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# INDEX

TO THE

## ACTS OF THE GOVERNMENT OF INDIA,

FOR 1850.

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	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1850.			
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	1850.			
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	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1850.			
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	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
	1850.			
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	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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„ The Judges may appoint, suspend and dismiss Bailiffs of the Court.....	„	XV.		
„ Duties of the Bailiffs defined. ....	„	XVI.		
„ Penalty for Clerks acting directly or indirectly as Attorney or Vakeel, or being concerned in any trade or profession. The same by whom and how leviable. ....	„	XVII.		
„ Security to be given by the Clerk and Bailiffs.....	„	XVIII.		
„ Rates of Fees payable. ....	„	XIX.		
„ Rule for payment of Fee or Commission. Judges may grant summons to poor plaintiffs without deposit, or with a partial deposit of fees and also may remit costs to poor suitors. ....	„	XX.		
„ The amount of fees may be lessened and again increased but not beyond the prescribed scale. ....	„	XXI.		
„ Rules to be made for securing the money in the hands of any Officers and for the application thereof.....	„	XXII.		
„ The Court shall sit daily except on certain holidays and each of the Judges may sit apart and with either of them. ....	„	XXIII.		
„ Persons forging the seal or any process of the Court, or making any use of the same or any paper falsely purporting to be a copy thereof, shall be guilty of felony. ....	„	XXIV.		
„ Amount of suits for debt or damage limited to 500 Rupees. Suits shall be heard and determined in a summary way. Cases exempted from its jurisdiction. ....	„	XXV.		
„ On applications made for bringing a suit what shall be the procedure of the Court. ....	„	XXVI.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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Small Debts—Mis-statements of the cause of action how to be rectified. ...	IX.	XXVII.		
„ What shall constitute liability of persons to the jurisdiction of the Court. ....	„	XXVIII.		
„ What course to be adopted for the service of any summons or other process of the Court out of its district. ...	„	XXIX.		
„ Service of any summons or process out of the district of the Court, how to be proved. ....	„	XXX.		
„ Any minor may sue for wages or piece work or for work as a servant. ..	„	XXXI.		
„ The Court shall have jurisdiction in cases not exceeding 500 Rupees as whole or part of the unliquidated balance of partnership account, or the amount of a distributive share under an intestacy, or of any legacy under a will. ....	„	XXXII.		
„ Executors and Administrators may sue or be sued as in his own right and judgment, and execution shall be the same as in the Supreme Court in like cases. No Executor or Administrator shall be summoned within six months after the death of the person whose Executor or Administrator he is. ....	„	XXXIII.		
„ Plaintiffs not allowed to divide cause of action for bringing two or more suits, but having claims exceeding 500 Rupees may abandon the excess.	„	XXXIV.		
„ Persons exempted from liability to the processes of these Courts. ....	„	XXXV.		
„ Service of process to any one of two or more defendants sufficient; Every defendant who has satisfied a judgment may recover contribution from others jointly liable with him. In cases of misjoinder of defendants, the suit to be proceeded against such only against whom cause of action appears. ....	„	XXXVI.		

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Small Debts—The Judges may determine questions of fact, law or equity.	IX.	XXXVII.		
„ On Plaintiff and Defendant appearing how shall the Judges proceed...	„	XXXVIII.		
„ A Defendant having a claim against the Plaintiff may set the same against Plaintiff's demand, and sue him for any balance due after such sett off. ...	„	XXXIX.		
„ The Judges may with the consent of both parties refer cases to arbitration.	„	XL.		
„ The Judges shall, subject to the approval of the Supreme Court, frame rules for regulating the practice and proceedings of the Court, and forms for every proceeding and keeping books, entries and accounts. In cases not expressly provided for, the practice in the Supreme Court may be adopted. ....	„	XLI.		
„ Cause to be struck out if the plaintiff shall not appear, and if he shall appear but fail to prove his demand the Judges may nonsuit the Plaintiff or give judgment for the Defendant ; and in either case where the Defendant shall appear and not admit the demand, the Judges may award to the Defendant by way of costs and satisfaction for his trouble such sums as they may think fit. If the Defendant appears while the Plaintiff is absent and admits the claim and pays the fees, the Court may give judgment as if the Plaintiff had appeared.....	„	XLII.		
