gaol Deliveries within their respective Jurisdictions (whenever that measure may be deemed advisable), and for defining the Powers and Duties of the Judges, or other Officers, not being in Charge of the Office of Commissioner, who may be appointed to hold any Gaol Delivery while so employed.	So much as has not been repealed.
IX of 1831	A Regulation for the more speedy and efficient Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	So much as has not been repealed.
II of 1832	A Regulation for the better administration of Criminal Justice and the Police in certain Cases.	So much as has not been repealed.
III of 1832	A Regulation for extending the Provisions of Regulation X. 1811.	So much as has not been repealed.
VI of 1832	A Regulation for enabling European Functionaries to avail themselves of the Assistance of respectable Natives in the Administration of Civil or Criminal Justice, and for modifying or dispensing with Futwas by Mahomedan Law Officers in certain Trials.	So far as it relates to Courts for the administration of Civil Justice.
VII of 1832	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing supplementary Rules to that Enactment.	The whole Regulation, except sections 8 and 9.
VIII of 1832	A Regulation for rescinding Regulation XIV. 1814 ...	Sections 2 and 4.
II of 1833	A Regulation for empowering the Governor General in Council to abolish the Provincial Courts of Appeal.	The whole.
V of 1833	A Regulation for forming the Jurisdiction of the City of Dacca and the Zillah of Dacca Jelalpore into one District.	Sections 2 and 4.
VII of 1833	A Regulation for altering the Weight of the new Furruckabad Rupee, and for assimilating it to the Legal Currency of the Madras and Bombay Presidencies; for adjusting the Weight of the Calcutta Sicca Rupee, and for fixing a Standard Unit of Weight for India.	The whole.
I of 1834	A Regulation for limiting and defining the Boundary within which the Calcutta Town Duties are leviable.	The whole.

ACT No. IX OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd April 1868).

An Act for taxing Professions and Trades.

WHEREAS it is expedient to impose a tax on all persons exercising professions and trades in British India; It is hereby enacted as follows:—

Preamble.

I.—PRELIMINARY.

1. In this Act—unless there be something repugnant in the subject or context—“Magistrate” means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the first class, and includes a Magistrate of Police and a Justice of the Peace, and “person” includes a firm, and “defaulter” a firm making default under this Act.

Interpretation clause.

“Magistrate.”

“Person.”

“Defaulter.”

2. Acts No. XXI of 1867 (*for the licensing of professions and trades*) and No. XXIX of 1867 (*to explain and amend Act No. XXI of 1867*) are hereby repealed; but save as aforesaid nothing in this Act shall be construed to affect the provisions of any other law relating to taxes or licenses.

Repeal of Acts.

Saving of other laws relating to taxes or licenses.

Exemptions from Act.

3. Nothing in this Act shall apply to—

(1).—Officers of Her Majesty’s Forces or of Her Majesty’s Indian Forces, whose pay and allowances do not exceed rupees 6,000 per annum, and who are not in Civil employment other than employment in the Police :

(2).—Non-Commissioned Officers and Privates of either of the said Forces, whose pay and allowances do not exceed rupees 6,000 per annum :

(3).—Officers of any Police Force whose pay and allowances do not exceed rupees 6,000 per annum ; or

(4).—Any

PRICE EIGHT ANNAS.

ACT No. IX OF 1868.

(4).—Any part of British India, tribe or class of persons exempted by order under section 4 of the said Act No. XXI of 1867.

And no cultivator of land who does not keep a shop or factory for the sale or manufacture of the produce of such land;

no servant or clerk (whether of Government, a Corporation, a Company, a Municipal Committee, a firm or an individual) whose pay, as such, amounts in the year to less than rupees 1,000;

and no member of a Company or firm which is for the time being certificated under this Act—

shall be liable, as such, to take out a certificate under this Act.

4. The Governor General of India in Council may from time to time, by order, wholly exempt from the operation of this Act any part of British India, or any tribe or class of persons in British India or in any such part.

The Governor General of India in Council may revoke any such order and any order made under the said section 4 of Act No. XXI of 1867.

All orders and revocations made under this section shall be published in the *Gazette of India* and also in the local Gazette.

II.—CERTIFICATES.

5. Every person who, on or after the first day of May 1868, exercises any profession or trade and whose annual profits from his profession or trade, professions or trades, are rupees 500 or upwards, shall take out a certificate and shall annually pay in advance for the same the sum specified in schedule A hereto annexed.

6. Every such certificate shall have effect and continue in force from the day of the date thereof until the thirtieth day of April next following, on which day in each year all such certificates shall expire.

7. Every person who has taken out any such certificate and who intends to continue any profession or trade for which such certificate was granted, shall take out a fresh certificate for the year following, to expire on the day last hereinbefore mentioned, and shall so renew the

ACT No. IX of 1868.

the same from year to year so long as he continues such profession or trade, and shall pay, in each such case, the duty for the time being thereupon imposed.

8. In cases where the certificate is so renewed, the new certificate shall bear date from the day of the expiration of the current certificate before granted.

Date of certificate.

In all other cases the certificate shall bear date from the day of the application made therefor, although it may be delivered at any day subsequent to the application.

9. If any person, after the first day of May in this or any subsequent year, commences any profession or trade for the exercise of which a certificate is hereby required, such person not having before taken out any such certificate, the Collector may grant such certificate for the remainder of the current year in which it is taken out, ending on the thirtieth day of April next following the date of the commencement of the said profession or trade, upon payment of such proportional part of the duty thereupon imposed as hereinafter mentioned (that is to say) :—

Certificate to persons commencing business.

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of July of the current year in which it is commenced, the person taking out the certificate shall pay the whole duty imposed thereon ;

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of October of such current year, he shall pay three-fourth parts of the said duty ;

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of January of such current year, he shall pay one-half of the said duty ; and

If the profession or trade be commenced at any time in the quarter expiring on the thirtieth day of April of such current year, he shall pay a fourth part only of such duty.

10. Every certificate under this Act shall be granted by, and the sum payable therefor shall be paid to, the Collector of land revenue for the place or district at or in which the person requiring the certificate exercises his profession or trade :

Officer to grant certificates.

Provided

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Provided that, if such person exercises his profession or trade at or in more than one place or district, the certificate shall be granted and payment made by and to the Collector for the place or district at or in which the principal place of business in British India of the person requiring the certificate is situate.

Every such certificate shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

Contents of certificate.

11. Every such certificate shall specify—

- (1).—The year or portion of the year for which it is granted ;
- (2).—The name and profession or trade of the holder ;
- (3).—The sum paid for the certificate, and
- (4).—The place or places, district or districts, where the holder intends to exercise his profession or trade until the thirtieth day of April next following ; and shall be received in evidence as *prima facie* proof of all matters contained therein.

12. The Collector shall from time to time determine what persons are liable to take out certificates under this Act, and under which of the classes mentioned in the said schedule every person to whom a certificate may be granted under this Act shall be assessed ; and also, in the case of a person commencing a profession or trade, what shall be deemed to be, for the purposes of section 9, the date of such commencement.

13. As soon as may be after the first day of May in every year, the Collector shall prepare a list of the persons liable to take out certificates under this Act for the current year, and may from time to time alter and add to the said list.

Such list shall state—

- (1).—The profession or trade of each person therein named ;
- (2).—The class under which he is assessed ; and
- (3).—The sum payable for his certificate.

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The list shall be filed in the Collector's office, and the list or such part or parts thereof as he thinks fit shall be filed in such other places as he directs, and shall be open to public inspection at all reasonable times without the payment of any fee.

14. Any person named in such list and objecting to the class under which he is assessed, or denying his liability to be assessed under this Act, if he has paid the sum in which he was assessed under this Act, or (where such sum equals or exceeds rupees forty) if he has paid one moiety thereof, may, within thirty days from such payment, apply by petition to the Collector in order to establish his right to have his name transferred to another class, or removed from the list.

The petition shall bear a stamp of eight annas, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of complaints.

Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

15. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, shall hear such petition and pass such order thereupon as to him seems fit.

If the order be in favour of the petitioner, the Collector shall at once refund the value of the said stamp together with the excess paid by the petitioner, or (when the order is that the petitioner's name be removed from the list) the whole sum so paid by him.

Any person dissatisfied with any order under this section may, within fifteen days from the date thereof, present an appeal in writing to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Every appeal preferred under this section shall bear a stamp of one rupee, and shall be accompanied by a copy of the petition, and the Collector's order thereon

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thereon (both of which may be on unstamped paper), and all other documents (if any) connected with the case.

When the decision on such appeal is in favour of the appellant, the value of the stamp on his appeal, together with the excess paid by him, or (when the decision is that his name be removed from the list) the whole sum so paid, shall at once be refunded.

16. The Collector or Commissioner and every officer or person exercising the powers of a Collector or Commissioner under this Act, may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine under which of the said classes the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the petitioner's profession or trade, or to the amount of the annual profits accruing therefrom.

Power to summon persons to give necessary information.

III.—PENALTIES.

17. If at any time not less than fifteen days after the name of any person has been included in the list mentioned in section 13, the Collector has caused a notice to be served on such person stating the class under which he has been assessed, and requiring him within seven days from the date of the service to take out a certificate and to pay for the same the sum (mentioning it) payable therefor under the provisions of this Act ;

Penalty for not taking out a certificate.

and if the person so served does not within the period specified in the said notice take out a certificate and pay for the same as required by the said notice, he shall on conviction before a Magistrate be fined twice the sum mentioned in such notice.

On the recovery of the fine from the person so convicted, the Collector shall grant him a certificate without any further payment.

Every such certificate shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to certificates shall apply to certificates granted under this section.

18. Every

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18. Every person required by this Act to take out a certificate, who, without reasonable excuse, neglects or refuses to produce and show his certificate when required so to do by the Collector or by an officer generally or specially empowered in writing by the Collector to make such requisition, shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

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

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm which may be found within his jurisdiction, and (if the firm has not sufficient property within such jurisdiction whereon to levy the fine) of any moveable property belonging to the members of the firm or any of them, which may be found within the same jurisdiction.

20. No person shall be proceeded against for any offence under section 17 or section 18 except at the instance of the Collector.

21. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

IV.—COMPANIES.

22. The Treasurer, Secretary or principal Agent or Manager in India of every Company carrying on business in British India on or after the first day of May 1868, whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not, shall take out a certificate on behalf of such Company, and annually pay in advance for such certificate the sum of rupees 500 and a further sum of rupees 500 for each of the Company's Branches and Agencies (if any) in British India ;

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India; or, if he shall prefer so to do, the sum of one per cent. on the dividend declared by such Company during the year ending on the thirty-first day of March in the year of assessment.

Every such Treasurer, Secretary or principal Agent or Manager is hereby indemnified for all payments made in pursuance of this Act.

Such Treasurer, Secretary or principal Agent or Manager shall in every year in which he prefers to pay the aforesaid per-centage, be legally bound to prepare, and, on or before the thirtieth day of April in such year, to deliver to the Collector for the place or district at or in which the Company's principal place of business in British India is situate, a return in writing signed by him and stating the dividend declared by the Company during the year ending on the thirty-first day of March in the year of assessment.

All the other provisions of this Act relating to certificates and to persons required to take out certificates shall apply, *mutatis mutandis*, to certificates taken out under this section and to every such Treasurer, Secretary or principal Agent or Manager as if he were liable to take out a certificate on his own behalf and to pay for the same the sum payable under this section.

V.—GOVERNMENT OFFICIALS.

23. Every person holding any paid office, employment or commission Provision as to Gov-
ernment officials. under Her Majesty or under the Government of India, or under any Local Government, other than the persons exempted under section 3 or by order under section 4, shall be deemed to exercise a profession within the meaning of this Act: Provided that he shall not be required to take out a certificate under this Act in respect of such office, employment or commission.

The sum which, but for this proviso, he would have paid for a certificate shall, notwithstanding anything hereinbefore contained, be one per cent. of the amount of his pay, and shall be deducted therefrom at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

In determining under which of the classes mentioned in the said schedule A any person holding any such office, employment or commission, and permitted

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mitted, nevertheless, to exercise a profession or trade shall be assessed, the Collector shall neglect the amount of the pay which such person receives in respect of his office, employment or commission.

VI.—SERVANTS OF COMPANIES.

24. * No person holding a paid employment under any such Company as is mentioned in section 22 shall be liable, as such, to take out a certificate under this Act: but one per cent. of the amount of his pay, when such pay amounts in the year to rupees 1,000 or upwards, shall be deducted therefrom at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Government for such payment.

Every Company, Treasurer or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary or principal Agent or Manager of every such Company shall be legally bound to prepare, and, on or before the thirtieth day of April in this and every subsequent year, to deliver to the Collector of the place at which its principal place of business in British India is situate, in such form as may from time to time be prescribed by the Governor General of India in Council, a return in writing showing the names of all persons holding at the date of the said return paid employments under the Company whose pay, as such, amounts in the year to rupees 1,000 or upwards, together with the salaries payable by the Company to such persons respectively.

In determining under which of the classes mentioned in the said schedule A any person holding any such employment and exercising, nevertheless, a profession or trade, shall be assessed, the Collector shall neglect the amount of the pay which such person receives in respect of his said employment.

VII.—PAYMENT

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VII.—PAYMENT OF THE TAX.

25. All taxes under this Act, except when they are deducted under section 23 or section 24, shall be payable on the first day of May in each year :

Tax when payable.

Instalments.

Provided that, in every case where the amount so payable equals or exceeds rupees forty, it may be paid in each year by two instalments : the first instalment to be paid on some day not later than fifteen days after the name of the person paying the same shall have appeared in the list mentioned in section 13, and the second instalment on the first day of November ;

Payment by instalments.

