

EAST INDIA.

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A C T S

OF THE

GOVERNMENT OF INDIA,

FROM 1834 TO 1838 INCLUSIVE.

East-India House, }
17 March 1840. }

[PRESENTED IN PURSUANCE OF ACT 3 & 4 Will. 4, c. 85, s. 51.]

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Warehousing Ports. The Custom-house Godowns and other Government Godowns to be public warehouses. These to be under the Collector's or Warehouse-keeper's key - - - - -	- - -	XIV.	
Warehousing Ports. Board to determine what goods are to be receivable into public warehouse, and the terms and rates of warehouse rent or hire. Table of rates to be exposed conspicuously - - - - -	- - -	XV.	
Warehousing Ports. Owners to have access to their warehouse goods, attended by a Custom-house Officer, during business hours - - - - -	- - -	XVI.	
Warehousing Ports. Expenses of carriage, packing, &c. are to be borne by the owners, and to be realized as Customs duties. Bills for rent to be sent in monthly, and if not paid in 10 days, goods may be sold in satisfaction. Collector not answerable for loss by fire or other accident, nor for damage - - - - -	- - -	XVII.	
Warehousing Ports. Wastage to be allowed, as per Table - - - - -	- - -	XVIII.	
Warehousing Ports. Board may license any private warehouses. Licence to be revocable at pleasure, unless otherwise stipulated - - - - -	- - -	XIX.	
Warehousing Ports. Applications for licence for private warehouse to be in Form (C), with particulars filled up - - - - -	- - -	XX.	
Warehousing Ports. Collector or Warehouse-keeper to have access to all licensed warehouses for himself and his officers. Proprietors refusing admittance subject to penalty of 1,000 rupees, and withdrawal of licence. Bonds for duty to be put in suit seven days after notice of such penalty, or of withdrawal of licence - - - - -	- - -	XXI.	
Warehousing Ports. If goods be found deficient beyond the wastage allowance at time of delivery from warehouse, owner to forfeit 10 times the duty on the deficiency. If found excessive, 10 times the duty to be paid on the excess, and goods to be detained till paid - - - - -	- - -	XXII.	
Warehousing Ports. Collector of Customs may issue warrant for breaking packages to search and examine goods. When repacked, to be sealed, and seal not to be rebroken without sanction of Board, except under application from proprietor, then to be resealed - - - - -	- - -	XXIII.	
Warehousing Ports. Goods to be stamped on reception into, or delivery from, warehouse. The stamp not to be removed or effaced without sanction of Collector, under penalty of 500 rupees, on conviction before a magistrate; but owners may be allowed by the Collector to take samples - - - - -	- - -	XXIV.	
Warehousing Ports. Goods not to be removed from warehouse without being passed through the Custom-house - - - - -	- - -	XXV.	

1836—continued.	ACT.	SECTION.	CLAUSE.	ACTS of 1836.
Warehousing Ports. If a package be broken, duty to be levied on all the goods contained therein - - - - -	XXV.	XXVI.		
Warehousing Ports. Applications to remove goods to be made in Form (D.), and 24 hours' notice to be given of removal - - - - -	-	XXVII.		
Warehousing Ports. Goods may be removed from one warehouse to another, application being made in Form (E.) - - - - -	-	XXVIII.		
Warehousing Ports. No duty to be levied on goods destroyed by fire or other accident; and if damaged, duty to be levied on the damaged value - - - - -	-	XXIX.		
Warehousing Ports. Penalties under this Act to be adjudged by the Collector of Customs, subject to confirmation by the Board or other superior authority of Customs - - - - -	-	XXX.		
Zillah and City Judges. See <i>Sudder Dewanny Adawlut</i> .				
Zillahs. Government may create new ones, from 1st October 1836, and alter the limits of existing Zillahs - - - - -	XXI.	I.		
1837:				
Act XIV. 1836, Article of Schedule (B.) modified - - - - -	XVI.	XI.		
Act XIV. 1836, section 18 modified - - - - -	-	XII.		
Act XIV. 1836, section 15 modified - - - - -	-	XIII.		
Act XVIII. of 1836, repealed - - - - -	II.	I.		
Act V. 1837, repealed - - - - -	XXXII.	I.		
Agents (Local). Incapability of certain persons to be appointed under Reg. XIX. of 1810, Bengal Code, removed - - - - -	XXXVII.	I.		
Ameens of Police appointed according to section 40, Regulation XI. of 1816, Madras Code, vested with all the Police and Criminal and Judicial powers exercised by Tuhsildars, and declared subject to the laws to which Tuhsildars are subject in respect of those powers - - - - -	XXX.	-		
Americans. See <i>Sudder Ameens</i> .				
Anjengo formed into a separate Jurisdiction, and the Resident in Travancore empowered to exercise therein the duties of Judge, Criminal Judge, and Magistrate - - - - -	VIII.	-		
Appeals. See <i>Decrees</i> .				
Assessments. See <i>Justices of Peace for the town of Calcutta</i> .				
Assessments. See <i>Tax</i> .				
Bhore Ghât. See <i>Toll</i> .				
Changanerry formed into a separate jurisdiction, and the Resident in Travancore empowered to exercise therein the duties of Judge, Criminal Judge, and Magistrate - - - - -	VIII.	-		
Chingleput. See <i>Revenue</i> .				
Coins. Suspending so much of Act XVII. 1835, as directs that certain shall bear on the obverse the head of the reigning Sovereign - - - - -	XXXI.	I.		
Coins. Till Government declare those parts of the said Act to be again in force, the coins shall bear the head of his late Majesty William the Fourth - - - - -	-	II.		
Convicts. Lawful for Courts established by His Majesty's Charters to permit any Convict recommended for a pardon to be at liberty on his own recognizance - - - - -	VII.	I.		
Courts Martial. Legalizing trials by, held at Military Stations not properly proclaimed under section 9, Regulation XXII. of 1827, Bombay Code - - - - -	XIII.	-		
Declaration (Written). See <i>Oaths</i> .				
Decrees. Repealing Regulations of the Madras Code which direct that the translations of Decrees passed by the Sudder, Provincial, Zillah, or Auxiliary Courts, shall be attached to those Decrees, or be furnished to parties concerned - - - - -	XXXV.	I.		
Decrees. Prescribing that an Abstract of every Decree be entered in the diary of the Court on the day of its promulgation, and a copy or translation of such Abstract be furnished to parties, on application - - - - -	-	II.		
Decrees. Modifying existing Rules regarding the period for preferring appeals - - - - -	-	III.		
Decrees. The day on which the time for appealing shall expire to be certified in the Abstract, or translation thereof, furnished to any party - - - - -	-	IV.		
Decrees. And to be proclaimed in open Court - - - - -	-	V.		
District Police. Heads of, rendering the provisions of clauses 2 and 3, section 4, Regulation IV. of 1821, Madras Code, applicable to all cases of petty offences cognizable by District Police. Those Officers, in reporting cases to Magistrate, shall state the punishment they think adequate, and Magistrate, if he differ in opinion, shall record his reasons for so differing - - - - -	XXXIII.	I.		
	-	II.		

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1837—continued.	ACT.	SECTION.	CLAUSE.
Duties (Customs). When the, fixed to be levied upon goods referred to, shall be <i>ad valorem</i> , how the value of such goods shall be declared by the exporter, which shall include the packages or materials in which the goods may be contained, and the provisions of Regulation VI. 1833, Bengal Code, for cases of disputed value (excepting section 4), shall apply to goods intended to be exported by sea	XVI.	II.	
Duties (Customs). Lawful for the Governor from time to time to fix a value for any article liable to <i>ad valorem</i> duty, which value shall be taken for levying duty on such article	-	III.	
Duties (Customs). Punishment for the removal from or putting on board of a vessel any goods, at time and days alluded to, without leave	-	IV.	
Duties (Customs). Punishment for the putting on board of a vessel any goods when a Custom-house Officer is not attached to it	-	V.	
Duties (Customs). Punishment for refusing to receive on board one servant of a Custom-house Officer, and to provide such Officer and servant with suitable shelter, &c.	-	VI.	
Duties (Customs.) No cargo-boat laden with goods shall make fast to or lie alongside of any vessel without a Custom-house permit or order. The goods in any boat so found liable to confiscation	-	VII.	
Duties (Customs). A boat note to accompany goods sent to be landed and passed for importation. Boats containing imported goods may be detained, and the goods shall be liable to confiscation, under circumstances stated	-	VIII.	
Duties (Customs). Goods brought to be passed for importation or exportation, with the packages in which they may be contained, liable to confiscation, under circumstances stated	-	IX.	
Duties (Customs). Goods liable to be confiscated, if removed, or attempted to be removed, after they have been landed, and before passing through the Custom-house	-	X.	
Duties (Customs). Modifying the article of Schedule (B) of Act XIV. 1836, which provides that when sugar or rum shall be exported on British bottoms to any British possession, no duty shall be levied, and if on foreign bottoms, a duty of three per cent. only. How duties now to be levied are to be credited	-	XI.	
Duties (Customs). Goods shipped after Port Clearance, if imported goods liable to drawback, such drawback shall be forfeited, but no separate duty levied	-	XII.	
Duties (Customs). Goods landed at the Custom-house may be sold on account of duties, &c. under circumstances stated	-	XIII.	
Duties (Customs). No payment shall be made of drawback upon any goods exported but under the circumstances stated	-	XIV.	
Duties (Customs). Drawback shall not be allowed upon goods shipped in certain dhonies and native craft	-	XV.	
Duties (Customs). Power of Board of Customs to fix and alter the rates of wharfage and go-down rent charges, and to determine the time for which goods shall be allowed to remain on the wharfs or in the go-downs free of charge	-	XVI.	
Duties (Customs). Goods brought by sea and stowed in bulk may be weighed on board ship, and duty levied according to the result of such weighing	-	XVII.	
Duties (Customs). Punishment for offering any obstruction to the weighing	-	XVIII.	
Duties (Postage). Exclusive right of conveying letters by post for hire vested in the Governor-General of India in Council	XVII.	II.	
Duties (Postage). Governor-General of India in Council, and any authority thereunto empowered, competent to grant a licence for so conveying letters	-	III.	
Duties (Postage). Such licence may be revoked at pleasure	-	IV.	
Duties (Postage). Punishment for letters conveyed, received, or delivered, as described	-	V.	
Duties (Postage). Inland postage duties shall be levied on the conveyance of letters and packets at the rates specified, and full postage shall be paid on receipt or delivery, and no additional charge shall be made for transfers from one post-office to another	-	VI.	