„ In case of non-appearance of Defendant a writ of attachment may be issued to compel his attendance, or the cause may be heard <i>ex parte</i> , and the judgment shall be as valid as if both parties had attended ; the Judges may however set aside any <i>ex parte</i> judgment and grant new trial. ....	„	XLIII.		
„ The Judges may grant time to either party to proceed, and from time to				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
time adjourn any Court or the hearing of any cause. ....	1850.			
Small Debts—Defendant may pay into Court such sum as he shall think a full satisfaction for the plaintiff's demand and cost. If the plaintiff shall proceed and recover no further sum, he shall pay to the defendant the costs incurred by him after the payment.....	IX.	XLIV.		
„ In trials the parties, their wives and all other persons may be examined for either party, subject to the Regulations in force with respect to women of rank. ....	„	XLV.		
„ Persons giving false evidence on oath or affirmation shall be guilty of perjury.	„	XLVI.		
„ Summonses to witnesses may be obtained with or without a clause for production of papers and any number of names may be inserted. ....	„	XLVII.		
„ Penalty for persons served with such Summons refusing or neglecting to appear, or to produce the papers required, and for refusing to swear and give evidence. ....	„	XLVIII.		
„ In suits for sums exceeding 30 Rupees, if any defendant evades process of the Court, or disposes of his property for defrauding the plaintiff or his creditors generally, or is about to withdraw his person and effects from the Court's jurisdiction, the Court may issue a warrant for the apprehension of such person and commit him to Jail until Security be given for his appearance until judgment. ....	„	XLIX.		
„ Payment of fine how to be enforced....	„	L.		
„ Costs of actions or proceedings shall be paid by or apportioned between the parties, and in default of special direction shall abide the event of the action.	„	LI.		
„ Every order and judgment of the Court shall be final; but the Judges	„	LII.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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may nonsuit the plaintiff in default of proof, entitling either party to the judgment of the Court, and the Court may in every case order a new trial.....	IX.	LIII.		
Small Debts—Causes of what nature and under what circumstances may be removed into the Supreme Court. ...	”	LIV.		
„ Under what circumstances questions of Law or Equity may be reserved for the opinion of the Supreme Court. If two Judges sit and differ in opinion the question may be referred to the Supreme Court. ....	”	LV.		
„ Judges may order debts, damages or costs to be paid by instalments. ....	”	LVI.		
„ In cases of cross judgments execution shall be taken out only for the balance remaining of the larger sum after deducting the smaller amount....	”	LVII.		
„ In default of payment of money ordered by the Court execution may issue against the body or goods and chattels of the defaulter. ....	”	LVIII.		
„ In cases of instalments execution shall not issue until after default of some instalment, and execution or successive executions may then issue for the whole or part of the amount....	”	LIX.		
„ Persons arrested in execution of a writ how to be dealt with. ....	”	LX.		
„ Persons shall not be imprisoned twice, nor execution issue against the body and goods at the same time under the same judgment. ....	”	LXI.		
„ Persons suing out a warrant shall deposit diet money for one week.....	”	LXII.		
„ On the execution of a warrant, diet money for the remainder of the month in which the warrant is executed, to be deposited with the keeper of the prison, and the same to be done monthly in advance so long as the debtor is to be kept in prison. ....	”	LXIII.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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Small Debts—In default of payment of the diet money the prisoner shall be discharged. ....	IX.	LXIV.		
„ Diet Money spent shall be costs in the cause, and that not spent repaid to the creditor. ....	„	LXV.		
„ Prisoners may be discharged on giving good Security for payment of debt and costs in full or by instalments. ...	„	LXVI.		
„ On payment of the debt and costs in full the prisoner shall be forthwith discharged. ....	„	LXVII.		
„ All property belonging to a prisoner or afterwards acquired by him shall be liable to be taken in execution after his discharge from prison for satisfaction of his debt and costs. ....	„	LXVIII.		
„ Bailiffs in executing any process may seize Goods, Money, Bank Notes, Cheques or Securities for Money. ....	„	LXIX.		
„ Such Cheques, &c. &c., shall be held by the Clerk for the amount due by the defendant, and the plaintiff may sue in the name of the defendant for the amount secured thereby. ....	„	LXX.		
„ If from sickness or any sufficient cause the defendant is unable to pay his debt or damages, judgment order or execution might be suspended until the cause of his disability has ceased.	„	LXXI.		