If in any such case the whole amount be paid on or before the day on which the said first instalment is to be paid as aforesaid, the person paying such whole amount shall be entitled to a discount of two and a half per cent. on the amount of the second instalment.

Discount.

26. When any person pays only such first instalment, and, between the first day of May and the second day of November, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of which his certificate was granted, or takes the benefit of any Act for the relief of insolvent debtors, the amount of the second instalment shall not be claimable.

Death or insolvency of person paying first instalment.

When any firm pays only such first instalment, and, between the first day of May and the second day of November, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, the amount of the second instalment shall not be claimable.

Firm paying first instalment and dissolving partnership or becoming insolvent.

27. When any person pays the whole amount as aforesaid, and, between the first day of May and the second day of November, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of which his certificate was granted, or takes the benefit of any Act for the relief of insolvent debtors, one moiety of such amount, less the said discount (if any), shall be paid to his representative or himself or his assignee, as the case may be.

Death or insolvency of person paying whole amount.

When

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When any firm pays the whole amount as aforesaid, and, between the first day of May and the second day of November, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, one moiety of such amount, less the said discount (if any), shall be re-paid under such rules as the Governor General of India in Council shall from time to time prescribe.

Firm paying whole amount and dissolving partnership or becoming insolvent.

day of May and the second day of November, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, one moiety of such amount, less the said

Recovery of Second Instalment.

28. If the Collector has caused a notice to be served on any person liable to pay the said second instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall on conviction before a Magistrate be fined twice the amount so mentioned.

Recovery of second instalment.

to pay the said second instalment and requiring him within seven days from the date of the service to pay the amount

of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall on conviction before a Magistrate be fined twice the amount so mentioned.

Recovery under Revenue-law.

29. In any case arising outside the local limits of the towns of Calcutta, Madras or Bombay, the Collector may, if he thinks fit, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue :

Optional recovery under revenue-law.

Madras or Bombay, the Collector may, if he thinks fit, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue :

Provided that, at some time not less than fifteen days after the name of the defaulter has been included in the list mentioned in section 13, the Collector has caused a notice to be served on him stating to the effect mentioned in section 17 or section 28 (as the case may be) : provided also, that the defaulter has not, within the period specified in such notice, complied with the requirement made therein.

On the recovery of the tax from the defaulter, the Collector shall grant him a certificate without any further payment.

Every such certificate shall bear date from the recovery of the tax, and, save as aforesaid, the provisions of this Act relating to certificates shall apply to certificates granted under this section.

Payment of Taxes and Fines.

Payment of taxes levied and fines recovered under this Act.

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

VIII.—MISCELLANEOUS.

ACT No. IX OF 1868.

VIII.—MISCELLANEOUS.

Powers of Collector and Commissioner under this Act may be exercised by other officers.

31. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue, may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf.

32. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Service of notices.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person therein named is dwelling, or, in the case of a firm, in which the business thereof is ordinarily carried on.

33. When any Company such as is mentioned in section 22, or any person, has several places of business in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any such Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

Power to declare principal place of business.

When any such Company or any person has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

The powers given by this section may be delegated to and exercised by such officers as the Governor General of India in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

34. The

ACT No. IX of 1868.

34. The Local Government may, with the previous sanction of the Governor General of India in Council, assign such salaries as such Government may from time to time deem proper to the officers appointed under this Act, and allow such establishments for their respective offices as may be necessary for the purposes of this Act.

35. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the power given by this section so far as regards the territories subject to such Government.

36. This Act shall come into operation on the first day of May 1868.

SCHEDULE A.

TAX ON PROFESSIONS AND TRADES.

CLASS I.

	Rupees.
Persons whose annual profits shall be assessed at rupees 400,000 and upwards	6,400

CLASS II.

Persons whose annual profits shall be assessed at rupees 200,000, or at more than rupees 200,000 and less than rupees 400,000	3,200
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CLASS III.

Persons whose annual profits shall be assessed at rupees 100,000, or at more than rupees 100,000 and less than rupees 200,000	1,600
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CLASS IV.

Persons whose annual profits shall be assessed at rupees 50,000, or at more than rupees 50,000 and less than rupees 100,000	800
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CLASS V.

Persons whose annual profits shall be assessed at rupees 25,000, or at more than rupees 25,000 and less than rupees 50,000	400
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CLASS VI.

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CLASS VI.

	Rupees.
Persons whose annual profits shall be assessed at rupees 10,000, or at more than rupees 10,000 and less than rupees 25,000	160

CLASS VII.

Persons whose annual profits shall be assessed at rupees 5,000, or at more than rupees 5,000 and less than rupees 10,000	80
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CLASS VIII.

Persons whose annual profits shall be assessed at rupees 2,500, or at more than rupees 2,500 and less than rupees 5,000	40
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CLASS IX.

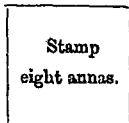
Persons whose annual profits shall be assessed at rupees 1,000, or at more than rupees 1,000 and less than rupees 2,500	16
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CLASS X.

Persons whose annual profits shall be assessed at rupees 500, or at more than rupees 500 and less than rupees 1,000	8
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SCHEDULE B.

Form of Petition under section 14.



TO THE COLLECTOR OF

The *day of* 186 .

The petition of *A. B.* of

SHEWETH—

1st.—That in the list filed in your office pursuant to the 13th section of Act No. IX of 1868, on the day of 186 , your petitioner's name appears under the *ninth* of the classes mentioned in schedule A to the said Act annexed, that he has been assessed in the sum of rupees *sixteen* for the certificate granted to him under such Act, and that he has paid such sum accordingly.

2nd.—That the profits of your petitioner's profession [or trade] of [*here state petitioner's profession or trade*] for the year ending the thirtieth day of April last were rupees

[more

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[*more than rupees 500 and less than rupees 1,000 or less than rupees 500*], as will appear from the documents marked _____ presented herewith, and to which your petitioner craves leave to refer.

Your petitioner therefore prays that you will remove his name from the *ninth* to the *tenth* of the said classes, that he may be assessed accordingly, and that the excess of rupees *eight* so paid by him and the value of the stamp on this petition may be refunded, [*or that his name be removed from the said list and that the sum of rupees sixteen so paid by him and the value of the stamp on this petition may be refunded*].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

ACT No. X OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd April 1868.)

An Act to amend the Consolidated Customs' Act.

WHEREAS section 132 of the Consolidated Customs' Act (No. VI of 1863)

Preamble. provides that no refund of duty levied upon goods not shipped, or upon goods shipped and afterwards re-landed, shall be allowed, unless application to re-land shall have been made, or notice of non-shipment shall have been given, before the vessel on which such goods were intended to be shipped, or from which they were re-landed, shall have left the port; And whereas it is expedient to extend the time within which such application or notice may be made or given; It is hereby enacted as follows:—

Amendment of Act
No. VI of 1863, section
132.

1. For the proviso contained in the said section, the following shall be substituted:—

Provided that no such refund shall be allowed unless application to re-land shall have been made, or notice of non-shipment shall have been given, within three clear working days after the vessel on which such goods were intended to be shipped or from which they were re-landed shall have left the port.

Short title.

2. This Act may be called the "Consolidated Customs' Act Amendment Act."

PRICE TWO ANNAS.

ACT No. XI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd April 1868).

An Act to exempt Timber and Woods from Import Duty.

WHEREAS it is expedient to exempt timber and woods imported by sea into
British India from the duties of customs chargeable thereon;
Preamble. It is hereby enacted as follows:—

Scabourne timber ex-
empt from import
duty.

1. Notwithstanding anything contained in "The Indian
Customs' Duties' Act, 1867", no duties of customs shall be
chargeable on timber and woods imported by sea into British
India.

PRICE TWO ANNAS.

ACT No. XII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th February 1868.)

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

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

Power to suspend
Act No. XI of 1841,
section 17.

PRICE TWO ANNAS.

ACT No. XIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th April 1868).

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

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

Preamble.

Repeal of Act VIII of 1862, section 4.

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

No suits to be brought against the King of Oudh, unless with consent of Government.

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

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

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

King of Oudh to be incapable of contracting.

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

4. Nothing

PRICE TWO ANNAS.

ACT No. XIII OF 1868.

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

Nothing in this Act to render Secretary of State or Government of India liable.

Short title.
Commencement of Act.

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

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ACT No. XIV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 17th April 1868).

An Act for the Prevention of certain Contagious Diseases.

Preamble. WHEREAS it is expedient to provide for the better prevention of certain contagious diseases; It is hereby enacted as follows:—

Preliminary.

Short title. 1. This Act may be cited as “The Indian Contagious Diseases’ Act, 1868.”

Interpretation-clause. 2. In this Act—

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

“Contagious disease.” “Contagious disease” means any contagious venereal disease :

“Brothel-keeper” means the occupier of any house, room or place to or in which women resort or are for the purpose of prostitution and every person managing or assisting in the management of any such house, room or place.

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

PRICE FOUR ANNAS.

Unregistered

ACT No. XIV OF 1868.

Unregistered Prostitutes and Brothel-keepers.

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

Punishment of un-registered prostitutes and brothel-keepers.

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

Registration of Prostitutes and Brothel-keepers.

5. The Local Government shall make rules for the registration of common prostitutes and of brothel-keepers, and shall appoint officers for the conduct of such registration, and may, with the previous sanction of the Governor General of India in Council, assign salaries and establishments to the said officers. The Local Government shall also provide such books and forms as may be necessary for the purposes of this Act.

Local Government to make rules for registration and appoint officers.

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

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

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

6. Whenever

ACT No. XIV of 1868.

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

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

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

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

Refusal to show Evidence of Registration.

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

Penalty for refusing to show evidence of registration. Information of the class of officers for the time being authorized to make requisitions under this section shall be furnished to registered women and brothel-keepers, under such rules as the Local Government shall from time to time prescribe.

Special

ACT No. XIV OF 1868.

Special Provisions relating to Brothels.

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

Penalty for permitting unregistered prostitutes to resort to brothels.

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

Proviso.

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

Brothel-keepers legally bound to furnish information.

Examination of Prostitutes.

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

Examination of prostitutes.

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

Local Government may make rules as to examinations.

The

ACT No. XIV OF 1868.

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

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

Certified Hospitals.

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

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

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

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

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

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

If

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

Penalty for neglect or refusal.

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

Detention of prostitutes under medical treatment.

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

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

Penalty for leaving Hospital before discharge.

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

Penalty for disobeying regulations of Hospital.

then and in every such case such woman shall, on conviction before a Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months; and in case she quits the Hospital without being discharged as aforesaid, she may be taken into custody without warrant by any officer of Police.

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

Out-door

ACT No. XIV OF 1868.

Out-door Treatment of Prostitutes.

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

Power to provide for out-door treatment of registered women.

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

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

Penalty for acting as a prostitute while under medical treatment.

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

Subsistence-allowance.

Segregation of Prostitutes.

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

Penalty for residing in street or place after prohibition.

Any registered woman on whom such notice shall have been served disobeying the requisition therein contained shall, on conviction before a Magistrate,

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Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months.

Removal from Registry.

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

Removal of name from registry.

Miscellaneous.

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

Institution of prosecutions.

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

Presumption as to signatures.

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

Service of notice.

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

Limitation of suits.

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

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

26. The

ACT No. XIV OF 1868.

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

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

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

ACT No. XV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 17th April 1868).

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

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

Short title.

1. This Act may be called "The High Court Fees' Act, 1868."

2. Sections one, three and four of Act No. XX of 1862 (*to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII of 1859 in the said High Court*) are hereby repealed.

Repeal of Act XX of 1862, sections 1, 3 and 4.

3. All fees for the time being chargeable in the High Courts of Judicature and the Courts of Small Causes at Fort William in Bengal, Madras and Bombay, and their several offices, shall be collected by stamps from such date, in the said High Court of Judicature in Fort William, as the Governor General of India in Council shall notify in the *Gazette of India*, and from such date, in the said other High Courts and in each of the said Courts of Small Causes, as the Local Government shall notify in the local official Gazette.

Fees to be collected by stamps.

4. All or any stamps to be used under this Act shall be impressed or adhesive as the Local Government may from time to time direct.

Stamps to be impressed or adhesive.

5. The

PRICE TWO ANNAS.

ACT No. XV OF 1868.

5. The Local Government, with the concurrence of the Chief Justice of the High Court, in the case of such Court, and with the concurrence of the First Judge of the Court of Small Causes, in the case of such Court, may, from time to time, make rules for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of such stamps, the renewal of damaged or spoilt stamps, and keeping accounts of all stamps used under this Act.

General rules to be made by Local Government.

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

Documents not properly stamped to be invalid.

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

Amendment of stamped instrument.

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

Saving of fees allowed to sheriff, &c.

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

Procedure in case of difference as to necessity of imposing a stamp.

When

ACT No. XV OF 1868.

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

ACT No. XVI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th April 1868).

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

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

PRELIMINARY.

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

Repeal of enactments.

2. In this Act—

Interpretation-clause.

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

“Local Government.”

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

“High Court.”

“District

PRICE FOUR ANNAS.

ACT No. XVI OF 1868.

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

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

SUBORDINATE JUDGES AND MUNSIFS.

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

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

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

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

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

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

Acting

ACT No. XVI OF 1868.

Acting Appointments.

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

District Judge's power to make acting appointment to office of Munsif.

Declaration.

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

Declaration.

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

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

Subordinate Judges and Munsifs to be Civil Courts.

Ministerial Officers.

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

Appointment of ministerial officers.

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

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

Suspension

ACT No. XVI OF 1868.

Suspension of Subordinate Judges and Munsifs.

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

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

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

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

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

JURISDICTION.

Local Limits of Jurisdiction.

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

Pending Proceedings.