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Duties (Postage). When any letter or packet exceeding 12 tolas in weight shall not be conveyed by the letter-post -	XVII.	VII.	
Duties (Postage). When letters and packets exceeding 12 tolas, and not exceeding 40 tolas in weight, shall be conveyed by the letter-post, the postage chargeable thereon -		VIII.	
Duties (Postage). Punishment for sending any such packet as noticed with a knowledge that it contains any writing not necessarily part of the documents which such packet is stated to contain -		IX.	
Duties (Postage). Punishment for sending any such packet as noticed with a knowledge that it contains any writing other than the direction on the cover -		X.	
Duties (Postage). Proof sheets may be sent by letter-post at the rates and on the conditions specified -		XI.	
Duties (Postage). A scale of distances to be framed, according to which the rates of inland postage to be calculated -		XII.	
Duties (Postage). Steam postage shall be levied on letters and packets, and it shall be in excess of inland postage -		XIII.	
Duties (Postage). Ship postage shall be levied on letters and packets, and not liable to steam postage -		XIV.	
Duties (Postage). Rule regarding letters and packets brought by sea on board of any vessel -		XV.	
Duties (Postage). Punishment for disobeying any of the directions contained in the preceding section -		XVI.	
Duties (Postage). One anna to be paid to the commander for every letter or packet delivered by him -		XVII.	
Duties (Postage). Payment to be made to commanders, whenever any letter or packet is transhipped for transmission to any place alluded to. Proviso -		XVIII.	
Duties (Postage). No payment shall be made to any commander for the delivery of any letter or packet, unless his claim be preferred at either period stated -		XIX.	
Duties (Postage). Punishment for not receiving letters and packets and signing a receipt for them -		XX.	
Duties (Postage). When the person to whom a letter or packet is delivered shall not be bound to pay the postage, is bound to pay if he opens the same. Proviso -		XXI.	
Duties (Postage). Letters or packets rejected unopened to be returned to the sender, who is to pay the return postage, unless direct postage has been paid -		XXII.	
Duties (Postage). When the sender is unknown, by whom the letter or packet is to be opened -		XXIII.	
Duties (Postage). A letter or packet may be withheld from any person refusing to pay any postage which he is legally bound to pay for it -		XXIV.	
Duties (Postage). Unclaimed letters and packets to be sent to the general post-office -		XXV.	
Duties (Postage). When lists of such letters and packets shall be published -		XXVI.	
Duties (Postage). Measures to be adopted when letters and packets may have remained a certain time unclaimed in the general post-office -		XXVII.	
Duties (Postage). The persons mentioned may send and receive letters and packets free of postage. Those sent to be franked as Government may direct -		XXVIII.	
Duties (Postage). Government competent to grant to other persons the said privilege, on such conditions and under such rules as the Government may direct -		XXIX.	
Duties (Postage). Course of Postmaster-general or Postmaster, on suspecting that any letter or packet contains any contraband article, or any article on which duty is owing, or any writing in contravention of sections 9 & 10 of this Act -		XXX.	
Duties (Postage). Government shall not be responsible for loss or damage, nor any person attached to the post-office department, unless this person had caused such loss or damage maliciously or fraudulently -		XXXI.	
Duties (Customs). Fines may be levied on conviction before any of the authorities noticed. Proviso -		XXXII.	
Duties (Postage). Punishment for fraudulently appropriating letters or packets or anything contained therein, or opening any letter, packet, or banghy box -		XXXIII.	
Duties (Postage). Punishment for fraudulently appropriating money received for postage duty -		XXXIV.	
Duties (Postage). Punishment for fraudulently putting any wrong mark on any letter or packet, or altering or causing to disappear any mark which is thereon -		XXXV.	

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1837—continued.	ACT.	SECTION.	CLAUSE.
Duties (Postage.) Punishment for fraudulently preparing documents incorrectly, or altering, secreting, or destroying them - - - - -	XVII.	XXXVI.	
Duties (Postage.) Punishment for putting any letter or packet into the wallets, with a view to defraud Government of the postage duty - - - - -	-	XXXVII.	
Duties (Postage.) Describing the tolah weight - - - - -	-	XXXVIII.	
Duties (Postage.) This Act to have effect from the 1st of October 1837; and no postage duty to be levied on any letter received before that date, on the authority of this Act - - - - -	-	XXXIX.	
Embezzlements. Jurisdiction of Collectors, and of subordinate Collectors, as also the provisions of Regulations IX. of 1822, and VII. of 1828, Madras Code, extended to cases of embezzlement of public property, and of the falsification, destruction, or concealment of public papers relating to public property, by persons of the classes described in clause 3, section 2, Regulation IX. of 1822 - - - - -	XXXVI.	—	
Engagements. See Malgoozars in the Province of Cuttack. Europeans. See Sudder Ameens.			
Foreign States in Asia or Africa. Rule regarding the terms and condition on which goods may be imported into the territories of the East India Company, or exported thence, in vessels belonging to the subjects of - - - - -	XIV.	I.	
Governor-General. During the intermediate period stated, his Lordship shall have all the powers of the, in Council, except the power of making Laws and Regulations - - - - -	XXVI.	I.	
Houses. Every house and outhouse built within the city of Calcutta, after the 1st November 1837, shall be covered with an outer roof of incombustible materials. Punishment for contravention of this provision - - - - -	XII.	I.	
Houses. Lawful for Superintendent of Police to tender to the owner of any existing house or outhouse, not so covered, a sum of money to defray the expense of so covering it. Punishment if the money be accepted, and the engagement to so cover the house or outhouse within a certain time be not fulfilled - - - - -	-	II.	
Houses. Course of the Superintendent, if any house or outhouse be built in contravention of section 1. of this Act or if any owner of a house or outhouse shall refuse to accept the money tendered by the Superintendent - - - - -	-	III.	
Houses. Punishment for obstructing the Superintendent (or any person acting under his authority), in the exercise of the powers given to him by section 3 of this Act - - - - -	-	IV.	
Houses. Fines levied under this Act to be paid into the general treasury, and how to be applied - - - - -	-	V.	
Jumma. See Malgoozars, in the Province of Cuttack.			
Justices of the Peace for the Town of Calcutta. Lawful for any one of them to issue a warrant of distress for the recovery of arrears of assessment - - - - -	I.	I.	
Land. Lawful for His Majesty's subjects to hold property in, or in emoluments issued out of - - - - -	IV.	I.	
Land. Rules prescribing the manner in which such property may be acquired and held by natives, extended to the foregoing persons - - - - -	-	II.	
Language. Government may dispense with the use of the Persian, in any Judicial or Revenue proceedings, and prescribe the language and character to be used therein - - - - -	XXIX.	I.	
Language. And also delegate all or any of the powers given to them by this Act to any subordinate authority under restrictions alluded to - - - - -	XXIX.	II.	
Magistrates. See District Police.			
Malgoozars in the Province of Cuttack shall be answerable for the Jumma fixed by the terms of the settlement now existing, until a new one shall be completed and confirmed - - - - -	VI.	I.	
Malgoozars. Lawful for them, under circumstances stated, to relinquish their existing engagements at the expiration of the term for which they have been made - - - - -	-	II.	
Moonsiffs. See Sudder Ameens.			
Natives of India. None, save those excepted, who make a contract of service to be performed without the Company's territories, shall embark, in pursuance thereof, on board of any vessel within those territories, without an order from the Government, or a permit from the officer mentioned - - - - -	XXXII.	II.	