„ Sale of goods seized in execution when to be made. ....	„	LXXII.		
„ Goods seized where to be deposited.	„	LXXIII.		
„ Judges may appoint persons for keeping possession and others to be sworn brokers and appraisers for the purpose of selling or valuing goods. ....	„	LXXIV.		
„ Such goods to be sold by one of such brokers and appraisers. ....	„	LXXV.		
„ What shall be the costs of the appraisalment and sale, and how they are to be applied. ....	„	LXXVI.		
„ The Clerk shall keep an account of the proceeds and of the				



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amounts paid and reserved out of the same. ....	IX.	LXXVII.		
Small Debts—Judgment how to be executed when the defendant shall go out of the Court's jurisdiction before execution. ....	„	LXXVIII.		
„ Writs of error or <i>Supersedeas</i> sued for the reversing of any judgment how allowed to be prosecuted, and that in cases of what amount. ....	„	LXXIX.		
„ On payment, before sale of the goods, of the amount and costs, the goods seized in execution shall be discharged. ....	„	LXXX.		
„ The Clerk shall keep a record of all proceedings, which shall be authenticated by the Judges, and authenticated copies of such entries shall be admitted in all Courts. . .	„	LXXXI.		
„ Monies paid into Court on account of suitors for six years how applicable. ....	„	LXXXII.		
„ Penalty for misbehaviour in Court towards the Judges, Clerks or other Officers. ....	„	LXXXIII.		
„ Penalty for persons assaulting any Officer or Bailiff of the Court in the execution of his duty, and for rescuing persons arrested, or goods levied under process of the Court. ....	„	LXXXIV.		
„ Penalty for proved neglect of Bailiffs to execute Warrants. ....	„	LXXXV.		
„ Penalty for proved extortion or misconduct or non-payment of Money levied by any Clerk, Bailiff or Officer of the Court. ....	„	LXXXVI.		
„ Penalty for any Clerk, &c. exacting or accepting any unauthorized fee for any thing done for putting this Act into execution. ....	„	LXXXVII.		
„ Claims for goods seized in execution, the same belonging to persons not being the parties against whom the writ has issued, how to be satisfied....	„	LXXXVIII.		
„ Powers of Act VII. of 1847 shall be extended to the Court of Small Causes				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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for the recovery of arrears of rent not exceeding 500 Rupees. ....	IX.	LXXXIX.		
Small Debts—Affidavit of arrear may be made either by the principal or agent.	„	XC.		
„ Tenants or occupiers of Houses paying a rent of 500 Rupees per annum continuing to occupy without the owner's leave or under an expired lease or after notice to quit, to be summoned to show title to occupy the premises. ....	„	XCI.		
„ In default of Tenants to comply with the requisition, the owner or agent shall give proof to the Court of his right to claim possession. ....	„	XCII.		
„ Upon proof of due service of the summons and of the neglect of the Tenant, a warrant may be issued for giving possession of the premises. ...	„	XCIII.		
„ If the Tenant or occupier be out of the Court's jurisdiction, what will be deemed a due service. ....	„	XCIV.		
„ No action shall be against the Judges or Officers for issuing or executing the warrant or summons, by reason that the person suing out the same had no lawful right to the possession.	„	XCV.		
„ Owners having right to the possession shall not be a trespasser for irregularity in the mode of proceeding for obtaining possession, but the party aggrieved may recover damages specially laid. ...	„	XCVI.		
„ Absence of lawful right to the possession of the premises at the time of suing out the warrant shall be a trespass against the Tenant or occupier, and he may sue the person suing out the warrant, execution upon the warrant being stayed until judgment be given in the action of trespass. ....	„	XCVII.		
„ Recovery of possession no bar to a regular suit in the Supreme Court for trying the title of the house, &c. ....	„	XCVIII.		
„ Bonds shall be made to the other party to the action on its removal, or				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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upon staying, delaying or reversing any judgment or execution, or the execution of any warrant of possession, or on moving for a new trial or to set aside a verdict, judgment or nonsuit. ....	IX.	XCIX.		
Small Debts—Actions against any officer of the Small Cause Court, except in certain cases, may be brought in the Supreme Court by the party suing. ...	„	C.		