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

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

Extent

ACT No. XVI OF 1868.

Extent of Jurisdiction.

(a.)—*Munsifs.*

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

Jurisdiction of Munsifs.

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

Appeals to District Judge from Munsifs.

(b.)—*Subordinate Judges.*

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

Original jurisdiction of Subordinate Judges.

16. The Local Government may invest any Subordinate Judge with the powers of a Munsif under section thirteen, and may define and from time to time vary the local limits within which such powers are to be exercised.

Power to invest Subordinate Judges with Munsifs' powers.

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

Appellate jurisdiction of Subordinate Judges.

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

Appeals to District Judge from Subordinate Judges.

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

Appeals to High Court from Subordinate Judges.

19. The

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

High Court may order District Judge to transfer to a Subordinate Judge or Munsif certain civil proceedings.

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

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

(c.)—*Small Cause Court Powers.*

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

Power to invest Subordinate Judge or Munsif with powers of Small Cause Court Judge.

21. Section 51 of Act No. XI of 1865 (*to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature*) shall be read as if, for the words "Principal Sudder Ameen," the words "Subordinate Judge" were substituted.

Power to invest Small Cause Court Judge with powers of Subordinate Judge.

SCHEDULE.

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SCHEDULE.

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

ACT No. XVII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th May 1868).

An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.

WHEREAS the Bank of Bombay is at present unable to pay its debts, and is now being wound up voluntarily pursuant to a special resolution to that effect passed by the shareholders in general meeting; And whereas the Secretary of State for India has directed that an enquiry should be made into the causes and circumstances of such inability and winding up; It is hereby enacted as follows:—

Appointment of Commission.

1. The Governor General of India in Council may issue a commission to such persons as he thinks fit for the purpose of enquiring into and reporting on the causes and circumstances aforesaid.

The Governor General of India in Council may from time to time add to the persons named in such commission.

The Commissioners shall fully enquire into the said matters, and shall, as soon as they conveniently can do so, report thereon to the Governor General of India in Council.

2. In case any Commissioner appointed or added under this Act shall die, or resign, or desire to be discharged, or refuse, or become incapable to act, the Governor General of India in Council may appoint a new Commissioner in his place; and all the powers and duties by this Act conferred and imposed on a Commissioner shall be exercised and performed by the Commissioner so appointed.

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3. The Commissioners shall enter upon the said enquiry in the town of Bombay on the first day of June 1868, or as soon after that day as they can conveniently do so, and such enquiry may be continued in the said town or at such other place within the territories under the government of the Governor of Bombay in Council as the Governor General of India in Council shall from time to time appoint.

The said enquiry shall be conducted in public: Provided that, if a majority of the Commissioners shall from time to time think fit, any part of such enquiry may be conducted with closed doors.

Powers of Commissioners.

4. The Commissioners may, by summons under the hands of any two of them, require the attendance before them at a time and place to be mentioned in such summons, of any person residing or being within British India whose evidence is in their judgment material to any of the matters of the enquiry aforesaid, and may require him to bring and produce before them all such books, papers and writings as they think necessary for arriving at the truth of the said matters.

Every such person shall accordingly attend before the Commissioners and shall produce such books, papers and writings as are required of him and are in his possession or power, according to the tenor of the summons.

5. The Commissioners may administer an oath to every person examined before them, touching the matters to be enquired into under this Act, but it shall not be necessary for them to take evidence upon oath unless they think fit so to do.

6. If any person upon whom any such summons is served by the delivery thereof to him or by the leaving thereof at his usual place of abode, fails, without reasonable cause (to be allowed by the Commissioners), to appear before them at the time and place mentioned in the summons;

or refuses to be sworn;

or does not make answer to such questions as are put to him touching the matters directed to be enquired into by the Commissioners;

or

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or refuses or fails without reasonable cause (to be allowed by the Commissioners) to produce and show to the Commissioners any such paper, book or writing, being in his possession or power, as to the Commissioners appears necessary for arriving at the truth of the matters to be enquired into by them;

or makes any statement which is false and which he either knows or believes to be false, or does not believe to be true,

the Commissioners shall have the same powers in all respects touching any such person as the principal Court of original civil jurisdiction within the limits of which he is residing may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence or for giving false evidence in any suit depending in such Court.

7. If the Commissioners require the evidence of any person, residing or being in British India beyond the limits of the Presidency of Bombay, and do not think fit to require his attendance by summons under section four, they may, by a letter to be signed by them or any two of them, request any Judge, Magistrate or other officer having by law power to examine witnesses upon oath, to examine such witness upon interrogatories to be sent with the letter, or according to the instructions to be sent therewith, as to the points upon which the evidence of the witness is required; and the Judge, Magistrate or other officer to whom such letter is directed, shall examine the witness upon oath accordingly.

8. Every Judge, Magistrate or other officer to whom such letter of request is sent, shall have the same powers for compelling the attendance of the witness, for examining or causing him to be examined upon oath, and for punishing him for refusing to attend or give evidence, or for making any statement which is false and which he either knows or believes to be false or does not believe to be true, as if the evidence of such witness were required in any matter within the ordinary jurisdiction of such Judge, Magistrate or other officer.

9. The Commissioners may, whenever they think fit, issue a commission for the examination of witnesses resident beyond the limits of British India, and shall, for the purpose of issuing such commissions, be deemed to be a court authorized to issue commissions by sections 177, 178 and 179 of the Code of Civil Procedure.

Miscellaneous.

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Miscellaneous.

10. Every witness required to attend or give evidence under the provisions of this Act shall be entitled to a reasonable sum (to be allowed by the Commissioners) for his expenses for travelling to and from and remaining at the place at which he is required to attend.

Expenses of witnesses.

11. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act, and in the latter section the words "public servant" shall be taken to include a Commissioner under this Act.

Punishment for false evidence and contempts.

12. No person shall be excused from answering any question put to him by the said Commissioners or any of them, or by any such Judge, Magistrate or other officer as aforesaid, upon the ground of any privilege, nor on the ground that the answer to such question will tend to criminate such person.

Witness not to be excused from answering.

But no statement made by any person in answer to any such question shall, except for the purpose of punishing him for wilfully giving false evidence upon such examination, be admissible in evidence in any criminal proceeding.

And every person who, upon such examination, is compelled to give evidence which may tend to expose him to penal consequences, shall be freed from all criminal prosecutions to which he may have been or may become liable or subject within any part of British India, and for anything done by him in respect of any acts relating to which he is examined, unless the Commissioners who have, or the Judge, Magistrate or other officer who has, examined such witness, certify in writing under their or his hands or hand that the witness is not entitled to the protection lastly hereinbefore given, on the ground that he has not made a full and true disclosure touching all matters as to which he is so examined.

Nothing in this Act shall exempt any such witness from any civil suit to which he may be liable.

13. No suit shall lie against the Commissioners or any of them or any other person for anything done in the execution of this Act.

Bar of suits.

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ACT No. XVIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th July 1868).

An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.

WHEREAS it is expedient that the Commissioner and the Assistant Commissioner of the Neilgherry Hills appointed under the provisions of Madras Act No. I of 1868 *(for the appointment of a Commissioner for the administration of Civil and Criminal justice and for the superintendence and collection of the revenues on the Neilgherry Hills)* should be invested with the powers of a Court of Small Causes constituted under the provisions of Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the limits of the ordinary original Civil jurisdiction of the High Courts of Judicature)*; It is hereby enacted as follows :—

1. The Governor of Fort St. George in Council may, by notification in the local official Gazette, authorize the said Commissioner and Assistant Commissioner to exercise jointly or separately within the territorial limits of the jurisdiction of the said Commissioner the powers of a Judge of a Court of Small Causes constituted under the provisions of the said Act No. XI of 1865, but subject to the rules hereinafter referred to.

2. The said Governor in Council may frame rules providing for the distribution of business between the said Commissioner and Assistant Commissioner in their capacity of Judges of a Court of Small Causes, and generally for defining their duties and relative positions

when

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when acting in such capacity, and may also from time to time alter and add to the rules so made: Provided that such rules, alterations and additions are consistent with the provisions of this Act.

3. Whenever there is a difference of opinion between the said Commissioner and Assistant Commissioner sitting together as aforesaid upon any question of fact, law or practice, or upon any usage having the force of law, the opinion of the Commissioner shall prevail.

Opinion of Commissioner to prevail in case of difference.

4. Suits and proceedings pending before the Civil Judge at Ootacamund in his capacity of a Judge of a Court of Small Causes, when this Act comes into operation, shall be heard and determined by the said Commissioner or Assistant Commissioner in accordance with the rules to be made under Section 2.

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5. This Act shall come into operation on such day as the said Governor in Council shall notify in the said Gazette.

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THE OUDH RENT ACT.

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ACT No. XIX OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 22nd July 1868).

An Act to consolidate and amend the Law relating to Rent in Oudh.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith ;
It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and extent of Act.

1. This Act may be cited as "The Oudh Rent Act," and shall extend only to Oudh.

Repeal of laws, &c.

2. All laws, orders having the force of law and rules in force in Oudh, inconsistent with any of the provisions of this Act, are repealed.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Oudh."
ing of this Act :

"Oudh" means the territories under the administration of the Chief Commissioner of Oudh at the time of the passing of this Act :

"Court."

"Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act :

"Suit."

"Suit" means a suit under this Act :

"Assistant Commissioner."

"Assistant Commissioner" includes an Extra Assistant Commissioner :

"Land"

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- “Land” applies only to land assessed to the land-revenue, and includes land whereof the revenue has been assigned by Government:
- “Land.” it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water:
- “Revenue.” “Revenue” means the money payable to the Government on account of land:
- “Rent” means the money or the portion of the produce of land, payable on account of the use or occupation of land, or on account of the use of water for irrigation:
- “Rent.”
- “Proprietor” does not include an under-proprietor. Where there are two private rights of property, one superior and the other subordinate, in the same land, “proprietor” means the holder of the superior right only:
- “Proprietor.”
- “Proprietary right.” “Proprietary right” means a proprietor’s right in land:
- “Under-proprietor” means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:
- “Under-proprietor.”
- “Under-proprietary right.” “Under-proprietary right” means an under-proprietor’s right in land:
- “Tenant.” “Tenant” means any person, not being an under-proprietor, who is liable to pay rent:
- “Landlord.” “Landlord” means any person to whom an under-proprietor or tenant is liable to pay rent:
- “Representative” means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot: and
- “Representative.”
- “Lumberdár” means any person who has executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement.
- “Lumberdár.”

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4. Nothing in sections 19, 20, 21, 22, 23, 24, 25 and 28 shall affect the terms of any agreement in writing heretofore or hereafter entered into respecting the subject-matter of the said sections respectively.

Nothing in the index to this Act shall be deemed to have the force of law.

CHAPTER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

Right of Occupancy.

5. Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule:—

Rule.

Every such tenant, who, within thirty years next before the thirteenth day of February 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August 1866: Provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February 1856: Provided also, that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

6. If a tenant having a right of occupancy be ejected, in accordance with the provisions of section 41, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.

Tenants'

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Tenants' Right to Leases.

Tenant's right to a lease. 7. Every tenant is entitled to receive from his landlord a lease executed by him and containing the following particulars:—

The quantity of land; and, where the fields comprised in the lease have been numbered in a Government survey, the number of each field:

The term for which the lease is granted:

The amount of rent payable:

The instalments in which and the times at which the same is to be paid:

Any special conditions of the lease:

And, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

Lease to which tenant having right of occupancy is entitled. 8. Tenants having a right of occupancy are entitled to receive leases at rates of rent determined in accordance with the provisions contained in sections 32, 33 and 34.

Lease to which tenant not having right of occupancy is entitled. 9. Tenants not having a right of occupancy are entitled to leases only on such terms as may be agreed on between them and the landlord.

Landlords' Right to Counterparts.

Landlord entitled to counterpart. 10. Every landlord who grants a lease is entitled to receive from the tenant a counterpart executed by him.

Cancelment of Leases.

Cancelment of lease. 11. When any landlord or any tenant not having a right of occupancy fails to perform or observe any of the stipulations contained in the lease, such lease shall be liable to be cancelled by a decree.

If after such decree, the ejectment of the tenant is postponed in accordance with the provisions of section 38, he shall be liable, so long as he remains in occupation of the land comprised in the lease, to pay the rent reserved thereby.

Arrears

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Arrears of Revenue or Rent.

12. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be.

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year, as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

Receipts.

13. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered; and any refusal to make such specification shall be held to be a withholding of a receipt or acknowledgment.

If such receipt or acknowledgment is withheld from any under-proprietor tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.

Deposit of Revenue or Rent in Court without Suit.

14. If any co-sharer, under-proprietor or tenant having a right of occupancy, or holding under an unexpired lease or under an agreement or decree shall, at the place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same, payment of the full amount of such revenue or rent due in respect of such land, and if such amount is not accepted and a receipt in full forthwith granted, it shall be lawful for the co-sharer, under-proprietor or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Such

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Such deposit shall, so far as regards the co-sharer; under-proprietor or tenant, and all persons claiming through or under him, operate as a payment then made to the lumberdár or landlord of the amount so deposited.

15. The Court shall receive such deposit on the written application of the co-sharer, under-proprietor or tenant or his recognized agent :
Procedure on making and withdrawing such payment. the application shall bear a stamp of eight annas ; and on such co-sharer, under-proprietor, tenant or agent, making a declaration in the form set forth in schedule A hereto annexed, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

Such declaration shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions of section 24 of the said Code shall apply to the person making the verification.

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited a notice in the form set forth in schedule B hereto annexed.

Service of notice. Such notice shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed or upon his recognized agent.