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Natives of India. Before such permit is granted, the contracting parties to appear personally before such officer, and exhibit a memorandum of the contract	XXXII.	III.		
Natives of India. No permit shall be granted, except under the circumstances stated	-	IV.		
Natives of India. The Officer to examine the contracting parties, touching the terms of the contract, and to explain those terms to the native	-	V.		
Natives of India. And he shall, under the circumstances stated, make, on the back of the memorandum, a note to the effect mentioned, which note shall be a permit, and the memorandum shall be delivered to the native	-	VI.		
Natives of India. Measures to be adopted, if application is made for permits, authorizing more than 20 natives to embark on board of any one vessel	-	VII.		
Natives of India. Permits shall not be granted authorizing more than 20 natives to embark on board of any one vessel, except under the circumstances stated	-	VIII.		
Natives of India. A register to be kept of all natives to whom permits shall be granted, of the parties with whom contracts are made, or of their agent, and of masters of vessels on which natives are permitted to embark	-	IX.		
Natives of India. Authorizing a fee of one rupee for every permit	-	X.		
Natives of India. Punishment for suffering any native to embark in pursuance of such contract, without an order or a permit	-	XI.		
Natives of India. This Act not applicable to native seamen, or menial servants, referred to	-	XII.		
Oaths may be dispensed with by the authorities mentioned	XXI.	I.		
Oaths. To what oath this dispensing power does not extend	-	II.		
Oaths. A written declaration substituted for an oath, when dispensed with	-	III.		
Oaths. Punishment for knowingly stating an untruth in any declaration	-	IV.		
Officers (Ministerial). See <i>Sudder Ameens</i> .				
Parsees. Quieting the possession of estates acquired by, in the way of succession; and fixing the law by which the succession, either by inheritance or testamentary disposition, is to be regulated in future	IX.	-		
Perjury. Madras Government declared competent to vest principal <i>Sudder Ameens</i> at stations where gaol deliveries are held, with the powers of commitment exercised by Criminal Judges under section 3, Regulation VIII. of 1829, Madras Code	XXIII.	-		
Political Offences. Special Courts at Bombay, for the trial of such offences, shall forward their proceedings to the <i>Foujdarry Adawlut</i> , who shall report their sentence to the Local Government, and wait its orders before carrying the same into execution	XXXVII.	-		
Public Property and Public Records. See <i>Embezzlements</i> .				
Regulations IX. of 1830, and XI. of 1831, Bombay Code, repealed	II.	I.		
Regulations I. and IX. of 1830, passed by the Government of Prince of Wales Island, Singapore, and Malacca, repealed	X.	I.		
Regulation I. of 1831, Bengal Code, repealed	X.	I.		
Regulation I. of 1830, articles 1 & 2 Bombay Code, repealed	XI.	-		
Regulation XXII. of 1827. Section 9, Bombay Code	XIII.	-		
See <i>Courts Martial</i> .				
Regulation XV. 1817, of the Bengal Code, repealed	XVI.	I.		
Regulation IX. 1810, section 51, of the Bengal Code, modified	-	XVI.		
Regulation XI. 1830, of the Bombay Code, repealed	XVII.	I.		
Regulation XV. of 1803, section 8, clause 5, Madras Code	XXII.	V.		
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Regulation VIII. of 1829, section 3, Madras Code	XXIII.	-		
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Regulation V. 1831, section 18, of the Bengal Code, modified	XXV.	I.		
Regulations VII. 1822, clause 2, section 31, and section 19, Regulation VIII. 1831 (parts of) of the Bengal Code, repealed	-	II.		
Regulation VII. 1832, clause 2, section 2, repealed	-	IX.		
Regulation V. 1831, clause 1, section 25, of the Bengal Code, repealed	-	X.		
Regulation X. 1829, section 7 (a part) of the Bengal Code, repealed	XXVIII.	I.		

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Regulation XI. of 1816, section 40, Madras Code - - <i>See</i> Amcens of Police.	XXX.	—	
Regulation IV. of 1821, section 4, clauses 2 & 3, Madras Code <i>See</i> District Police.	XXXIII.	I.	
Regulation VIII. of 1827, section 6, Madras Code, repealed	XXXIV.	I.	
Regulation III. of 1802, section 27, Madras Code - - <i>See</i> Decrees.	XXXV.	III.	
Regulations IX. of 1822, and VII. of 1828, Madras Code - <i>See</i> Embezzlements.	XXXVI.	—	
Regulation XIII. of 1827, section 26, Bombay Code, re- pealed in part - - - <i>See</i> Political Offences.	XXXVII.	I.	
Regulation XIX. 1810, section 9 of the Bengal Code, modified - - -	XXXVIII.	I.	
Revenue. Jurisdiction exercised by the Criminal Judge and Magistrate of Chingleput, in respect of offences committed within the Madras Collectorate against the Revenue Regu- lations, transferred to the Superintendent of Police and his deputies - - -	XXII.	I. & II.	
Revenue. Superintendent and his deputies, in the exercise of this jurisdiction, made immediately subject to the orders of the Sudder Fouzdary Court - - -	-	III.	
Revenue. Superintendent and his deputies may commit to any gaol within the Madras Collectorate - - -	-	IV.	
Revenue. Clause 5, section 8, Regulation XV. of 1803, Madras Code, declared applicable to all convicts sentenced to imprisonment by the Superintendent and his deputies under this Act - - -	-	V.	
Salt. Levying a duty of eight annas per maund on, manu- factured within the Bombay Presidency - - -	XXVII.	I.	
Salt. No person to manufacture, without giving notice to the Collector of the district in which the place of manu- facture may be situated; particulars to be stated in the notice - - -	-	II.	
Salt. Collector, on receiving notice, to depute an officer to be stationed for such time as may be considered necessary at every such place of manufacture - - -	-	III.	
Salt. Powers of such officer - - -	-	IV.	
Salt. On duty being paid in the district where salt is pro- duced, Collector shall grant a receipt according to form annexed - - -	-	V.	
Salt. Such receipt to be delivered to the officer stationed at the salt works; when received back, the receipt shall be a pass authorizing the removal of the salt - - -	-	VI.	
Salt. Local Government authorized to establish chokees near to salt works, and to invest the officers stationed at such chokees with powers of search, &c. - - -	-	VII.	
Salt. Collector of a district may order the destruction of a salt work, if erected therein contrary to the provisions of section 2 - - -	-	VIII.	
Salt. Collector may confiscate salt removed otherwise than in conformity with the foregoing rules, or which may be found clandestinely stored, with a view of evading duty -	-	IX.	
Salt. Penalty for the manufacture of salt without notice, for the removal of salt otherwise than in conformity with the provisions of the Act, or for counterfeiting Collector's mark on salt in store - - -	-	X.	
Salt. Penalty for obstructing officers in the exercise of their powers - - -	-	XI.	
Salt. Penalty for an officer taking bribe - - -	-	XII.	
Salt. Penalty for an officer practising or attempting fraud on the Revenue - - -	-	XIII.	
Salt. Local Government authorized to transfer the superin- tendence of the Salt Revenue of any district from the Col- lector to any other functionary. Whenever such transfer shall take place, the provisions of this Act which apply to such Collector shall be applicable to such functionary -	-	XIV.	
Session Judges. <i>See</i> Superintendents of Police.			
Settlements, Eastern. Appointment of a Commissioner to decide upon claims to hold lands within any of them -	X.	II.	
Settlements, Eastern. Commissioner to call for and decree cases pending before the Resident Councillor, Collector, or Superintendent of Land Revenue - - -	-	III.	
Settlements, Eastern. Commissioner to cause a survey or measurement to be made of any land in any of the settle- ments, and to summon and examine upon oath any person in regard to any land - - -	-	IV.	

1837—continued.	ACT.	SECTION.	CLAUSE.	ACTS of 1837.
Settlements, Eastern. Commissioner competent to declare any land held in excess of registered grant liable to separate assessment	X.	V.		
Settlements, Eastern. In regard to lands not registered, but to which the claim of any party may be established before him, the Commissioner's decree assigning it on conditions and terms which may be prescribed for his guidance, shall constitute good title		VI.		
Settlements, Eastern. Notice to be served by the Commissioner when requiring the attendance of any person, or the production of any document		VII.		
Settlements, Eastern. Penalty if any person disobey the Commissioner's summons, or refuse to answer any lawful question put by him		VIII.		
Settlements, Eastern. Penalty in case of resistance to Commissioner, or to any person employed by him		IX.		
Settlements, Eastern. What shall constitute the guilt of perjury before the Commissioner		X.		
Settlements, Eastern. Commissioner's decree altering or affecting possession of land to be final		XI.		
Settlements, Eastern. Parties may however appeal within six weeks to the Court of Judicature on question of law		XII.		
Settlements, Eastern. Court of Judicature shall not decide except when the Recorder is sitting in Court		XIII.		
Settlements, Eastern. Pending appeal, the decree of the Commissioner shall not be executed. No decree of the Commissioner to be executed until after six weeks from the date of decree		XIV.		
Settlements, Eastern. If no appeal be preferred, the Commissioner's decree to be executed in the same manner as the decrees of the Recorder's Court. All public Officers to be assisting in the execution		XV.		
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Settlements, Eastern. Fixing the law by which the succession to immovable property either by inheritance or testamentary disposition is to be regulated in future, and giving its retrospective effect	XX.	I. & II.		
Settlements, Eastern. Proviso in respect to property so acquired and sold		III.		
Stamp. Management of duties may be transferred to other than a Covenanted Officer	XXVIII.	I.		
Sudder Dewanny Adawlut. Lawful for the Courts of, to direct the transfer of the cognizance of original suits or appeals from one Zillah or City Court to another	III.	I.		
Sudder Dewanny Adawlut. Reasons for such transfer to be recorded		II.		
Sudder Ameens. No Zillah or City Judge precluded, by reason of the amount or value of the property for the recovery of which a suit is instituted, from referring it to any Principal Sudder Ameen	XXV.	I.		
Sudder Ameens. Every Zillah or City Judge may refer for trial and decision any original suit preferred under clause first, section 30, Regulation II. 1819, Bengal Code, to a Principal Sudder Ameen		III.		
Sudder Ameens. Appeals from the decision of Principal, in certain suits, as well as applications for a review of judgment on such decision, shall be preferred directly to the Sudder Dewanny Adawlut, and how to be conducted		IV.		
Sudder Ameens. Whenever a Zillah or City Judge shall refer for trial to a Principal Sudder Ameen or Sudder Ameen, a suit within the competency of a Moonsiff to decide to what rules in regard to Stamp duties and appeal it shall be subject		V.		
Sudder Ameens. If decided by a Principal, appeal triable only by the Judge		VI.		
Sudder Ameens. Whenever a Zillah or City Judge shall refer for trial to a Principal Sudder Ameen a suit within the competency of a Sudder Ameen to decide, to what rules in regard to stamp duties and appeal it shall be subject		VII.		
Sudder Ameens. The Courts of Sudder Dewanny Adawlut may authorize any Zillah or City Judge to transfer to a Principal Sudder Ameen certain civil proceedings, which shall be disposed of by him according to the rules stated; Proviso in regard to appeals		VIII.		