„ In actions in the Supreme Court for less than 500 Rupees on contract, or less than 100 Rupees for wrong, the plaintiff shall recover such sum only and no costs, and how the question of cost to be disposed of if there be no verdict for Plaintiff. ....	„	CI.		
„ No costs shall be allowed in suits brought in the Supreme Court against the Clerk, Bailiff or officer for grievances under pretence of the Court's process, where the damage does not exceed 500 Rupees.....	„	CII.		
„ Penalties, fines and forfeiture authorized by this Act how to be levied. ...	„	CIII.		
„ For non-payment of penalties, &c., forthwith upon conviction, the offender to be detained until return of warrant of distress of his property. ....	„	CIV.		
„ If sufficient distress cannot be had the offender how to be dealt with.....	„	CV.		
„ The Monies levied as penalties, &c. to be paid to the Clerk of the Court, and how applied.....	„	CVI.		
„ Proceedings to be adopted by a Justice or Magistrate in regard to penalties recoverable before him by this Act. ...	„	CVII.		
„ Form of conviction for offences against this Act.....	„	CVIII.		
„ No order, verdict or judgment or other proceeding shall be quashed or vacated for want of form. ....	„	CIX.		
„ Distress made under this Act shall not be unlawful, nor the person making it				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
a trespasser on account of any defect or want of form, but the person aggrieved may bring an action for special damage.	1850.			
Small Debts—Actions for any thing done in pursuance of this Act to be commenced within three months, and notice of the same to be given to the defendant at least a month before commencement of action. ....	IX.	CX.		
„ Schedule of Fees. ....	„	CXI.		
Soldiers—Native—shall not be entitled to pay or allowance when imprisoned under sentence of a Court Martial or Criminal Court, but shall be clothed and subsisted in manner directed by the Governor General in Council. ... (See Articles of War.)	XXXVI.	II.	.....	General.
State Prisoners may be confined by virtue of Warrants under Regulation III. of 1818, Bengal Code, in any Gaol of the Supreme Court or any Fortress or Gaol in any part of the Company's Territories. ....	XXXIV.	I.	.....	General.
„ The above Regulation extended to every Sheriff, Commandant or Officer having—in custody. ....	„	II.		
„ Confined within the Jurisdiction of the Supreme Court under Warrant of the Governor General in Council, declared lawful. ....	„	III.		
Stolen Property,—restitution of the value of—(See Property.)				
Straits Settlements—Magistrates and Justices of the Peace in the—vested with the powers given by Act XXI. of 1839, or Act III. of 1842 to the Calcutta Justices of the Peace for the trial and punishment of certain larcenies, felonies and assaults. ....	XIV.	I.		
„ How the above Acts to be read in applying them to the— ....	„	II.		
„ Magistrates or Justices of the Peace in the—shall be deemed Magistrates within the meaning of Act III. of 1844.	„	III.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
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Straits Settlements—Penalty for persons failing to attend to give evidence before any Magistrate or Justice of the Peace.	XIV.	IV.		
Straits Settlements—(See Pawnbrokers.)				
Straits Settlements—(See Beggars.)				
Subathoo and its annexed Territories no longer subject in Civil cases to the Agra Sudder Court, except as to cases now before it. ....	XXXII.	I.	...	{ North Western Provinces.
Sudder Ameens—No person by reason of place of birth or of descent exempted from the jurisdiction of— .... (See Acts.)	III.	I.	.....	Madras Presidency.
Sudder Board of Revenue in the Lower Provinces and the Board of Customs, Salt and Opium, consolidated. ....	XLIV.	II.	.....	Bengal.
„ The Board how to be styled hereafter. (See Board of Revenue.)	„	III.		
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<b>T.</b>				
Tobacco—Special duties leviable on— imported into the Island of Bombay.	XXIV.	II.	.....	Bombay.
„ Drawback not allowable except as provided. ....	„	III.		
„ This Act not to affect the provisions of any former Law for enforcing payment of the Special duty. ....	„	IV.		
Towns—Improvement of—(See Municipal Improvements)				
Tributary Mehals in Cuttack—(See Cuttack.)				
Trust—(See Breach of.)				
„ (See Public Accountants.)				
<b>V.</b>				
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Zemindaries—Boundary disputes concerning—in the Tributary Mehals in Cuttack—(See Cuttack.)				