In the absence of any such agent, it may be served by putting up a copy of the same at the Court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or if there be no such place, at the place where the revenue or rent is usually paid to the lumberdár or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served or his recognized agent appears and applies that the money in deposit be paid to him, it shall immediately be paid accordingly.

16. Whenever a deposit has been made under the provisions of this Act,
Limitation of suits for balance of revenue or rent. no suit shall be brought against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior to

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to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

17. If, at the time of passing the decision in any such suit, the Court is satisfied that the full amount of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the lumberdár or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the lumberdár or landlord, not exceeding the amount so paid or tendered.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the lumberdár or landlord, and shall make a decree for the balance due by the depositor.

Illegal Enforcement of Payment of Rent.

18. If payment of rent or of any sum in excess of the rent legally claimable is illegally enforced, and any under-proprietor or tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred, in addition to any amount for which it makes a decree in respect of such payment.

An award of compensation under the former part of this section shall not bar any prosecution to which the person enforcing such payment may be liable under any law for the time being in force.

Abatement of Rent.

19. No suit for an abatement of rent shall be brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by diluvion, or on some ground specified in any lease, agreement or decree under which he holds:

Suits for abatement of rent by under-proprietor or tenant.

Provided that, if the under-proprietor hold a sub-settlement in a revenue-paying estate, no such abatement shall be allowed to the under-proprietor unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

Remission

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Remission of Rent.

20. Notwithstanding anything contained in sections 19, 35 and 36, the Court, in making a decree for an arrear of rent, may allow such remission from the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been diminished by diluvion or otherwise, or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed :

When Court may allow remission from rent.

Provided that, if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate.

Relinquishment of Land.

21. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the fifteenth day of May in any year he gives notice to the landlord or his recognized agent of his desire to relinquish such land, and relinquishes it accordingly, or unless it has been let to any other person by such landlord or agent.

Relinquishment of land by tenant.

If the landlord or his recognized agent refuse to receive such notice, the tenant may apply to the tahsildár or proper officer, and written notice of such desire shall thereupon be served on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *chaupál* or other conspicuous place in the village wherein the land is situate.

Compensation for Tenants' Improvements.

22. If any tenant, or the person from whom he has inherited, make any such improvements on the land in his occupation as are hereinafter mentioned, the rent payable by him or his representative shall not be enhanced, nor shall he or his representative

Tenants' right to compensation for improvements.

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representative be ejected from the same land unless and until he or his representative, as the case may be, has received compensation for the outlay, in money or labour, or both, expended in making such improvements by him, or the person from whom he has inherited, or whom he represents, within thirty years next before the date of such enhancement or ejection.

23. The word "improvements," as used in section 22, means works by which the annual letting value of the land has been, and, at the time of demanding compensation, continues to be, increased, and comprises—

1st.—The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles; and other works of a like nature;

2nd.—The renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

24. Such compensation may, at the option of the landlord or his representative, be made—

(1).—By payment in money;

(2).—By the grant of a beneficial lease of the land by the landlord or his representative to the tenant or his representative; or

(3).—Partly by payment in money and partly by the grant of such lease as aforesaid.

25. In case of difference as to the amount or value of the compensation tendered, either party may present an application to the Court, on a paper bearing a stamp of eight annas, stating the matter in dispute and requesting a determination thereof.

Provision for difference as to amount or value of compensation.

On receiving such application the Court shall cause notice thereof to be served on the other party, and, after taking such evidence as the parties or either of them may adduce, and after such further enquiry (if any) as it may

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may deem necessary, determine (as the case may be) the amount of the payment, or the terms of the lease, or both.

In determining such amount, the Court shall take into account any assistance given by the landlord, either directly in money, material or labour at the time of making such improvements, or indirectly by subsequently allowing the tenant to hold at a rate of rent more favourable than the rate at which he otherwise would have held.

The proceedings on any such application shall be deemed to be a suit for the purposes of chapter six (as to reference to arbitration) of the Code of Civil Procedure, and of section nine of Act No. XXIII of 1861 (*to amend Act VIII of 1859*).

26. If in any case a landlord tenders to a tenant a lease of the land in his occupation, for a term of not less than twenty years from the date of the tender, at the annual rent then paid by the tenant, or at such other annual rent as may be agreed upon, such tender, if accepted by the tenant, shall bar any claim by him or his representative in respect of improvements previously made on such land by the tenant or the person from whom he has inherited.

Tender of lease for twenty years to bar right to compensation for improvements.

occupation, for a term of not less than twenty years from the date of the tender, at the annual rent then paid by the tenant, or at such other annual rent as may be agreed upon, such tender, if accepted by the tenant, shall bar any claim by him or his representative in respect of improvements previously made on such land by the tenant or the person from whom he has inherited.

Survey and Measurement.

27. Every landlord, his agents and surveyors, may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the same.

Landlord's right to enter and measure lands.

CHAPTER III.

COMMUTATION AND PAYMENT OF RENT IN KIND.

28. In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application either of the landlord or the tenant, such rent into a rent in money.

Commutation of rents in kind.

be in the discretion of any officer employed in making or revising such settlement, in any case in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application either of the landlord or the tenant, such rent into a rent in money.

The amount of rent thus fixed shall be binding upon the parties concerned.

All

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All decisions already passed by any such officer, commuting rents in kind or by valuation to rents in money, shall, subject to the same appeal as is given by this Act in respect of decisions passed in suits, be binding on the parties concerned.

Chief Commissioner may extend section 28, and declare officers to hear and decide cases thereunder.

29. The Chief Commissioner of Oudh may extend the provisions of section 28 to any district or portion of a district in which a settlement of revenue is not in progress ;

and may declare what officers are empowered to hear and decide cases under this section ;

and may, with the previous sanction of the Governor General of India in Council, make rules for the guidance of officers acting under this section and section 28, and from time to time, with the like sanction, alter and add to the rules so made :

Provided that such rules, alterations and additions are consistent with this Act.

30. Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence both of the tenant and landlord either personally or by a recognized agent, if either party neglect to be present at the proper period, or if a dispute arise between the parties regarding such division, estimate or appraisement, either party may present an application to the Court on a paper bearing a stamp of eight annas, requesting that a proper officer be deputed to make the division, estimate or appraisement.

31. On receiving such application, the Court shall issue a written notice to the other party to attend on the date and at the place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made.

The award of such officer in respect of such division, estimate or appraisement shall be final, unless within one month from the date thereof either party institutes a suit to set it aside.

CHAPTER IV.

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CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

A.—Tenants with Right of Occupancy.

32. No tenant having a right of occupancy in any land shall, in case of dispute as to the rent to be paid in respect of such land, be liable to an enhancement of the rent except in pursuance of a decree made under this Act on some one of the following grounds (that is to say) :—

1st Ground.—That the rate of rent paid by him is below the rate of rent usually paid by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

2nd Ground.—That the rate of rent paid by him is more than $12\frac{1}{2}$ per cent. below the rate of rent usually paid by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate less $12\frac{1}{2}$ per cent.

3rd Ground.—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

Rule.—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the Rules contained in this section, as the case may be.

Nothing contained in the previous part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

33. After a decision has been passed in accordance with section 32, no suit shall lie for re-enhancement of such rent until the expiration of five years from the date of such decision, except on the said third ground, or, in the case referred to in section

Term for re-en-
hancement, after de-
cision fixing rent
under section 32.

tion

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tion 34, until, by re-assessment within the said term of five years, the revenue of such land has been increased.

34. On such re-assessment, if the rent of such tenant cannot be enhanced under section 32 by reason of the absence of the grounds therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at such re-assessment upon land of a similar description and with similar advantages, held by tenants of the same class in the same village.

Enhancement on re-assessment of revenue.

B.—Tenants not having Right of Occupancy.

Court not to enquire into propriety of rate of rent payable by tenant not having right of occupancy.

35. The Court shall in no case enquire into the propriety of the rate of rent payable by a tenant not having a right of occupancy.

The rent payable by such tenant for any land in his occupation shall be such amount as may be agreed upon between him and the landlord; or, if no such agreement has been made, such amount as was payable for the land in the last preceding year.

36. If in any suit between a landlord and a tenant not having a right of occupancy, the amount of rent payable by such tenant shall be disputed, he shall not be held liable to pay rent other than that payable by him for the last preceding year, unless the Court is satisfied by evidence in writing that the parties have agreed that the rent so payable shall be altered.

Suits in which there is evidence in writing of agreement to alter rent.

CHAPTER V.

EJECTMENT.

General Provisions.

37. A tenant may contest his liability to be ejected from the land which he holds on any of the following grounds:—

Grounds on which tenant may contest liability to ejectment.

First.—That he holds a lease or an agreement, or a decree of Court, under the terms of which he is not liable to such ejectment:

Second.—That he has a right of occupancy in the land:

Third.

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Third.—And if he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 43.

38. No tenant, except a sub-lessor, shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act; unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it.

39. A sub-lessor liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

40. Any tenant, other than a sub-lessor, from whom an arrear of rent remains due on the fifteenth day of May in any year after the passing of this Act, and any sub-lessor from whom an arrear of rent remains due at any time during his tenancy may, subject to the provisions of sections 38, 39 and 41, be ejected from the land in respect of which the arrear is due.

Tenant with Right of Occupancy.

41. No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment.

Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.

Tenant without Right of Occupancy.

42. A tenant not having a right of occupancy and not holding under an unexpired lease or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act; *first*, in execution of a decree for arrears of rent or for ejectment; or *second*, by notice given by his landlord in the manner described in section 43.

Notice.

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Notice.

43. The notice mentioned in section 42 shall be written in Hindi and in Urdu: it shall specify the land from which the tenant is to be ejected; and it shall inform him that, if he means to dispute the ejection, he must institute a suit for that purpose on or before the fifteenth day of May next after the service of the notice, or vacate the land on or before that date.

Notice of ejection of tenant not having right of occupancy.

Service of Notice.

On the application of the landlord to the tahsildár, or officer authorized to serve such notices, the notice shall be served by such officer on or before the fifteenth day of April in each year, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village *chaupál* or other conspicuous place in the village wherein the land is situate.

Cessation of Tenancy.

44. If the tenant on whom such notice of ejection has been served fails to institute a suit to contest his liability to be ejected, on or before the fifteenth day of May next after the service, his tenancy of the land in respect of which the notice has been served shall be held to cease on that date, unless, after the service, the landlord has expressly authorized him to continue to occupy the land.

If notice is not contested, tenancy to be held to cease.

Assistance to eject.

45. If no such suit be brought, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased under the provisions of section 44, he may apply for such assistance, and, if the Court is satisfied that notice of ejection was duly served on such person, it shall give such assistance accordingly:

When assistance to eject may be given by Court.

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejection and to recover compensation for the same.

Growing

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Growing Crops.

46. Any tenant ejected in accordance with the provisions of this Act, shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant, and being on the land at the time of his ejection:

Compensation to ejected tenant for growing crops.

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 42, he shall not be so entitled unless, after such service, the landlord has expressly authorized him to continue to occupy the land.

CHAPTER VI.

DISTRESS FOR ARREARS OF RENT.

47. When an arrear of rent is due from any tenant, the landlord may distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections:

Recovery of arrears of rent by distress.

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable, shall not be liable to distress so long as the security is in force.

Proviso as to tenants who have given security for payment of rent.

48. Distress shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

No distress in certain cases.

49. The power of distress, vested by section 47 in landlords, may be exercised by managers under the Court of Wards, managing agents and tahsildárs of estates held under khám management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorized by power-of-attorney to distrain:

Power of distress by whom exerciseable.

Provided

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Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

50. Any person empowered to distrain property under section 47 or 49, may employ a servant or other person to make the distress; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

51. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a home-stead, may be distrained by persons invested with powers of distress under this Act.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same agreement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

52. Before or at the time when any distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

The demand and account shall, if practicable, be served personally on the defaulter, but if he cannot be found, they shall be affixed at his usual place of residence, and shall thereupon be deemed to be duly served upon him.

53. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as nearly as may be equal to the amount of the arrear with the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

54. Standing

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54. Standing crops and other ungathered products of the earth may, notwithstanding the distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

Reaping and storing standing crops when distrained.

If the tenant neglect to do so, the distrainer may cause the said crops or products to be reaped or gathered, and, in such case, shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

In either case, the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

55. If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

Application by distrainer in case of resistance.

56. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tenders payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

Withdrawal of distress on tender of arrear and costs.

57. Within five days from the time of storing any distrained crops or products, or if such crops or products do not, from their nature, admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

Application for sale.

58. The application shall be in writing : it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due, and the place in which the distrained property is deposited.

Form of application.

Together

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Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

59. Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in schedule C hereto annexed or to the like effect on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

The officer shall at the same time send to the Court, for the purpose of being put up at the Court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

60. If a suit is instituted in pursuance of the aforesaid notice, the Court shall send to the proper officer, or, if so requested by the owner of the distrained property, shall deliver to him, a certificate of the institution of the suit.

On such certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale:

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

61. Any person whose property has been distrained as aforesaid, may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 59.

When such suit is instituted, the Court shall proceed in the manner prescribed in section 60.

It

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If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings pending the decision of the case.

62. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more surety or sureties, for an amount not less than double the value of the property so distrained, binding himself to pay whatever sum may be adjudged to be due from him with costs of suit.

Withdrawal of distress on execution of bond.

When such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the same.

Upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distress.

63. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as are allowed by him, be discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Proceeding with sale, if, on expiration of time fixed, no suit is instituted.

64. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bázár or other place of public resort, if the proper officer thinks that it is likely to sell there to better advantage.