(continued)

ACTS of 1837.

1837—continued.	ACT.	SECTION.	CLAUSE.
Sudder Ameens. Appeals from the orders or decisions of a Principal Sudder Ameen to a Zillah or City Judge shall not be received unless preferred within the limit prescribed, except under the circumstance stated - - - - -	XXV.	IX.	
Sudder Ameens. Clause 2, section 25, Regulation V. 1831, extended to Ministerial Officers of the Moonsiff's Courts - -	- -	XI.	
Sudder Ameens. Those of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens, shall be nominated and appointed by those Courts, subject to the control of the Zillah and City Judges and Sudder Dewanny Adawlut - -	- -	XII.	
Sudder Ameens, Principal. See Perjury.			
Sudder Ameens. To try criminal cases in which any person may be concerned - - - - -	XXXIV.	I.	
Sudder Ameens. Europeans and Americans not to be tried by them, but by Criminal Judges - - - - -	- -	II.	
Superintendent of Police at Madras. See Revenue.			
Superintendent of Police. Authorizing the appointment of -	XXIV.	I.	
Superintendent of Police. When one is appointed, certain parts of section 7, Regulation I. 1829, shall cease to have effect within his jurisdiction. By what rules he is to be guided in the execution of his duties - - - - -	- -	II.	
Superintendent of Police. When one is appointed for any jurisdiction, section 3, Regulation IX. 1831, Bengal Code, shall cease to have effect within it - - - - -	- -	III.	
Superintendent of Police. Powers of, in regard to the appointment, suspension, and removal of any Ministerial or Police Officer subordinate to any Magistrate or Joint Magistrate -	- -	IV.	
Superintendent of Police. When a Session Judge shall receive and try any appeal from any order of a Magistrate or Joint Magistrate. Proviso - - - - -	- -	V.	
Superintendent of Police. The decision of a Session Judge, and the orders of the, alluded to, shall not be open to revision by the Nizamut Adawlut - - - - -	- -	VI.	
Superintendent of Police. When a Session Judge shall possess a control and superintendence over Gaols and the Officers thereof - - - - -	- -	VII.	
Superintendent of Police. When shall be appointed and the rest of this Act come into operation - - - - -	- -	VIII.	
Tax. Lawful for Magistrates and Joint Magistrates to appropriate a portion of the, levied under Regulation XXII. 1816, of the Bengal Code, to the cleansing and repairing of Towns - - - - -	XV.	I.	
Tax. The Panchaite appointed by the Sunnud referred to, competent to fix the rate of assessment to be levied from the proprietor or principal occupier of any shop or habitation at two Company's Rupees per mensem - - - - -	- -	II.	
Tax. No person shall by reason of place of birth or descent be exempted from the payment of any assessment under Regulation XXII. 1816, of the Bengal Code or this Act - -	- -	III.	
Thuggee. Any person charged with murder by, or having belonged to a gang of Thugs, may be committed by any Magistrate or Joint Magistrate for trial before any competent Criminal Court - - - - -	XVIII.	I.	
Toll. Fixing the rates of, to be paid at the Toll-gate of the Bhore Ghât on vehicles and animals going and returning -	II.	II.	
Toll. Local Government to appoint persons for the collection of, who shall be subject to the same responsibility as if they were employed in the collection of Land Revenue -	- -	III.	
Toll. Property to be stopped in case of non-payment of toll. Police to assist when required - - - - -	- -	IV.	
Toll. If after 24 hours' detention of property, the Toll remain unpaid, such property to be sold, and a fine, if necessary, imposed on contumacious refusers - - - - -	- -	V.	
Toll. Owner of property to possess the right of action in the Civil Court of the Zillah - - - - -	- -	VI.	
Toll. Local Government may grant exemption from payment of toll, or may farm out the toll - - - - -	- -	VII.	
Towns. See Tax.			
Transfers. See Sudder Dewanny Adawlut.			
Witnesses. No person convicted of any offence shall be incompetent to be a witness in any Civil or Criminal cause -	XIX.	I.	

ACTS of the Government of India.

ACT No. I. of 1834.

Passed by the Right Honourable the Governor-General of India in Council
on the 20th November 1834.

ACTS of 1834.

BE it enacted, that all Acts done by the Governor-General of India in Council, or by the Vice President of Fort William in Bengal in Council, or in pursuance of any authority given by the said Governor-General in Council, or by the said Vice President in Council, between the 22d of April 1834 and the 14th of November 1834, shall be valid and effectual, to all intents and purposes, as if the said Acts had been done before the said 22d day of April 1834.

ACT No. II. of 1834.

Passed by the Right Honourable the Governor-General of India in Council
on the 20th November 1834.

BE it enacted, that each of the secretaries to the government of India and to the government of Fort William in Bengal, shall be competent to perform all the duties, and to exercise all the powers which by any Act of Parliament or any Regulation now in force, are assigned to the chief secretary to the government of Fort William in Bengal, and that each of the secretaries to the government of Fort St. George and Bombay respectively, shall be competent to perform all the duties, and to exercise all the powers, which by any Act of Parliament or any Regulation now in force are assigned to the chief secretaries to the governments of Fort St. George and Bombay respectively.

ACT No. I. of 1835.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th January 1835.

ACTS of 1835.

BE it enacted, that from the day on which the Governor of the Presidency of Fort St. George shall next enter within the limits of the said presidency, till three months shall have elapsed, or till the said Governor shall arrive at the said presidency, whichever shall first happen; all officers, civil and military, attached to the said presidency, shall obey such orders as they may receive from the said Governor, and that the orders of the said Governor shall be as valid an authority for any Act done by such officers as the orders of the said Governor in his Council would be.

ACT No. II. of 1835.

Passed by the Right Honourable the Governor-General of India in Council
on the 12th January 1835.

BE it enacted, that the functionaries who are or may be appointed in the provinces of Assam, Arracan, and Tenasserim, be henceforth placed under the control and superintendence, in civil cases of the court of Sudder Dewanny Adawlut, in criminal cases of the court of Nizamut Adawlut, and in revenue cases of the Sudder Board of Revenue, and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive from the government of Fort William in Bengal.

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ACT No. III. OF 1835.

Passed by the Right Honourable the Governor-General of India in Council
on the 19th February 1835.

BE it enacted, that no new claims shall be admitted under the provisions of Regulation I. 1821, Regulation I. 1823, and clause 2, section X. Regulation I. 1829.

II. And be it enacted, that all such claims shall hereafter be cognizable only in the regular courts of justice, and shall be tried and determined in like manner with all other suits, in conformity with the provisions of the General Regulations, and without reference to the provisions of Regulations referred to in the preceding section of this Act.

III. And be it enacted, that the Commissioners and the Sudder Board of Revenue shall investigate and decide all cases pending before them respectively, and that the Sudder Board shall continue to admit and decide appeals from the decisions of the Commissioners in the same manner as they were empowered to do before the passing of this Act; provided that it shall be competent to the government of the presidency to transfer any part of the duties aforesaid to any court or officer.

ACT No. IV. OF 1835.

Passed by the Right Honourable the Governor-General of India in Council
on the 13th March 1835.

BE it enacted, that from the 14th day of March 1835, all powers whatever in criminal cases, which by virtue of any law now in force, may be exercised by two justices of the peace for the town of Calcutta, shall be exercised by one such justice.

ACT No. V. OF 1835.

Passed by the Right Honourable the Governor-General of India in Council
on the 13th March 1835.