Place and manner of sale.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

65. If on the property being put up for sale, a price which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at

Postponement of sale where fair price is not offered.

at

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at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

66. The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment, the property shall be put up again and resold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

67. The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee, on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 59, to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

68. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

69. The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

70. When

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70. When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied; the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him; unless the distrainer's demand has been satisfied before the day fixed for the sale, and notice of such satisfaction has been given by him to the officer.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property :

Provided that, in no case shall an amount exceeding ten rupees be recoverable under this section.

71. When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation; and, unless the amount adjudged to be due with costs of distress be paid immediately; shall proceed to sell the property in the manner hereinbefore provided.

72. In all suits instituted to contest a distrainer's demand, the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such

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Such amount may be recovered by sale of the distrained property as provided in section 71, and, if the distress has not been withdrawn and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security, by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit, against the person and property of such surety.

73. If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

74. If any person claims, as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

75. When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property or the recovery of its value, as the case may be.

If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

76. No claim to any produce of land liable to distress under this Act, and found at the time of the distress in the possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the landlord's prior

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prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

77. Whenever property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, and the right to distrain for such arrear is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be enquired into, and the suit shall be decided according to the result of such inquiry :

Stranger claiming to be landlord and to have right of distress to be made a party.

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of the land, to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

78. Any person whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 74, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

Suit for illegal distress.

79. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

Suit for illegal act of distrainer.

or if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal—

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

80. If

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80. If any person not empowered by this Act to distrain or sell, nor duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to recover compensation from the person so distraining or selling, for any injury which the plaintiff has sustained from the distress or sale.

Suit for distress or sale falsely purporting to be under this Act.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

81. If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of such resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

Procedure in case of resistance to distress.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

82. If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made: Provided that no such imprisonment shall continue for more than six months.

Punishment of offender.

CHAPTER VII.

JURISDICTION OF THE COURTS.

Suits cognizable.

83. The Courts of Revenue in Oudh shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts in the manner provided in this Act, and not otherwise:—

Suits cognizable under this Act.

A.—Suits by a Landlord.

(1).—For the delivery by a tenant of the counterpart of a lease under section 9;

(2).—For

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(2).—For arrears of rent ;

(3).—For the enhancement of the rent of a tenant having a right of occupancy ;

(4).—For the ejectment of a tenant or for cancelling any lease on account of the non-payment of arrears of rent, or on account of a breach of the conditions of such lease ;

(5).—Suits by landlords against patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of such patwáris or agents for money received or accounts kept by such patwáris or agents in the course of such employment, or for papers in their possession, or for the rendering and settlement of accounts.

B.—Suits by an Under-proprietor or a Tenant.

(6).—For establishing a right of occupancy ;

(7).—For the delivery by a landlord of a lease ;

(8).—For contesting a notice of ejectment ;

(9).—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent due,

or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 46 ;

(10).—For the recovery of the occupancy of any land from which an under-proprietor or tenant has been illegally ejected by the landlord ;

(11).—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint ;

(12).—For abatement of rent in accordance with the provisions of section 19 ;

(13).—For the recovery of compensation for improvements in accordance with the provisions of section 22.

C.—Suits

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C.—Suits regarding the Division or Appraisal of Produce.

(14).—Suits under section 31, regarding the division, estimate, or appraisal of the produce of land.

D.—Suits by, and against, Lumberdars, Co-sharers and Muáfidars.

(15).—Suits by a sharer against a lumberdár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits ;

(16).—Suits by a lumberdár or pattídár who is entitled to collect the rents of the pattí, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lumberdár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lumberdár for compensation for revenue or rent paid by such lumberdár on account of such joint lumberdár ;

(17).—Suits by co-sharers against lumberdárs, or by proprietors or lessees against muáfidárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered ;

(18).—Suits by muáfidárs or assignees of revenue for arrears of revenue.

Grades of Courts.

Grades of Courts
for the purposes of
this Act.

84. For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

- (1).—The Court of the Assistant Collector of the second class ;
- (2).—The Court of the Assistant Collector of the first class ;
- (3).—The Court of the Deputy Collector ;
- (4).—The Court of the Collector ;
- (5).—The Court of the Commissioner ;
- (6).—The Court of the Financial Commissioner.

85. Subject to any orders that may from time to time be issued by the Governor General in Council, the Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsildár with the powers of any of the same grades.

Chief Commissioner
may declare grade
of Tahsildár or As-
sistant Commissioner.

86. The

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86. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Deputy Commissioner to have Collector's powers.

87. Subject to any orders in this behalf that may from time to time be made by the Governor General of India in Council, the Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

Settlement officers may be invested with powers of Collector, &c., under this Act.

88. The Court of the Assistant Collector of the second class shall have power to try and determine suits of the descriptions mentioned in clauses 1, 2, 7, 12, 15, 16, 17 and 18 of section 83, of which the subject-matter does not exceed one hundred rupees in value or amount.

Jurisdiction of Assistant Collector of the second class.

89. The Court of the Assistant Collector of the first class shall have power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

Jurisdiction of Assistant Collector of the first class.

90. The Court of the Deputy Collector shall have power to try and determine suits of every description, of which the subject-matter does not exceed five thousand rupees in value or amount.

Jurisdiction of Deputy Collector.

91. The Court of the Collector shall have power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where, an appeal is allowed by the Code of Civil Procedure as applied by this Act) from the orders, of the Assistant Collectors, and, in suits under clauses 2, 5, 9, 11, 14, 15, 16, 17 and 18 of section 83, from such decisions and orders of the Deputy Collectors.

Jurisdiction of Collector.

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, and may, with the sanction of the Governor General of India in Council, invest any Collector with all or any of the powers of a Commissioner under this Act.

92. The

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92. The Court of the Commissioner shall have power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders, of the Collectors and Deputy Collectors, except as otherwise provided in sections 91, 95 and 102.

93. The Court of the Financial Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders, of the Commissioners, and also special appeals, as provided in the said Code, from the decisions passed in regular appeal by the Collectors and by the Commissioners.

Appeals.

94. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period; that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the Financial Commissioner.

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Applications for the admission of special appeals shall be presented in the Court of the Financial Commissioner within the period hereinbefore fixed for the presentation of a memorandum of appeal.

95. In suits under clauses 2, 5, 9, 11, 14, 15, 16, 17 and 18 of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Collector, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any

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any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

Distribution of Business.

96. The Deputy Commissioner may direct the business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

Deputy Commissioner may distribute business in subordinate Courts.

Transfer of Suits and Appeals.

97. The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

Transfer of suits from subordinate Courts to Commissioner's or Collector's Court.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

Withdrawal or reference of appeals.

98. The Financial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him, shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

Financial Commissioner may transfer suits and appeals from one subordinate Court to another.

Miscellaneous.

99. In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Financial Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

General subordination of Courts.

Provided that nothing in this section shall empower the Financial Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

Proviso.

100. All

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100. All suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsildárs of estates held under khám management, whether such estates are the property of Government or not.

Suits by or against managing agents or tahsildárs of khám estates.

101. No sharer in a joint estate, under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejection of tenants or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

Sharer to exercise certain powers only through manager or lumberdár.

In pattidári estates or tenures such powers shall be exercised only through a lumberdár, or through the pattidár who is entitled to collect the rents of the patti.

102. If any landlord, under-proprietor, or tenant has, without his consent, been dispossessed of any land otherwise than by due course of law, such landlord, under-proprietor or tenant, or any person claiming through him, shall be entitled to recover possession thereof notwithstanding any other title has been set up, provided that he makes application to the Court to recover possession of the land within three months from the time of the dispossession.

Recovery of land of which applicant has been illegally dispossessed.

But nothing in this section shall bar the person from whom possession has been so recovered, or any other person, from instituting a suit to establish his title to such land and to recover possession thereof.

The application mentioned in the first clause of this section shall be heard by the Collector or Deputy Collector only, and no appeal shall lie from any order passed thereon, nor shall any review of such order be allowed.

103. The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions:

Courts may sit anywhere within limits of their jurisdiction.

Provided that every hearing and decision shall be in open Court, and that the parties to the suit or their authorized agents shall have had due notice to attend at such place.

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CHAPTER VIII.

LIMITATION OF SUITS.

104. Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

General limitation.

105. Suits for the delivery of leases or the counterparts of leases may be instituted at any time during the tenancy.

Suits for delivery of leases or counterparts.

106. Suits for the recovery of arrears of rent or revenue, or of a share of profits, shall, except in the case mentioned in section 16, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

Suits for arrears of rent or revenue, or share of profits.

107. Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency, or within one year after its determination, or, in the case of claims legally cognizable at the date of the passing of this Act, within one year after such date.

Suits against agents for money, or delivery of accounts or papers.

108. Suits regarding distress under sections 74, 78, 79 or 80, and suits regarding the division, estimate, or appraisal of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

Suits regarding distress, division of produce, &c.

CHAPTER IX.

PROCEDURE.

109. Subject to the exceptions and provisos under which the Code of Civil Procedure was extended to Oudh, as contained in the notification republished in schedule D hereto annexed, the provisions of the said Code shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals and proceedings under this Act:

Civil Procedure Code to be the procedure under this Act.

Provided

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Provided that the said notification shall be read as if the words "Financial Commissioner" were substituted for the words "Judicial Commissioner," and that section 244 of the said Code shall be read as if, for the word "Court," the word "Commissioner" were substituted :

Provided also, that the words "ancestral property" in the said notification shall be held to include the property in land of persons admitted to engagement for the land-revenue at the summary settlement of 1858-59.

110. In addition to the particulars required by section 26 of the said Code to be specified in the plaint, the plaint shall contain the following particulars :—

1st.—The name of the village or estate, and of the pargana, in which the land to which the suit relates is situate ;

2nd.—If the suit be for the recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejection of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejection of a tenant, or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation and designation of the land to which the suit relates, and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field ;

3rd.—If the suit be for the recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due ;

4th.—If the suit be for the delivery of a lease or the counterpart of a lease, the plaint shall specify all the particulars mentioned in section 7.

111. When in any suit between a landlord and an under-proprietor or tenant, the right to receive the rent of the land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed such rent up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him or the person through whom

Third person claiming rent to be made a party.

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whom he claims shall be enquired into, and the suit shall be decided according to the result of such inquiry :

Provided always, that the decision of the Court shall not affect the right of any party having a legal right to the rent of such land to establish his title thereto in a Court of competent jurisdiction.

Summons to defendant to be for final disposal.

112. In all suits under this Act, the summons to the defendant shall be for the final disposal of the suit.

113. In a suit to recover, an arrear of rent, no set-off shall be allowed against the claim, except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

114. In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the costs incurred by the plaintiff up to the time of such deposit.

Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

115. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in section 114 shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

116. If a tenant not having a right of occupancy institute a suit against a landlord for the delivery of a lease, or a landlord institute a suit against a tenant not having a right of occupancy for the delivery of the counterpart of a lease, and the parties do not agree in respect of the particulars which such lease or counterpart is to contain, the Court shall dismiss the suit, unless evidence in writing is produced

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duced which shall satisfy the Court that an agreement has been entered into between the parties in accordance with which such lease or counterpart ought to be delivered.

117. The local enquiry described in section 180 of the Code of Civil Procedure may also, if he think fit, be made by the Collector Collector may make local enquiry. in person or other officer presiding in the Court, and the provisions of the said Code regarding local inquiries shall apply to such inquiries made by such Collector or other officer.

In such cases the Collector or other officer as aforesaid, after completing the inquiry, shall record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

As to Decrees.

118. No process of execution shall be issued on a decree under this Act after the lapse of three years from the date of such decree. Time within which execution may be had.

119. When a decree for money is made in any suit under this Act, the Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 13 of Act No. XXIII of 1861 (*to amend Act VIII of 1859*). Immediate execution of decree.

120. When a decree in favour of the plaintiff is made in a suit for an enhancement of rent, the Court shall declare the date from which such enhancement shall take effect. Decree for enhancement to state date from which it is to take effect.

121. If the decree be for the delivery of papers or accounts; it may be enforced by the imprisonment in the civil jail of the party against whom it is made, or by the attachment of his property, or by both imprisonment and attachment. Enforcement of decree for delivery of papers or accounts.

The imprisonment and attachment may be continued until he complies with the terms of the decree :

Provided

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Provided that no person shall be imprisoned under this section for a longer period than six months.

Decrees for lease
or counterpart to
specify particulars.

122. A decree for the delivery of a lease or of the counterpart of a lease shall specify all the particulars mentioned in section 7, and such other particulars as to the Court seem fit.

123. If the decree be for the delivery of a lease or the counterpart of a lease, and the party ordered to deliver such lease or counterpart neglects or refuses so to do, the Court may grant a lease or counterpart in conformity with the terms of the decree, and such lease or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Court after decree
may grant lease or
counterpart, in case of
defendant's refusal.

124. If the decree be for money, no process in execution shall issue against the immoveable property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

Execution to be first
made against move-
able property.

125. If the decree be for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree :

Sale of under-pro-
prietary right in exe-
cution of decree for
arrears of rent.

Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

The Deputy Commissioner may be appointed manager under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he might

Appointment of De-
puty Commissioner as
manager

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might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.

126. No beneficial lease or other incumbrance hereafter created on his tenure by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

127. When an under-proprietor creates any such incumbrance, and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or such part as aforesaid of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

128. When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed: Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred: Provided also, that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

SCHEDULE

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SCHEDULE A.*

(See section 15).

I, *A. B.*, of &c., solemnly declare that I did personally [*or by my agent C. D.*] on the day of tender payment to *E. F.* at (the place where the { revenue } of the lands at , held [*or cultivated*] by me under [*or from or jointly with*] the said *E. F.*, are usually payable) of the sum of rupees as and for the whole amount due from me in respect of the { revenue } of the said lands from the month of to the month of both inclusive: I further declare that the said *E. F.* refused to accept the said sum so tendered [*or to give me a receipt in full, forthwith, for the sum so tendered*]. And I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said *E. F.* on account of the { revenue } of the said lands from the month of to the month of both inclusive, and that I owe the said *E. F.* no further sum on account of the { revenue } of the said lands.

I the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

SCHEDULE B.†

(See section 15).

Court of the of dated the day of 18
To *E. F.*, of &c.

With reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned, is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(See section 59).

Office of officer appointed to sell distrained property.

A. B.—*Distrainer.*

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby

* If this declaration is made by an agent, it must be altered accordingly.

† This is to be by endorsement on a copy of the declaration under schedule A made by the person paying the money into Court.

required

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- required either to pay the said sum to the said *A. B.*, or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 186 .

SCHEDULE D.

(See section 109).

Under the provisions of section 385 of Act No. VIII of 1859, and section 3 of Act No. IV of 1860, His Excellency the Governor General in Council is pleased to notify that, from first January 1862, Act VIII of 1859 is extended to the Province of Oudh, subject to the following exceptions and provisos:—

1. Section 3 shall be subject to the following proviso:—

• Provided that the Judicial Commissioner or any other Court exercising any appellate jurisdiction within the Province of Oudh, may, at any time within one year from the time of the passing or execution of any judgment or order by any Court subordinate to the said Appellate Court, call for such judgment or proceedings without any regular appeal or application for review having been preferred against the same, and may, if he or it shall see sufficient grounds, revise and alter, or reverse or confirm the same. But that in such case, before revising, altering or reversing any one judgment or order, the said Judicial Commissioner, or it, shall cause the same notice to be given to the party in whose favour the said judgment or order was pronounced, and the same opportunity to such party to be heard in support thereof, and the same proceedings to be taken as if a memorandum of appeal had been filed by the party aggrieved thereby.

2. Section 17 is excepted, and the term recognized agent is defined as follows, *viz.*, a permanent servant, partner, relation, or friend, whom the Court may admit as a fit person to represent a party, and especially persons holding powers-of-attorney from absent parties, persons carrying on business on behalf of bankers and traders, managing agents of landholders, nearest male relations of women, and persons *ex officio* authorized to act for Government, or for any Prince or Chief.

3. Section 111 shall be subject to the following limitation:—It shall not be obligatory on the Court to decide *ex parte* in the absence of defendant, but the Court may proceed to compel his attendance under the following rule, being the rule now in force in Oudh:—

Rule.—If the defendant does not appear, it shall be at the discretion of the Court to issue a warrant to arrest him and detain him till another day appointed for the hearing of the case, and to attach his property.

4. Section 172.—So much of this section as requires that the whole of the evidence shall be taken down in writing in the language in ordinary use is excepted, and the record made by the

ACT No. XIX OF 1868.

the hand of the Judge, under the following rule, being the rule now in force in Oudh, shall be taken as a record of the evidence :—

Rule.—An intelligible note of the essential points of the evidence of each witness is to be taken at the time and in the course of oral examination by the officer who tries the case, in his own language. The notes must be legible, complete, and properly arranged, must attest the presence of the witness at the time, and mark every postponement and change of time and scene, so that their *bond fide* character may be apparent. Every essential point must be noted, but mere surplusage may be omitted. These notes shall be filed, and shall form part of the record of the case: Provided that in cases tried by a European officer, who has not passed the examination in the Native languages prescribed for Assistant Commissioners exercising special powers, the evidence of witnesses shall also be recorded at length in their own language.

Section 205.—So much of this section as renders land liable to sale in execution of a decree, will be subject to the restrictions on the sale of land prescribed by the following rule, being the local rule now in force in Oudh :—

Rule.—No ancestral property in land shall be sold in satisfaction of a decree, without the sanction of the Judicial Commissioner; and before acquired property in land shall be so sold, the permission of the Divisional Commissioner shall be obtained.

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ACT No. XX OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 13th August 1868).

An Act to give validity to the levy of certain Duties in Lucknow.

WHEREAS under the authority given by Act No. XVIII of 1864 (to provide
Preamble. *for the appointment of a Municipal Committee in the City of Lucknow*), section thirteen, the Chief Commissioner of Oudh declared that duties on certain things and at certain rates should, "for the year 1865-66," be levied in respect of such things when brought into Lucknow for consumption or use therein, and such declaration was, on the ninth day of May 1865, sanctioned by the Governor General of India in Council. And whereas doubts have arisen as to whether such declaration and sanction remained in force down to the twenty-seventh day of July 1868, and it is expedient to remove such doubts, and to indemnify the officers and farmers who have acted under the said declaration and sanction and the said Chief Commissioner's rules from time to time in force as to the mode of levying and collecting the said duties ; It is hereby enacted as follows :—

1. The said declaration and sanction shall be deemed to have been in force from the ninth day of May 1865 to the twenty-seventh day of July 1868, and the said rules from time to time in force shall be deemed to have been valid under the said section.

Validation of declaration, sanction and rules from 9th May 1865 till 27th July 1868.

2. Every officer and farmer is hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force ; and no suit or other proceeding shall be maintained against any such officer or farmer in respect of anything so done.

Indemnification of officers.

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ACT No. XXI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th September 1868.)

An Act to appoint a Receiver of the property of the late Nawáb of the Carnatic.

WHEREAS certain property belonging to the estate of the late Nawáb of the Carnatic has lately been discovered both in the District of Madras and in the territories of His Highness the Nizám, and it is expedient to appoint a Receiver to collect and administer such property and any other property belonging to the said estate which may hereafter be discovered, or has not hitherto been administered; It is hereby enacted as follows:—

1. The Governor of Fort St. George in Council shall appoint such person as he may think fit to act under the orders of the High Court of Judicature at Madras in the administration of the property left by the late Nawáb of the Carnatic, and not hitherto collected or administered.

The person so appointed shall have power to collect and take possession of all such property: he shall deal with the same according to the provisions herein contained: he shall give such security (if any) for the due execution of his office as the said Governor in Council may require; and he shall be called "the Receiver of the Carnatic property."

2. The Receiver of the Carnatic property shall be entitled to such commission not exceeding five per centum upon the amount or value of the property collected and distributed under the provisions of this Act as the said Governor in Council shall prescribe. Such commission shall be charged to the estate of the said Nawáb.

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3. The said Governor in Council may suspend or remove any person appointed such Receiver as aforesaid, and may also from time to time fill up any vacancy in such office occasioned by death, resignation, suspension or removal.

Suspension or removal of Receiver.

4. The Receiver shall represent the estate of the said Nawáb in all proceedings relating thereto: he shall do all acts in performance of his duties by his name of office; and in all legal proceedings he shall be designated by such name.

Receiver to represent Nawáb's estate in all proceedings.

No proceedings to which the Receiver may be a party shall abate by reason of the death, resignation, suspension or removal from office of any such Receiver, but the same shall be continued by his successor as if no such death, resignation, suspension or removal had occurred.

5. The Receiver shall have power to collect and take possession of all property, moveable or immoveable, and whether of the nature of State or public property or not, to which the said Nawáb at the time of his death was entitled, and if necessary to sue for and recover the same property, and to realize its value by sale or otherwise.

Receiver to collect Nawáb's property.

6. Whenever the said Receiver by the order or with the sanction of the said High Court sells any of the said immoveable property, he shall execute a conveyance thereof to the purchaser.

Conveyance on sale by Receiver of immoveable property.

Every such conveyance shall be valid as against the heirs of the said Nawáb, and all persons claiming under them, and also against all persons claiming under the said Nawáb by virtue of any conveyance or instrument declared by the said Court or by the late Supreme Court of Judicature at Madras, to be void as against the creditors of the said Nawáb, or by virtue of any security the benefit of which was barred under the provisions of Act No. XXX of 1858 (*to provide for the administration of the estate and for the payment of the debts of the late Nawáb of the Carnatic*).

7. Upon any suit being instituted for the administration of the said estate, the said Receiver shall be deemed subject to the orders of the said High Court, and, so far as such orders shall not extend, to the general practice of such Court in the same

In case of suit for administration, Receiver to be subject to orders of High Court.

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same manner as any other Receiver specially appointed thereby, except that the Court shall not require him to give security.

3. This Act shall be deemed to have come into operation on the second day of April 1868, and any person holding the office of Receiver of the Carnatic property immediately before that day shall be deemed to have been appointed on that day under this Act.

Commencement of Act.

ACT No. XXII OF 1868. ✓

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th September 1868).

An Act to bring the Mauza Kheria, in the District of Agra, under the operation of the general Regulations.

It is hereby enacted as follows :—

1. The Mauza Kheria shall be deemed to be annexed to the District of Agra, and the laws and regulations established for the internal administration of the said District, shall have full force and effect in the said Mauza; 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 Mauza, are hereby vested in the officers for the time being appointed by the Lieutenant Governor of the North-Western Provinces for the said District of Agra.

Extension to Mauza Kheria of Acts and Regulations in force in District of Agra.

2. This Act shall be deemed to have come into operation on the twenty-sixth day of July 1866.

Commencement of Act.

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ACT No. XXIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.
(Received the assent of the Governor General on the 24th September 1868).

An Act to give validity to certain Abkari Rules in British Burma.

WHEREAS Rules for the sale in British Burma of wine, beer, spirituous and fermented liquors and intoxicating drugs, have, from time to time, been made and published under the authority of the Chief Commissioner of British Burma, and it is expedient to give such Rules, as last published under the authority aforesaid, the force of law, and to indemnify all officers, farmers and other persons who have acted under them, or under any such Rules previously published or enforced under the same authority; It is hereby enacted as follows :—

1. The Rules for the sale of wine, beer, spirituous and fermented liquors, and intoxicating drugs in British Burma, published in the number of the *British Burma Gazette* dated the twenty-ninth day of February 1868, shall, from the thirty-first day of March 1868 down to the passing of this Act, be deemed to have had the force of law, and shall continue in force until the Governor General of India in Council by notification in the *Gazette of India* shall otherwise order.

2. All other such Rules from time to time published or enforced by or by order of the Chief Commissioner of British Burma on or before the said thirty-first day of March 1868, shall be deemed to have had the force of law.

3. All officers, farmers and other persons are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer, farmer or other person in respect of anything so done.

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ACT No. XXIV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st October 1868).

An Act to prohibit the practice of inoculation in Kumaon and Garhwál.

WHEREAS it is expedient to prohibit the practice of inoculation with the small-pox in the districts of Kumaon and Garhwál; It is hereby enacted as follows :—

Preamble.

1. Whoever produces or attempts to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding three months, or to fine not exceeding two hundred rupees, or to both.

Penalty for inoculating.

2. If any person having been inoculated with the small-pox in a place to which this Act does not extend, shall afterwards enter any place to which this Act extends, before the date of forty days from the date of such inoculation, or without a certificate from a qualified Medical Officer that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

Penalty on inoculated person entering place to which Act extends.

3. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half of such fine to the person on whose information the offender has been convicted.

Reward to informer.

4. This Act extends only to the districts of Kumaon and Garhwál.

Extent of Act.

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ACT No. XXV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th October 1868).

An Act to define the jurisdiction of the Courts in Coorg.

WHEREAS it is expedient to define the jurisdiction of the Civil and Criminal Courts in the Province of Coorg; It is hereby enacted as follows:—

Short title. 1. This Act may be called “ The Coorg Courts’ Act.”

This section and section twenty-five shall take effect at once; and the rest of this Act shall come into operation on the first day of December 1868.

2. There shall be six grades of Civil Courts in the Province of Coorg, which shall be in addition to any Courts of Small Causes and to any other Courts established under any Act hereafter passed by the Governor General of India in Council (that is to say),—

- (1).—The Court of the Súbahdár of the second class :
- (2).—The Court of the Súbahdár of the first class :
- (3).—The Court of the Assistant Superintendent of the second class :
- (4).—The Court of the Assistant Superintendent of the first class :
- (5).—The Court of the Superintendent; and
- (6).—The Court of the Judicial Commissioner.

The Criminal Courts in the said Province shall be those referred to in the Code of Criminal Procedure.

Civil Jurisdiction.

3. Subject to any orders that may from time to time be issued by the Governor General of India in Council, the Commissioner of Coorg shall have power to declare to which of the said grades any Súbahdár and any Assistant Superintendent shall belong.

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4. The Commissioner may invest any Párbatiyagár and any Náib Súbahdár with power to try and determine suits for money due whether on bond or other contract or for rent, or for moveable property, or for the value of such property, or for damages, when the debt, damage or demand does not exceed in amount or value the sum of rupees fifty, and to prescribe the local limits within which the Párbatiyagár or Náib Súbahdár so invested shall exercise such power.

Power to invest Párbatiyagárs and Náib Súbahdárs with jurisdiction up to rupees fifty.

5. The Court of the Súbahdár of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees one hundred in value or amount.

Jurisdiction of Súbahdár of second class.

6. The Court of the Súbahdár of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees three hundred in value or amount.

Jurisdiction of Súbahdár of first class.

7. The Court of the Assistant Superintendent of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees one thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure) from the orders of the Courts of the Súbahdárs of the first and second classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Assistant Superintendent of second class.

8. The Court of the Assistant Superintendent of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees three thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure for the time being in force in Coorg) from the orders of the Courts of the Súbahdárs of the first and second classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Assistant Superintendent of first class.