BE it enacted, that such parts of any of the Regulations in force as authorize the district moonsiffs within the presidency of Fort St. George to receive any fee or commission for duties performed by them, are hereby rescinded; and district moonsiffs within that presidency shall not be entitled to receive any emolument whatever beyond their fixed monthly allowances.

ACT No. VI. OF 1835.

Passed by the Right Honourable the Governor-General of India in Council on
the 13th March 1835.

BE it enacted, that the functionaries who are or may be appointed to the political charge of the Cossyah Hills, or to the superintendence of the territory of Cachar, be henceforth placed under the control and superintendence, in civil cases, of the Court of Sudder Dewanny Adawlut, and in criminal cases of the Court of Nizamut Adawlut; and that the officers so appointed in the territory of Cachar be placed, in revenue cases, under the control and superintendence of the Sudder Board of Revenue, and that such control and superintendence of the Sudder Court and Board shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive from government of Fort William, in Bengal.

ACT No. VII. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 8th June 1835.

BE it enacted, that it shall be competent to the Governors of the presidencies of Fort William in Bengal and of Agra respectively, by an order under the signature of the secretary to government in the judicial department, to transfer any part, or the whole of the duties connected with criminal justice, from any commissioner of circuit to any session judge, and to define the powers which shall be exercised by each respectively.

ACT No. VIII. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 8th June 1835.

BE it enacted, that such parts of clause 7, section XV. Regulation VII. 1799, of the Bengal code, and other Regulations in force as vest the judge to the Dewanny Adawlut with the power of bringing to sale, in execution of summary decrees for rent, the talook or other tenure of the defaulter, and so much of clause 3, section XXIII. Regulation VII. of 1822, of the same code, as prohibits the collectors from selling land in satisfaction of summary awards for arrears of rent which may have accrued thereon, be rescinded, and that the power heretofore vested in the judges of the Dewanny Adawlut of selling land in satisfaction of summary decrees for rent, be transferred to the collectors of land revenue.

II. And be it enacted, that all sales for the recovery of arrears of rent or revenue, held under clause 7, section XV. or clause 3, section XXIII. or section XXV. Regulation VII. of 1799, shall be public, and be conducted by the collector, his deputy, or duly authorized assistant, and that ten days' notice shall be given of such sales, by advertisement, to be stuck up at the cutcherry of the zillah court or local Adawlut, and that of the collector.

ACT No. IX. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 6th July 1835.

I. BE it enacted, that it shall be competent to the Governor of Bengal, whensoever he shall deem it expedient to vest the duty of superintending salt chokees in officers not being covenanted civil servants, to limit the powers to be exercised by them in such manner as he may be pleased to direct.

II. When the Governor of Bengal shall appoint superintending officers of chokees without the powers of adjudication in respect to cases of alleged violation of the laws for the protection of the salt revenue which are declared to be vested in such officers by sections XCVI., CIX., and other provisions of Regulation X. 1819 of the Bengal code, it shall be competent to the Governor of Bengal to invest with those powers any judicial or revenue officer of the government, giving notice thereof in the Government Gazette, and every officer so invested with the said powers shall exercise the said powers in all respects as prescribed in Regulation X. 1819 of the Bengal code, for salt agents and superintending officers of chokees.

III. Nothing in this Act contained shall be construed to affect or interfere with the powers vested by the said Regulation, or by any other Regulation of the government of Bengal, in superintending officers of chokees being covenanted civil servants.

IV. *First.* In modification of the rule contained in section LXXXIX. Regulation X. 1819 of the Bengal code, the following scale of rewards is established for officers and others making seizures of salt.

ACTS of 1835:

Second. Upon the adjudication of a forfeiture of salt, provided the parties concerned in the attempt to evade or violate the law, be likewise convicted, the officers of the salt department under the grades of agent and superintendent, if they have made the seizure upon information laid, or under orders of their superiors, shall be entitled to a reward at the rate of eight annas per maund of merchantable salt so adjudged to be forfeited. If the parties concerned be not discovered and convicted, the reward to the salt officers shall be only at the rate of five annas per maund.

Third. If salt be seized by any subordinate officers of government possessing authority to make seizures without information from others, or orders from their superior, the reward shall be at the rate of one rupee per maund if the offenders be convicted, and eight annas if no offenders be convicted.

Fourth. Informers, whether officers of government or not, shall, on the adjudication of salt to forfeiture that may have been seized on their information, receive eight annas per maund if the offenders be convicted, and five annas if there be no conviction.

 ACT No. X. OF 1835.

Passed by the Honourable the Governor-General of India in Council on the 6th July 1835.

BE it enacted, that the production of a Government Gazette of any presidency, containing an Act purporting to have been passed by the Governor-General in Council, shall be held in all courts sufficient proof that such Act has been so passed.

 ACT No. XI. OF 1835.

Passed by the Honourable the Governor-General of India in Council on the 3d August 1835.

I. BE it enacted, that from the 15th day of September 1835, the four Regulations hereinafter specified be repealed.

First.—A Regulation for preventing the establishment of printing-presses, without license, and for restraining, under certain circumstances, the circulation of printed books and papers, passed by the Governor-General in Council on the 5th April 1823.

Second.—A Rule, Ordinance, and Regulation for the good order and civil government of the settlement of Fort William in Bengal, passed in Council 14th March, registered in the Supreme Court of Judicature 4th April 1823.

Third.—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing newspapers, and periodical and other books and papers, by persons unknown, passed by the Honourable the Governor in Council of Bombay, on the 2d day of March 1825, and registered in the Honourable the Supreme Court of Judicature at Bombay, under date the 11th May 1825.

Fourth.—A Regulation for restricting the establishment of printing-presses, and the circulation of printed books and papers, passed by the Governor of Bombay in Council on the 1st January 1827.

II. *First.*—And be it enacted, that after the said 15th day of September 1835, no printed periodical work whatever, containing public news, or comments on public news, shall be published within the territories of the East India Company, except in conformity with the rules hereinafter laid down.

Second.—The printer and the publisher of every such periodical work shall appear before the magistrate of the jurisdiction within which such work shall be published, and shall make and subscribe, in duplicate, the following declaration:

“ I, A. B., declare that I am the printer (or publisher, or printer and publisher), of the periodical work entitled _____, and printed (or published, _____

lished, or printed and published) at” And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

Third.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

Fourth.—As often as the printer or the publisher, who shall have made such declaration as is aforesaid, shall leave the territories of the East India Company, a new declaration from a printer or publisher, resident within the said territories, shall be necessary.

III. And be it enacted, that whoever shall print or publish any such periodical work, as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine to an amount not exceeding 5,000 rupees, and imprisonment for a term not exceeding two years.

IV. And be it enacted, that each of the two originals of every declaration, so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the said magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's court within the jurisdiction of which the said declaration shall have been made; and the officer in charge of each original shall allow any person to inspect that original, on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the court which has the custody of the original, on payment of a fee of two rupees.

V. And be it enacted, that in any legal proceeding whatever, as well civil as criminal, the production of a copy of such a declaration as is aforesaid, attested by the seal of some court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence as against the person whose name shall be subscribed to such declaration that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be), of every portion of every periodical work whereof the title shall correspond with the title of the periodical work mentioned in the said declaration.

VI. Provided always, that any person, who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or publisher of the periodical work mentioned in such declaration, may appear before any magistrate, and make and subscribe, in duplicate, the following declaration:

“ I, *A. B.*, declare that I have ceased to be the printer or (publisher, or printer and publisher), of the periodical work entitled” And each original of the latter declaration shall be authenticated by the signature and seal of the magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration; and the officer in charge of each original of the latter declaration shall allow any person applying to inspect that original, on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the court having custody of the original, on payment of a fee of two rupees; and in all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration; and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the periodical work therein mentioned.

VII. And be it enacted, that every book or paper printed after the said 15th day of September 1835, within the territories of the East India Company, shall have printed legibly on it the name of the printer and of the publisher, and the place of printing and of publication; and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding 5,000 rupees, and by imprisonment for a term not exceeding two years.

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VIII. And be it enacted, that after the said 15th day of September 1835, no person shall, within the territories of the East India Company, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the magistrate of the jurisdiction wherein such press may be; and whoever shall keep in his possession any such press, without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding 5,000 rupees, and by imprisonment for a term not exceeding two years.

“ I, A. B., declare that I have a press for printing at _____.” And this last blank shall be filled up with a true and precise description of the premises where such press may be.

IX. And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding 5,000 rupees, and imprisonment for a term not exceeding two years.

ACT No. XII. of 1835.

Passed by the Honourable the Governor-General of India in Council on the
3d August 1835.

BE it enacted, that Regulation IV. 1829, of the Madras code, entitled a Regulation for annulling the Sunnuds-i-Milkeut Istimrar issued for the Zemindares of Nozeed and Ellore, in the zillah of Masulipatam, and for empowering the government to issue new sunnuds for the same; and Regulation IV. 1830, of the same code, entitled a Regulation for suspending the provisions of the Regulation IV. 1829, be rescinded.

ACT No. XIII. of 1835.

Passed by the Honourable the Governor-General of India in Council on the
3d August 1835.

BE it enacted, that it shall be competent to the Court of Sudder Fouzdarry Adawlut for the presidency of Bombay to direct, that any person accused of any offence, and subject to the jurisdiction of the courts of the East India Company, may be tried in any zillah of the said presidency.

ACT No. XIV. of 1835.

Passed by the Honourable the Governor-General of India in Council on the
3d August 1835.

BE it enacted, that it shall henceforth be competent to the Governor of Bombay in Council, by an Order in Council, to appoint any military officer in the service of the East India Company, a magistrate, or an assistant magistrate, in one or more zillahs, and to confer on any assistant magistrate, by a special order, any of the powers of a magistrate.

ACT No. XV. of 1835.

Passed by the Honourable the Governor-General of India in Council on the
3d August 1835.

I. *First*.—BE it enacted, that from the 1st day of September 1835, section XVIII. Regulation V. of 1802 of the Madras code, be rescinded.

Second.—Be it enacted, that if a witness duly summoned by the Court of Sudder Udalt of Fort St. George shall not attend, or shall refuse to give evidence

evidence in the manner prescribed by the existing law, that court may impose on such witness a fine, not exceeding 500 rupees, and may commit him to the gaol of the zillah court nearest to the presidency, until he shall consent to give his evidence in the manner prescribed. And if the said witness shall not pay the fine imposed on him, it shall be lawful for the said Court of Sudder Udalut to direct him to be kept in confinement for a further term not exceeding three months.

II. If any person shall be guilty of contempt of the court of Sudder Udalut in open court, the court may immediately punish the offender by fining him in a sum not exceeding 500 rupees, or by committing him to custody in the gaol of the zillah court nearest to the presidency, for a term not exceeding six months.

III. If it shall appear to the Court of Sudder Udalut that any person has been guilty of wilful and corrupt perjury in any matter depending in that court, that court may immediately commit the offender to custody, and transmit him to the zillah court nearest to the presidency, in order to his being brought to trial before the court of circuit of the division in which such zillah court may be situated; and such person shall be dealt with in the same manner as if the perjury had been committed within the limits of the local jurisdiction of such court of circuit.

ACT No. XVI. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 3d August 1835.

BE it enacted, that from the 1st of November 1835, so much of section II. of Regulation V. of 1830 of the Bengal code, as provides that persons, instigating and inducing ryots to evade the performance of their engagements, may be prosecuted for the full amount of the penalty specified in the original agreement of the ryot, together with all expenses and costs of the suit; and section III. of the same Regulation, providing that persons, contracting for the cultivation of indigo plant, who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement, shall be deemed guilty of a misdemeanor, and liable to punishment,—be rescinded.

ACT No. XVII. of 1835.

Passed by the Honourable the Governor-General of India in Council on the 17th August 1835.

I. BE it enacted, that from the 1st day of September 1835, the undermentioned silver coins only shall be coined at the mints within the territories of the East India Company: a rupee, to be denominated the Company's rupee; a half rupee, a quarter rupee, and a double rupee; and the weight of the said rupee shall be 180 grains troy, and the standard shall be as follows:

$\frac{11}{16}$ or 165 grains of pure silver,
 $\frac{1}{16}$ or 15 grains of alloy,

and the other coins shall be of proportionate weight and of the same standard.

II. And be it enacted, that these coins shall bear on the obverse the head and the name of the reigning sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the coin in English and Persian, and the words "East India Company" in English, with such embellishment as shall from time to time be ordered by the Governor-General in Council.

III. And be it enacted, that the Company's rupee, half rupee, and double rupee, shall be a legal tender in satisfaction of all engagements, provided the coin shall not have lost more than two per cent. in weight, and provided it shall not have been clipped, or filed, or have been defaced otherwise than by use.

IV. And be it enacted, that the said rupee shall be received as equivalent to the Bombay, Madras, Furruckabad, and Sonat rupees, and to fifteen-sixteenths of the Calcutta sicca rupee, and the half and double rupees respectively, shall be received as equivalent to the half and double of the abovementioned Bombay, Madras, Furruckabad, and Sonat rupees, and to the half and double of fifteen-sixteenths of the Calcutta sicca rupee.

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V. And be it enacted, that the Company's quarter rupee shall be a legal tender only in payment of the fraction of a rupee.

VI. Provided, that if in any contract for the payment of Calcutta sicca rupees, it shall have been specially stipulated that if payment be made in the territories of the Madras, Bombay, or Agra presidency, it shall be made in the rupees now current in those presidencies respectively, at a different rate from that above provided with reference to the Calcutta sicca rupee, the contract shall be satisfied by payment within those presidencies of Company's rupees of the amount of Furruckabad, Madras, or Bombay rupees so especially stipulated; provided also, that if payment of the principal or interest of the public debt be made for the convenience of creditors at any public treasury other than as stipulated in the notes and engagement of the government, it shall be competent to the government to make such payments at the same exchange as heretofore.

VII. And be it enacted, that the undermentioned gold coins only shall henceforth be coined at the mints within the territories of the East India Company.

First.—A gold mohur or 15 rupee piece of the weight of 180 grains troy, and of the following standard; viz.

$\frac{11}{12}$ or 165 grains of pure gold,
 $\frac{1}{12}$ or 15 grains of alloy,

Second.—A five rupee piece equal to a third of a gold mohur.

Third.—A ten rupee piece equal to two-thirds of a gold mohur.

Fourth.—A 30 rupee piece or double gold mohur; and the three last-mentioned coins shall be of the same standard with the gold mohur and of proportionate weight.

VIII. And be it enacted, that these gold coins shall bear on the obverse the head and name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the coin in English and Persian, and the words "East India Company" in English, with such embellishment as shall from time to time be ordered by the Governor-General in Council, which shall always be different from that of the silver coinage.

IX. And be it enacted, that no gold coin shall henceforward be a legal tender of payment in any of the territories of the East India Company.

X. And be it enacted, that it shall be competent to the Governor-General in Council, in his executive capacity, to direct the coining and issuing of all coins authorized by this Act; to prescribe the devices and inscriptions of the copper coins issued from the mints in the said territories, and to establish, regulate, and abolish mints, any law hitherto in force to the contrary notwithstanding.

ACT No. XVIII. OF 1835.

Passed by the Honourable the Governor-General of India in Council on the
 9th November 1835.

BE it enacted, that clause 8, section IX. Regulation XI. 1806, and clause 4, section XXX. Regulation XX. 1817, of the Bengal code, which prohibit the use of a chuprass or badge by peons, or other servants in the employment of private individuals, be repealed.

And be it enacted, that no person shall wear, or be accessory to the wearing by any other person of any chuprass or badge, intended to resemble any chuprass or badge worn by servants of the government; and every person violating this rule, shall be punishable by fine and imprisonment on conviction before a magistrate, as for a misdemeanor.

And be it enacted, that every chuprass or badge worn by any person not being a servant of the government, shall bear the name of the party by whom the wearer is employed, and whoever shall wear a chuprass or badge, or be accessory to the wearing such chuprass or badge, otherwise than in conformity to this rule, shall be punishable by fine and imprisonment on conviction before a magistrate, as for a misdemeanor.

ACT No. XIX. of 1835.

Passed by the Honourable the Governor-General of India in Council on the
9th November 1835.

BE it enacted, that it shall be competent for the Governor in Council of Bombay to appoint the assistant judge of the zillah court of Poonah to be assistant to the agent for sirdars in the Deckan, and it shall be competent to the agent for sirdars to refer to his assistant original suits against sirdars for amounts not exceeding 5,000 rupees; and in the trial of such suits the assistant shall follow the same rules which are now applicable to the agent; and every decree of the assistant shall be open to an appeal to the agent within (30) thirty days from the date of the decree; and every decision of the agent on such appeal shall be open to a special appeal under the provisions of chapter XXII. Regulation IV. of 1827 of the Bombay code, to the Governor in Council, or to the Sudder Adawlut, according as the rank of the sirdar may subject him to the jurisdiction of either authority, provided such last-mentioned appeal shall be brought within (90) ninety days after the date of the decree of the agent.

ACT No. XX. of 1835.

Passed by the Honourable the Governor-General of India in Council on the
23d November 1835.

BE it enacted, that it shall be competent to the Governor in Council of Bombay, to invest the mahalkarees or other officers, howsoever designated, exercising the functions of mahalkarees, with police powers within the towns and villages under their charge, to the same extent as are possessed by komavisdars or mamlutdars.

And be it enacted, that the proceedings of the officers invested with police powers under this Regulation, shall be conducted according to the rules prescribed in chapter V. Regulation XII. 1827 of the Bombay code; and that the sentences by them awarded shall be carried into effect by the komavisdars or mamlutdars, in all cases where it cannot be executed at the station of the mahalkaree.

ACT No. XXI. of 1835.

Passed by the Honourable the Governor-General of India in Council on the
7th December 1835.

I. BE it enacted, that from the 20th day of December 1835, the following copper coins only shall be issued from any mint within the presidency of Bengal:

- | | |
|---|------------------|
| 1. A pice, weighing | 100 grains troy. |
| 2. A double pice | 200 |
| 3. A pie, or one-twelfth of an anna piece | 33 $\frac{1}{2}$ |

with such devices as shall be fixed for the same by the Governor-General in Council, according to the provisions of section X. of Act XVII. of 1835.