9. The

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9. The Court of the Superintendent shall have power to try and determine suits of every description and of any amount, and to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Courts of Súbahdárs and Assistant Superintendents of both classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

10. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the original decisions of the Superintendent in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Superintendent, and also special appeals from the decisions passed by the Superintendent or by an Assistant Superintendent of either grade on regular appeal :

Provided that such special appeals shall lie on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in law in the procedure or investigation of the case, which may have produced error or defect in the decision of the case upon the merits, and on no other grounds :

Provided also that no special appeal shall lie from any decision or order passed on regular appeal after the passing of this Act, in any suit of the nature cognizable in a Court of Small Causes under Act No. XI of 1865, section six, when the debt, damage or demand for which the original suit is instituted does not exceed three hundred rupees; but every such order or decision shall be final.

11. The memorandum of appeal prepared in the form and containing the particulars mentioned in the Code of Civil Procedure shall be presented in the Court empowered to hear an appeal within the period hereinafter specified, unless the appellant shows sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, thirty days if the appeal lie to the Assistant Superintendents or Superintendent, and ninety days if the appeal lie to the Judicial Commissioner.

The said period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time

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time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Special appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for appeals.

12. The Court of the Judicial Commissioner shall have power to remove and to try and determine as a Court of extraordinary original jurisdiction, any suit within the jurisdiction of any Court in the said Province when he thinks proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of his Court.

13. The Judicial Commissioner shall have superintendence over all Courts in the said Province, and shall have power to call for returns, and to make and issue general rules for regulating the practice and proceedings of such Courts, and also to prescribe forms for every proceeding in the said Courts for which he thinks necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the officers, and also settle tables of fees to be allowed to the attorneys, vakils, and all clerks and officers of such Courts, and from time to time to alter any such rule, form or table.

The rules, forms, and tables so made, framed and settled, shall be used and observed in the said Courts: Provided that such rules, forms and tables be not inconsistent with the provisions of any law in force for the time being, and shall before they are issued have received the sanction of the Commissioner.

14. Whenever the state of the public business requires it, the Governor General of India in Council may invest any person with the powers of a Superintendent or Assistant Superintendent in any part of the Province of Coorg.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes which may hereafter be established, shall be heard and determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

16. Except

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16. Except when otherwise provided in any law for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Appeal to lie from all decisions, except when expressly prohibited.

17. The Superintendent may direct the business in the Courts subordinate to him, whether or not they have their sittings in the same place, to be distributed among such Courts in such way as he thinks fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Distribution of business among subordinate Courts.

18. The Superintendent shall from time to time, with the concurrence and approval of the Commissioner, prescribe to each of the Appellate Courts subordinate to him such local limits within which they shall respectively exercise their appellate jurisdiction.

Local limits within which Appellate Courts shall exercise appellate jurisdiction.

19. The Superintendent may, on the petition of either party, or in the absence of such petition, withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court, and competent in respect of the value or amount of the suit to try the same.

Transfer of suits from subordinate Court to that of the Superintendent or Assistant.

The Superintendent may also withdraw any appeal instituted in the Court of any Assistant Superintendent subordinate to him, and try the appeal himself or refer it for trial to the Court of any other Assistant Superintendent in his province.

20. The Judicial Commissioner may order that the cognizance of any suit or appeal instituted in any Court subordinate to his Court, not being a Court of Small Causes, shall be transferred to his own Court or to any other such subordinate Court competent in respect of the value or amount of the subject-matter of the suit or appeal to try the same.

Transfer of suits from one subordinate Court to another.

Criminal Jurisdiction.

21. For purposes of criminal jurisdiction, the Superintendent of Coorg shall be taken to be the chief officer charged with the executive administration of a district in criminal matters.

Superintendent to be chief officer charged with executive administration of district in criminal matters.

22. The

ACT No. XXV of 1868.

22. The Governor General of India in Council may from time to time appoint any subject of Her Majesty to be Session Judge of Coorg, and may also from time to time suspend or remove any person so appointed.

Power to appoint Session Judge of Coorg.

The Session Judge shall, as often as may be necessary for the trial of offenders, hold sessions in the said Province: Provided that he and the Judicial Commissioner respectively may hear and determine appeals beyond the limits of the same Province.

23. Appeals from sentences and orders passed by the Superintendent or by any officer subordinate to him exercising full powers of a Magistrate, from which an appeal is allowed under the Code of Criminal Procedure, shall lie to the Judicial Commissioner, and shall be heard and determined by him:

Appeals from sentences of Superintendent and other officers vested with full powers.

Provided that nothing herein contained shall be deemed to prevent the Judicial Commissioner from exercising under the said Code all or any of the powers of the High Court vested in him.

24. All sentences and orders heretofore passed by the Superintendent of Ashtagram in his capacity of Session Judge of Coorg shall be deemed to be as valid as if this Act had then been passed, and he had been appointed, under section twenty-two, Session Judge of Coorg.

Confirmation of sentences passed by Superintendent of Ashtagram.

25. The Code of Criminal Procedure shall extend to the said Province, and shall be deemed to have been in force therein from the ninth day of December 1862.

Extension of Code of Criminal Procedure.

ACT No. XXVI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th October 1868).

An Act to enable Municipalities to provide for Lock-Hospitals.

WHEREAS it is expedient to enable all Municipalities in British India to provide out of the municipal funds for the maintenance of Lock-Hospitals and generally for the prevention of contagious venereal disease; It is hereby enacted as follows:—

Preamble.

I: Notwithstanding anything contained in any Act of the Governor General of India in Council, of the Governor of Madras in Council, of the Governor of Bombay in Council, of the Lieutenant Governor of Bengal in Council, or in any other law for the time being in force,

Power to Municipal Committees to devote funds to maintaining Lock-Hospitals, &c.

it shall be lawful for every Municipal Corporation, Municipal Committee, or other body of persons duly appointed to conduct the affairs of a municipality in British India to pay, with the previous sanction of the Local Government, out of the funds at their disposal

towards the maintenance of the hospital provided under section twelve of Act No. XIV of 1868 (*for the prevention of certain contagious diseases*) within the limits of the place for which they are so appointed

and towards defraying the cost of the medical treatment, lodging, clothing and food of the women detained in such hospital, and of the allowance provided under section nineteen of the same Act for the subsistence of prostitutes residing within the limits aforesaid,

such part as may from time to time be agreed on by and between the Corporation, Committee or Body and the Local Government of the total cost of the said maintenance, treatment, lodging, clothing, food and allowance as annually estimated by such Government.

PRICE TWO ANNAS.

ACT No. XXVII OF 1868. ✓

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st October 1868).

An Act to exempt certain Instruments from the Indian Registration Act, 1866.

WHEREAS it is expedient to exempt expressly from compulsory registration under the Indian Registration Act, 1866, certain documents heretofore or hereafter executed by or in favour of Government; It is hereby enacted as follows:—

1. Nothing contained in the said Act shall be deemed to require, or to have at any time required, the registration of any of the documents or maps comprised in the schedule hereto annexed.

But all such documents and maps shall, for the purposes of sections forty-eight and forty-nine of the same Act, be deemed to have been and to be registered in accordance with its provisions.

2. Subject to such rules and the previous payment of such fees as the Local Government may from time to time prescribe in this behalf, all documents and maps specified in the first, second, and third clauses of the said schedule shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

3. A copy of every document mentioned in the fourth clause of the said schedule and executed on or after the first day of May 1866, shall, in the case of every such document heretofore executed, as soon as may be after the passing of this Act, and in the case of every such document hereafter executed, as soon as may be after its execution, be sent by the Local Government to the Registrar or to every Registrar within whose district

PRICE TWO ANNAS.

ACT No. XXVII OF 1868.

district the whole or any part of the immoveable property comprised in such document is situate, and shall be filed by him in his Book 1.

This Act to be read
with Act XX of 1866. 4. This Act shall be read with and taken as part of
Act No. XX of 1866.

SCHEDULE.

(1). Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(2). Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, other than waste land, and which form part of the record of such survey.

(3). Documents which, under any law for the time being in force, are filed annually by patwáris or other officers charged with the preparation of village records.

(4). Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land, in reward for special services.

PANJÁB TENANCY ACT.

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ACT No. XXVIII OF 1868. ✓ A

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st October 1868).

An Act to define and amend the law relating to the tenancy of land in the Panjáb.

WHEREAS it is expedient to define and amend the law relating to certain matters connected with the tenancy of land in the Panjáb ;
Preamble. It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Panjáb Tenancy Act, 1868," and shall extend only to the territories for the time being under the government of the Lieutenant Governor of the Panjáb.
Short title. Extent of Act.

2. Nothing contained in this Act shall affect the operation of any decree of Court under which a tenant holds or of any agreement between a landlord and a tenant, when such agreement is in writing or recorded by the proper officer in the record of a regular settlement sanctioned by the Local Government.
Saving of decrees and of agreements between landlords and tenants.

All entries in such record in respect of matters comprised in chapters III, IV, V and VI of this Act shall, when attested by the proper officer, be deemed to be agreements within the meaning of this section.

3. In this Act, unless there be something repugnant in the subject or context—
Interpretation-clause.

"Land" means immovable property for the time being subject to a settlement, whether regular or summary, of land-revenue ;
"Rent"

ACT No. XXVIII OF 1868.

“Rent.” “Rent” means whatever is payable by an occupant of land on account of the use or occupation thereof;

“Arrear of rent.” Any instalment of rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of rent;

“Tenant.” “Tenant” means any occupant of land liable to pay rent therefor, but does not include an under-proprietor;

“Landlord.” “Landlord” means any person entitled to receive rent payable by a tenant;

“Grand-father,” “uncle,” and “grand-uncle.” “Grand-father” includes the father of an adoptive father, “uncle” the brother of an adoptive father, and “grand-uncle” the adoptive father of an uncle;

“Representative.” “Representative” means an heir or any other person taking, by operation of law or by will a beneficial interest in the property of a deceased person.

Repeal of Book Circular No. 33 of 1860. 4. The Book Circular of the Financial Commissioner of the Panjáb, No. 33 of 1860, is hereby repealed.

CHAPTER II.

OF RIGHTS OF OCCUPANCY.

Tenants having right of occupancy.

5. Every tenant who—

(1) has heretofore paid no rent and rendered no service, in respect of the land occupied by him, to the proprietor thereof for the time being, beyond the amount of land-revenue and village-cesses for the time being chargeable thereon, and whose father and grand-father, uncle and grand-uncle occupying the same land, have paid no rent and rendered no service in respect thereof to such proprietor, beyond the amount aforesaid;

(2) or who has involuntarily parted or shall involuntarily part with proprietary rights in any land otherwise than by forfeiture to Government; and who

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who has continuously occupied or shall continuously occupy such land or any part thereof from the time of such parting ;

(3) or who is, at the date of the passing of this Act, the representative of a person who settled as a cultivator in the village in which the land occupied by such tenant is situate along with the founders of the village ;

(4) or who is or has been jágírdár of the village or any part of the village in which the land occupied by him as tenant is situate, and who has continuously occupied such land for not less than twenty years—

shall be deemed to have a right of occupancy in the land so occupied.

6. Every tenant whose name appears in the records of a regular or revised settlement heretofore sanctioned by the Local Government, as having a right of occupancy in land which he or the person from whom he has immediately inherited has continuously occupied from the entry of his name or the name of such person (as the case may be) in such settlement, shall be presumed to have a right of occupancy in the land so occupied,

Presumption arising from entry in settlement record. unless the landlord shall in a regular suit prove—
Rebuttal of presumption.

(1) that, within the thirty years immediately before the institution of such suit, other tenants of the same class in the same or in adjacent villages have ordinarily been ejected from their holdings at the will of the landlord ; or

(2) that the tenant has voluntarily admitted, before any officer employed in making or revising a regular settlement of land-revenue or before any officer authorized to attest the entries in the record of such settlement, that he is a tenant not having a right of occupancy, and that such admission has been recorded at the time by the officer so employed or authorized.

7. If the tenant has voluntarily exchanged the land, or any portion of the land, formerly occupied by him for other land belonging to the same landlord, the land taken in exchange shall, for the purposes of this Act, be held to be subject to the same right of occupancy as the land given in exchange would have been subject to if the exchange had not taken place.

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8. Nothing herein contained shall be deemed to preclude any person claiming a right of occupancy on any ground other than the grounds hereinbefore specified from suing to establish such right.

Suits to establish rights of occupancy on other grounds.

9. No tenant shall be deemed to acquire a right of occupancy by mere lapse of time.

Non-acquisition of right of occupancy by lapse of time.

And no right of occupancy in the common lands belonging to a pattidari village community shall be acquired under this chapter.

CHAPTER III.

OF RENT.

1.—*Enhancement.*

10. No tenant shall, in the absence of an agreement or decree of Court to the contrary effect, be held liable, in a suit for arrears of rent in respect of any land, to pay rent exceeding in amount the rent payable by him in respect of such land for the last preceding agricultural year, unless a decree for the enhancement of the rent has been made as hereinafter provided.

Decree for enhancement of rent.

The said Lieutenant Governor shall have power, from time to time, by notification in the official Gazette, to declare for all or any of the districts under his government the day on which the agricultural year shall, for the purposes of this section, be deemed to commence.

11. The Court may decree that the rent previously payable by any tenant having a right of occupancy may be enhanced on any of the following grounds :—

Grounds of enhancement.

1st Ground.—That the quantity of land held by him as tenant exceeds the quantity for which he has previously been liable to pay rent.

Rule.—In this case the Court shall decree rent for the land in excess at the same rate as that payable in respect of the land of a similar description and with similar advantages held by him of the same landlord.

2nd Ground.

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2nd Ground.—That the rate of rent paid by him is below the rate of rent usually paid in the same or adjoining villages by the same class of tenants having a right of occupancy for land of a similar description and with similar advantages.

Rule.—In this case the Court shall enhance his rent to the amount claimed by the plaintiff not exceeding such rate.