II. And be it enacted, that from the said 20th day of December 1835, the said pice shall be legal tender for $\frac{1}{12}$ of the Company's rupee, and the said double pice for $\frac{1}{6}$ of the Company's rupee, and the said pie for $\frac{1}{24}$ of the Company's rupee.

III. Provided always, that after the said 20th day of December 1835, no copper coin shall in any part of the territories of the East India Company be legal tender, except for fractions of a rupee.

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ACT No. I. OF 1836.

Passed by the Honourable the Governor-General of India in Council on the
4th January 1836.

BE it enacted, that it shall be lawful for the Governor in Council of Bombay to employ any portion of the fees levied under authority of Regulation VI. of 1831 * of the Bombay code, for purposes other than those specified in the said Regulation, any thing in the said Regulation to the contrary notwithstanding.

* A Regulation for raising at the ports within the limits of the Gulf of Cambay, funds for the support of a lighthouse upon the Island of Peerim in that Gulf.

ACT No. II. OF 1836.

Passed by the Honourable the Governor-General of India in Council on the
11th January 1836.

IT is hereby enacted, that Regulation III. A. D. 1834, of the Bombay code, be rescinded, with the exception of such part of that Regulation as rescinds preceding Regulations.

And it is hereby enacted, that a duty at the rate of (1 $\frac{1}{2}$) one and a half per cent. shall be levied on import into the island of Bombay, of the articles enumerated in Appendix (A.), in addition to the established sea customs, and under the same rules and regulations as are, or may be, made applicable to the collection of the latter.

And it is hereby enacted, that no drawback of the duty imposed in the preceding section be allowed, except on exportation to the United Kingdom in British bottoms, of any of the articles subject thereto, in which case such an amount of drawback will, if applied for at the period of exportation, but not otherwise, be allowed, as will reduce the total duty receivable by government to (2 $\frac{1}{2}$) two and a half per cent.

And it is hereby enacted, that no person shall be entitled to recover any money which such person may subsequently to the 1st day of January 1827, have paid to any officer authorized to receive duties on imports, as duty on wine or spirits.

APPENDIX (A.)

Goods imported from the other presidencies under certificates of exemption from customs at Bombay, excepting those articles of a like description (such as ghee, oil, &c. &c.) not liable to a duty, when imported from other places unaccompanied by exempting certificates:—

Oil, except that in use for culinary purposes; shawls; wax candles; sugar; piece goods; China silks; nankeens; rose-water; sandal-wood; mace; cloves; nutmegs; cinnamon; cassia; bhoysing; cocum; tamarinds; saltpetre; black pepper; cardamums; wines, in casks; wines and liquors, in bottles.

ACT No. III. OF 1836.

Passed by the Honourable the Governor-General of India in Council on the
8th February 1836.

IT is hereby enacted, that from the 10th day of March 1836 all duties now levied on the import of cattle into Salsette, whether at the Bunders of the mainland or Salsette, shall be abolished.

ACT No. IV. OF 1836.

Passed by the Honourable the Governor-General of India in Council on the
22d February 1836.

IT is hereby enacted, that the Act of Parliament passed in the 9th year of King George the Fourth, and intituled, "An Act to provide for the Relief of Insolvent

Insolvent Debtors in the East Indies until the 1st day of March 1833," which Act was, by an Act passed in the 2d year of King William the Fourth, continued till the 1st day of March 1836, shall continue to be in force till the 1st day of March 1839.

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ACT No. V. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th March 1836.

IT is hereby enacted, that it shall be competent to the zillah and city judges within the presidency of Fort William in Bengal, to refer to the principal sudder ameen subordinate to them, applications for the enforcement of decrees, to be executed by the said principal sudder ameen, under the rules prescribed in the general Regulations applicable to such cases.

ACT No. VI. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th March 1836.

IT is hereby enacted, that it shall be lawful for any court, by which any person shall be, or shall have been committed to custody under the authority of section XXII. Regulation III. 1802, of the Madras code, to liberate such person when such court shall be of opinion that the confinement has been sufficient for the punishment of his offence, and that no person shall, under the authority of the said section, be kept in custody for a term exceeding two months.

ACT No. VII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th March 1836.

I. IT is hereby enacted, that the legality of acts done and levies made under Regulations III. and IV. of 1817, and VII. of 1818, and IV. of 1821, and XIX. XX. and XXI. of 1827, and XV. of 1828, and XX. of 1830, and II. and XIII. of 1831, and I. and X. of 1833, of the Bombay code, shall not be questioned in any court of law whatever.

II. And it is hereby enacted, that for the future the provisions of Regulations XIX. and XXXII. of 1827, shall constitute the law for the collection of the several taxes therein enumerated, and for all purposes for which they were passed.

ACT No. VIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th March 1836.

I. IT is hereby enacted, that from the 31st day of March 1836, no person whatever shall, by reason of place of birth, or by reason of descent, be incapable of being a principal sudder ameen, sudder ameen, or moonsiff, within the territories subject to the presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a principal sudder ameen, sudder ameen, or moonsiff, shall, in respect of all acts done by him as such principal sudder ameen, sudder ameen, or moonsiff, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

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ACT No. IX. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 11th April 1836.

IT is hereby enacted, that the commanding officer of any military station occupied by troops in the service of the East India Company, out of the territories of the said Company, shall be competent to administer within the limits of such military station any oath which a justice of the peace is competent to administer within the said territories, and that such oath shall, in all respects, be of the same effect as if taken within the said territories before a justice of the peace.

ACT No. X. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 11th April 1836.

I. IT is hereby enacted, that clause 3, section V. Regulation VI. 1823, of the Bengal code, be repealed.

II. And it is hereby enacted, that whenever the right to indigo plant may be contested, and an order shall be passed, under the provisions of clause ninth, section III. Regulation VI. 1823, of the Bengal code, for the delivery of indigo plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the indigo plant until he shall have given sufficient security, to the satisfaction of the court trying the case, to make good any claim that shall be ultimately established to such indigo plant, whether arising from a prior right to the produce of the land, or from an arrear of rent due on account of the specific parcel of land from which the plant may have been produced.

III. And it is hereby enacted, that when a lawful contract shall have been made between a ryot and another party, by which contract the ryot shall have bound himself to cultivate indigo plant for the other party, or to deliver indigo plant to the other party, and when the other party shall have advanced money to the ryot for the purpose of enabling the ryot to fulfil such contract, then if any other person, knowing that such contract exists, and that such advance has been made, shall prevail upon the ryot to break such contract, the party who made the advance shall be entitled to proceed by civil action against the person who shall have so prevailed on the ryot, as well as against the ryot, and to recover from him or them, jointly or severally, damages to the extent of the injury sustained, together with costs of suit.

Provided always, that nothing in this section contained shall be construed to give a right of action against any person in consequence of any act which that person may have done for the purpose of procuring payment of a debt or performance of a lawful contract.

IV. And it is hereby enacted, that the court trying any suit instituted under the provisions of Regulation VI. 1823, of the Bengal code, or under the provisions of this Act, shall be authorized to examine both the plaintiff and the defendant, whenever the court shall deem such examination necessary to the ends of justice; and, if the award be in favour of the defendant, to assign to the defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding.

V. And it is hereby enacted, that it shall be competent to a zillah or city judge to refer to a principal sudder ameen or sudder ameen, according to the amount of their respective jurisdictions, any suit, whether regular or summary, which may be instituted under the provisions of Regulation VI. 1823, or under the provisions of this Act, to be inquired into and decided by the said principal sudder ameen or sudder ameen, in the same manner and under the same rules as such suit may be inquired into and decided by a zillah or city judge, anything in the existing Regulations to the contrary notwithstanding.

ACT No. XI. of 1836.

ACTS of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 9th May 1836.

I. IT is hereby enacted, that from the 1st day of June 1836, the 107th clause of an Act of Parliament, passed in the 53d year of King George III. and intitled, "An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories and the better Administration of Justice within the same, and for regulating the Trade to and from the Places within the Limits of the said Company's Charter," shall cease to have effect within the territories of the East India Company.

II. And it is hereby enacted, that from the said day and within the said territories, no person whatever shall, by reason of place of birth, or by reason of descent, be in any civil proceeding whatever excepted from the jurisdiction of any of the courts hereinafter mentioned; that is to say,

The courts of Sudder Dewanny Adawlut—of the zillah and city judges—of the principal sudder ameens—and of the sudder ameens, in the territories subject to the presidency of Fort William in Bengal.

The court of Sudder Adawlut—the provincial courts—the courts of the zillah judges—of the assistant judges—of the registers, and of the native judges in the territories, subject to the presidency of Fort St. George.

The courts of Sudder Adawlut—of the zillah judges—of the native judges—and of the principal and junior native commissioners in the territories subject to the presidency of Bombay.

ACT No. XII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 23d May 1836.