3rd Ground.—That the rate of rent paid by him is,

if he belong to the class described in clause 1 of section five, more than fifty per centum,

if he belong to any of the classes specified in clause 2, 3 or 4 of section five, more than thirty per centum,

and if he belong to the class specified in section six, more than fifteen per centum,

below the rate of rent usually paid in the neighbourhood by tenants of the same class not having a right of occupancy for land of a similar description and with similar advantages.

Rule.—In this case the Court shall enhance his rent to the amount claimed by the plaintiff not exceeding such rate, less fifty per centum, thirty per centum or fifteen per centum, as the case may be.

Enhancement when
tenant pays revenue or
cesses.

12. If the revenue or any of the village-cesses is payable by the defendant, the rate to which his rent may be enhanced shall be reduced by the amount so payable.

13. After a decree has been passed under section ten, no suit shall lie against the defendant for re-enhancement of his rent until the expiration of five years from the date of such decree, unless in the meantime there has taken place a general revision of regular settlement, under which the revenue payable for the land comprised in the decree has been increased.

Suit for re-enhancement.

2.—Abatement.

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2.—*Abatement.*

14. Every tenant having a right of occupancy shall be entitled to claim
abatement of the rent previously paid by him on either of
the following grounds, and on no others:—
Grounds of right
to abatement.

(1) that the area of the land in his occupation has been diminished by diluvion or otherwise, or proved to be less than the quantity for which rent has been previously paid by him; or

(2) that the productive powers of such land have been decreased by any cause beyond his control.

3.—*Remission.*

15. Notwithstanding anything hereinbefore contained,
it shall be lawful for the Court, in making a decree for an
arrear of rent,
When Court may
allow remission from
rent.

if the area of the land in the tenant's occupation has been diminished by diluvion or otherwise,

or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed,

to allow such remission from the rent payable by him as may appear equitable:

Provided that, if the tenant hold a lease for an unexpired term of not less than five years, or have a right of occupancy, in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue has been allowed on the same ground and by competent authority in respect of the same estate.

4.—*Rent in Kind.*

16. No commutation of rent in kind into rent in money, and no commutation of rent in money into rent in kind, shall take place
without the consent of both the landlord and the tenant.
Commutation of rent
in kind.

17. Whenever

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17. Whenever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence of the person entitled to the rent and of the cultivator, either personally or by their recognized agents,

if either party neglects to be present at the proper period,
or if a dispute arises between the parties regarding such division, estimate or appraisement,

either party may present an application to the Court, on a paper bearing a stamp of eight annas, requesting that a proper person be deputed to make the division, estimate or appraisement.

18. On receiving such application and such sum, to be paid in the first instance by the applicant, as the Court thinks sufficient to defray the costs of serving the notice and making the award next hereinafter mentioned, the Court shall issue a written notice to the other party, requiring him to attend on the date and at the place specified in the notice, and shall depute a proper person to make the division, estimate or appraisement and to direct by whom the costs of each party are to be paid.

The award of such person in respect of the said division, estimate or appraisement and costs shall be final, unless within three months from the date thereof either party institutes a suit to set it aside.

CHAPTER IV.

OF EJECTMENT.

19. No tenant having a right of occupancy in any land shall be ejected therefrom otherwise than in execution of a decree.

Such decree shall not be made, unless—

(1) at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards; or

(2) the

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(2) the landlord tenders to the tenant, in addition to any compensation to which he may be entitled under sections twenty-seven and thirty-seven. (but subject to deduction in respect of the arrears of rent, if any, payable by him), such compensation as the Court thinks fit, not less than fifteen, and not more than thirty, times the amount of the net annual profits receivable by the tenant in respect of such land on an average of the three years next before the date of the tender.

Nothing in the last preceding clause shall be deemed to apply to a tenant belonging to any of the classes specified in section five, or to a tenant when he or the person from whom he has inherited, has continuously occupied such land for thirty years or upwards.

Ejectment of tenant
without right of occu-
pancy.

20. A tenant not having a right of occupancy may be ejected—

first, if a decree has been obtained against him for arrears of rent or for ejectment; or

second, when he is not holding under an unexpired lease, or an agreement, or a decree of Court, by notice given by the landlord in manner hereinafter mentioned.

21. Notwithstanding anything herein contained, no tenant shall be ejected from the land in his occupation, except between the fifteenth day of April and the fifteenth day of June, unless, while the rent in respect of such land is in arrear, he has failed to cultivate the land in accordance with the terms on which he holds it.

Notice of Ejectment.

22. The notice of ejectment shall be written in the vernacular language of the district: it shall specify the lands from which the tenant is to be ejected; and it shall inform him that, if he means to dispute the ejectment, he must institute a suit for that purpose on or before the fifteenth day of May next after the service of the notice, or quit the land on or before that date.

The said Lieutenant Governor shall determine what, for the purposes of this section, shall be deemed to be the vernacular language of each district in the territories under his government.

23. On

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23. On the landlord's application to the tahsildár or other officer authorized to serve such notices, the notice shall be served by him on or before the fifteenth day of April, and the landlord shall pay the costs of service.

Service of notice,

The notice shall, if practicable, be served personally on the tenant.

But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at some conspicuous place in the village wherein the land is situate.

24. The said Lieutenant Governor shall have power, from time to time, by notification published in the official Gazette not less than six months before such notification is to come into force, to fix, for the purposes of sections twenty-two and twenty-three, in all or any of the districts under his government, any two days other than the days fixed in the same sections :

Power to alter dates for suing to dispute, and for serving notice of, ejection.

Provided that, between the days so fixed by notification, there shall be an interval of at least one month.

25. If the tenant on whom such notice of ejection has been served fails to institute, on or before the fifteenth day of May next after the service, or, in case the said Lieutenant Governor fixes for the purpose of section twenty-two any day other than the said fifteenth day of May, then on or before the day so fixed, a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on that day.

Cessation of tenancy on failure to contest notice.

Assistance to eject.

26. If no such suit be brought, or if such suit be brought and dismissed, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased under the provisions of section twenty-two, he may apply for such assistance; and if the Court be satisfied that notice of ejection was duly served on such person, it shall, subject to the provisions of section nineteen, give such assistance accordingly.

When assistance to eject may be given by Court.

Nothing

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Nothing done by the Court under this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejection, and to recover compensation for the same.

Growing Crops.

27. Any tenant ejected in accordance with the provisions of this Act, shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant and being on the land at the time of the ejection:

Compensation to ejected tenant for growing crops.

Provided that, if the land has been sown or planted by the tenant after the service on him of the notice mentioned in section twenty, he shall not be so entitled, unless, after such service, the landlord has expressly authorized him to continue to occupy the land.

CHAPTER V.

OF RELINQUISHMENT, LEASES AND UNDER-LEASES, ALIENATION AND SUCCESSION:

1.—*Relinquishment.*

28. Every tenant shall be liable to pay the rent payable in respect of the land in his occupation for the ensuing agricultural year, unless, on or before the first day of January next before the commencement of that year, he gives notice to the landlord of his intention to relinquish such land before the commencement of such year, and relinquishes it accordingly, or unless the land has been let to any other person by the landlord.

Relinquishment of land by tenant.

29. The said Lieutenant Governor shall have power, from time to time, by notification in the official Gazette, to declare, for all or any of the districts under his government, the day on which the agricultural year shall, for the purposes of section twenty-eight, be deemed to commence, and, in lieu of the said first day of January, to substitute, for the purposes of section twenty-eight, in all or any of the same districts, such day as he thinks fit.

Power to fix commencement of agricultural year for purposes of section 28.

30. If the tenant relinquishes the land according to his said notice, he shall be discharged from all liability to pay the rent which would otherwise have accrued due in respect of such land after the date of the relinquishment.

Discharge of tenant.

31. If

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31. If the landlord or his recognized agent refuse to receive such notice, Refusal to receive notice. the tenant may apply to the tahsildár or proper officer, and written notice shall thereupon be served by him on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent.

But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at some conspicuous place in the village wherein the land is situate.

2.—Leases and Under-leases.

32. Every tenant having a right of occupancy may let Right to let or under-let. or under-let the land in his occupation or any part thereof:

Provided that nothing in the former part of this section shall be deemed Saving of agreements not to let or sub-let. to affect any agreement on the part of a lessee that he will not, or will not without the previous consent of the lessor or his representative, under-let or part with the possession of the said land or any portion thereof.

33. Every person to whom land is let or under-let under section thirty- Liability of lessee and under-lessee. two shall, in respect of such land, and so far as regards the landlord and his representative, be subject to all the liabilities under this Act to which the lessor or under-lessor would have been subject in respect of such land, and so far as regards such landlord and his representative, in case the lease or under-lease had not been made.

3.—Alienation.

34. Any tenant having a right of occupancy claimable in accordance Right of tenant to alienate. with the terms of any of the clauses of section five, may alienate the land in his occupation, or any part thereof:

Provided that, in every such case, the land or part aforesaid shall be offered Landlord's right of pre-emption. for sale in the first instance to the landlord at the market-value, and shall not be alienated to any other person unless the landlord shall, for the space of one month, refuse or neglect to complete the purchase.

Every

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Every other tenant may alienate the land in his occupation, or any part thereof, with his landlord's previous consent, but not otherwise.

35. Every person other than the landlord, to whom land is alienated under section thirty-four, shall, in respect of such land, have the same rights and be subject to the same liabilities as the tenant making the alienation.

Rights and liabilities of tenant's alienee.

4.—*Succession.*

36. When a tenant having a right of occupancy in any land dies, his right shall devolve on his male lineal descendants (if any), and, failing such descendants, the right shall go to his male collateral relatives: Provided that the common ancestor of the deceased and his said relatives shall have occupied such land.

Succession to right of occupancy.

As among descendants and collateral relatives claiming under this section, such right shall devolve and go as if it were land left by the deceased in the village in which such land is situate.

CHAPTER VI.

OF COMPENSATION FOR TENANTS' IMPROVEMENTS.

37. If any tenant, or, in the case of a tenant with a right of occupancy, the person from whom he has inherited, makes any such improvements on the land in his occupation as are hereinafter mentioned, the rent payable by him or his representative in respect of such land shall not be enhanced, nor shall he or his representative be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the money or labour, or both, expended in making such improvements by him, or the person from whom he has inherited, or whom he represents, within thirty years next before the date of such enhancement or ejection.

Tenant's right to compensation for improvements.

38. The word "improvements," as used in section thirty-seven, means works by which the annual letting-value of the land has been, and at the time of demanding compensation continues to be, increased, and shall comprise—

"Improvements" defined.

1st, the construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the

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the construction of wells, the reclaiming and clearing of waste lands and other works of a like nature ;

2nd, the renewal or reconstruction of any of the foregoing works; or such alterations therein, or additions thereto, as are not required for maintaining the same, and which increase durably their value.

Compensation how made. **39.** Such compensation may, at the option of the landlord or his representative, be made—

(1) by payment in money ;

(2) by the grant of a beneficial lease of the land by the landlord or his representative to the tenant or his representative ; or

(3) partly by payment in money, and partly by the grant of such lease as aforesaid.

Provision for difference as to amount or value of compensation. **40.** In case of difference as to the amount or value of the compensation tendered, either party may present an application to the Court on a paper bearing a stamp of eight annas, stating the matter in dispute, and requesting a determination thereof.

Notice of such application shall be served on the other party by the proper officer, and the applicant shall pay the costs of service.

On receiving such application, the Court, after taking such evidence as the parties or either of them may adduce, and after making such further enquiry (if any) as it may deem necessary, shall determine (as the case may be) the amount of the payment, or the terms of the lease, or both :

Provided that, in determining such amount or value, the Court shall take into account any assistance given by the landlord, either directly by money, material or labour at the time of making such improvements, or indirectly by subsequently allowing the tenant to hold at a rate of rent more favourable than the rate at which he otherwise would have held.

Tender of lease for twenty years to bar right to claim compensation. **41.** If in any case a landlord tenders to a tenant a lease of the land in his occupation, for a term of not less than twenty years from the date of the tender, at the annual rent then paid by the tenant, or at such other annual rent as may be agreed upon,

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upon, such tender, if accepted by the tenant, shall bar any claim by him or his representative in respect of improvements previously made on such land by the tenant or the person from whom he has inherited.

CHAPTER VII.

OF PROCEDURE.

42. Cases cognizable under sections five, six, eleven, fourteen, nineteen, twenty and twenty-five, shall, unless otherwise provided for by any law for the time being in force, and subject to the provisions of section twenty-one of Act No. XIX of 1865 (*to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies*), be heard in the Civil Courts other than the Courts of Small Causes, unless when such Courts of Small Causes shall have been specially empowered by the Local Government, under Act No. XI of 1865, section six, to hear such cases.

Civil courts to hear cases under certain sections.

Applications under sections seventeen, twenty-three, twenty-six and thirty-one shall be deemed to be proceedings on the Revenue side: they shall be subject to the rules of procedure for the time being in force in such cases; and all orders on such applications shall be appealable to the Financial Commissioner of the Panjáb.

Applications under certain sections to be proceedings on Revenue side.

43. The plaint in every suit under sections five, six, eleven, fourteen and twenty-five, shall bear a stamp of eight annas.

Stamp on certain plaints.

44. The procedure now in force in the Panjáb for the recovery of rent shall, except in so far as it is inconsistent with the provisions of this Act, continue to be in force.

Saving of procedure for recovery of rent.

45. All proceedings of officers of Government in making or revising, prior to the passing of this Act, settlements of land-revenue shall, so far as such proceedings are consistent with the provisions of this Act, and subject to appeal and revision when an appeal or a revision is provided, be deemed to have been taken in accordance with law.

Confirmation of proceedings of settlement officers.