IT is hereby enacted, that, from the 1st day of June 1836, if the holder of a decree passed by the Nuwaub of Furruckabad, under the provisions of section VIII. of Regulation II. of 1803, shall be unable to obtain execution of the said decree by the Nuwaub for a period of six weeks (which period of six weeks shall be calculated from the said 1st day of June, if the decree were passed before the said 1st day of June, and from the time of passing the decree, if the decree were passed on or after the said 1st day of June), the said holder shall be at liberty to sue out execution of the said decree in the zillah court of Furruckabad, and the judge of that court, on application made to that effect, shall execute the decree in the same manner in which a decree of the said zillah court is executed.

ACT No. XIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 23d May 1836.

I. IT is hereby enacted, that from the 1st January 1838, the Calcutta sicca rupee shall cease to be a legal tender in discharge of any debt, but shall be received by the collectors of land revenue, and at all other public treasuries by weight, and subject to a charge of 1 per cent. for re-coinage.

II. And it is hereby enacted, that from the 1st of June 1836, section V. Regulation XXV. 1817, of the Bengal code, which provides that "the pice struck at the mints of Benares and Furruckabad, agreeably to the provisions of Regulation X. 1809, and Regulation VII. 1814, and Regulation XXI. 1816, shall be considered as circulating equally with the pice of Calcutta coinage throughout the provinces of Bengal, Behar, and Orissa, and shall in like manner be received as a legal tender in payment of the fractional parts of a rupee of the local currency at the rate of 64 pice for each rupee," shall be repealed; and the said pice shall be a legal tender only within the provinces and places for which they were respectively coined, as provided by Regulation X. 1809, Regulation VII. 1814, and Regulation XXI. 1816, respectively.

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ACT No. XIV. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 30th May 1836.

Regulations imposing transit and town duties in the interior, and fixing rates of import and export duty on sea goods, repealed;

except as regards the Jumna frontier line;

and duties on western salts.

Import duties to be levied according to Schedule (A.) annexed.

Export duties to be collected on country goods, according to Schedule (B.) annexed.

No goods entered therein as liable to duty to be exempted, except by order of Government; but the collector may pass baggage belonging to passengers, at his discretion.

Existing rules to be enforced for levying the new import and export duties.

Place may be fixed by Governor of Bengal, beyond which an inward-bound vessel is not to proceed until a manifest has been delivered to pilot to be forwarded.

Master to be responsible for its correctness under penalty of 1,000 rupees.

Goods in excess, or not corresponding with manifest, to be seized and confiscated; or charged with increased duties.

The masters of vessels lying below, to deliver manifests on coming to anchor.

I. IT is hereby enacted, that, from the 1st June next, such parts of Regulations IX. and X. 1810, Regulation XV. 1825, and of any other Regulations of the Bengal presidency, as prescribe the levy of transit or inland customs duties, or of town duties; and likewise the schedules of duties and provisions of any kind contained in these or any other Regulations for fixing the amount of duty to be levied upon goods imported into, or exported from, the said presidency by sea, shall be repealed: Provided, however, that nothing herein contained shall be construed to prevent the levy of duties at the rates now in force at the custom-houses and chokies established on the line of the Jumna, or on any frontier line, upon goods crossing that line for import into, or export from, the territory of the East India Company by land, nor to affect the Regulations in force for imposing and levying duties on salt, the produce of Western and Central India.

II. And it is hereby enacted, that duties of customs, shall be levied on goods imported by sea into Calcutta, or into any other place within the provinces of Bengal and Orissa, according to the rates specified in Schedule (A.) annexed to this Act, and with the exceptions specified therein, and the said Schedule, with the Notes attached thereto, shall be taken to be a part of this Act.

III. And it is hereby further enacted, that duties of customs shall be levied upon country goods exported by sea from any port of Bengal or Orissa, according to the rates specified in Schedule (B.) annexed to this Act, with the exceptions therein specified; and the said Schedule, with the Notes attached thereto, shall also be taken to be a part of this Act.

IV. And it is hereby enacted, that no goods or articles whatsoever, entered in either of the said Schedules as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor of Bengal: Provided, however, that it shall and may be lawful for the collector of customs, or other officer in charge of a custom-house, to pass free of duty, as heretofore, any baggage in actual use, at his discretion; and in case of any person applying to have goods passed as such, the collector acting under the orders of the Board of Customs, Salt, and Opium, shall determine whether they be baggage in actual use, or goods subject to duty, under the Rules of this Act.

V. And it is hereby enacted, that the Rules and Regulations now established for the levy of duties of customs on goods imported into, or exported from, Calcutta and other ports of the presidency of Fort William in Bengal, shall continue to be in force, and shall be observed and applied for the levy of the import and export duties imposed by this Act, unless repealed or altered, or repugnant to the provisions thereof.

VI. And it is hereby enacted, that it shall be lawful for the Governor of the presidency of Fort William in Bengal, by an order printed in the Calcutta Gazette, to fix a place in any river or port in Bengal or Orissa, beyond which place it shall not be lawful for any inward-bound vessel, save and except such dhoonies and country craft as are referred to in section XXII. of this Act, to pass until the master or commander shall have delivered to the pilot on board, for the purpose of being forwarded by the public dawk or otherwise, as may be ordered by the Board of Customs, Salt, and Opium, a manifest made out in the form prescribed by section XLV. Regulation IX. 1810. And it is hereby enacted, that if the manifest so delivered by the master and commander shall not contain a full and true specification of all the goods imported in the vessel, the master or person in charge thereof shall be liable to a fine of 1,000 Rs.; and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized and confiscated, or to be charged with such increased duties, as may be determined by the Board of Customs, Salt, and Opium; and if any inward-bound vessel shall remain outside, or below the place so fixed by the Governor of Bengal, the master or commander shall in like manner

manner deliver to the pilot, so soon as the vessel shall anchor, a manifest as above prescribed; and if any vessel entering a port for which there is a custom-house established, shall lie at anchor therein for the space of 24 hours, the master and commander whereof shall neglect to deliver the said manifest to the pilot on board, he shall for such neglect be liable to forfeit the sum of 1,000 rupees, and no entry or port-clearance shall be given for such vessel until the fine is paid.

VII. And it is hereby enacted, that no vessel shall be allowed to break bulk until the manifest described in the preceding section of this Act, and another copy thereof to be presented at the time of applying for entry inwards, shall have been received by the collector of customs, and order shall have been given by the said collector for the discharge of the cargo; and the said collector may further refuse to give such order, if he shall see fit, until any port-clearances, cockets, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

VIII. And it is hereby enacted, that it shall be competent to the collector of customs at any port of Bengal or Orissa, at his discretion, to send one or more officers of customs on board of any vessel at any time; and the custom-house officer so sent shall remain on board of such vessel by day and by night, until the vessel shall leave the port, or until it be otherwise ordered by the collector of customs.

IX. And it is hereby enacted, that any master or person in charge of such vessel, who shall refuse to receive a custom-house officer on board when so deputed as above provided, or shall not afford such officer suitable shelter and sleeping accommodation while on board, shall be liable to fine not exceeding the sum of 500 rupees for each day during which such officer shall not be received and provided with suitable shelter and accommodation, which fine shall be adjudged by and at the discretion of the Board of Customs, Salt, and Opium at Calcutta, and the vessel, by the master or person in charge of which such fine shall have been incurred, shall not be moved until the same shall be paid.

X. And it is hereby enacted, that whenever a collector of customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for the same, addressed to the custom-house officer on board, or to any other officer under his authority; and upon production of such order, the officer bearing it shall be competent to require any cabins, lockers, or bulkheads to be opened in his presence; and if not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of customs, shall be confiscated; and any master or person in charge of a vessel who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of customs, shall be liable, upon conviction, for every such offence, to a fine of 1,000 rupees, to be adjudged by any magistrate or justice of the peace of the place.

XI. And it is hereby enacted, that no goods shall be allowed to leave any vessel, or to be put on board thereof, until entry of the vessel shall have been duly made in the custom-house of the port, and order shall have been given for discharge of the cargo thereof as above provided; and it shall be the duty of the custom-house officer on board, and of all officers of customs, to seize as contraband any goods which shall have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision. And after entry of the vessel at the custom-house in due form, such part of the cargo as may not be intended and declared for re-exportation in the same vessel, shall be sent to land. And export cargo shall be laden on board thereof according to the rules and practice now in force; and if an attempt be made to land or put on board goods or merchandize in contravention thereof, the goods or merchandize shall be liable to seizure and confiscation.

XII. Provided, however, and it is hereby enacted, that no goods shall be allowed to leave any vessel under the said rules, unless the same be duly manifested, and any goods found on board in excess of the manifest, or not corresponding with the specification and description therein contained, shall be seized by the custom-house officer on board, in order that they may be dealt with as prescribed

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If remaining at anchor 24 hours without sending manifest, to be subject to penalty of 1,000 rupees.

No vessel to break bulk unless two copies of manifest, have been received.

And entry may be refused until papers of the places of departure are delivered.

Collector may send custom-house officer on board any vessel, to remain on board till she sails.

Persons refusing to admit custom-house officers, or not giving them proper accommodation, liable to fine.

Collector may order a vessel to be searched.

Bulkheads to be broken open if not opened on requisition. Any concealed goods to be confiscated.

Resistance or refusal of masters punishable with fine of 1,000 rupees.

Goods not to be landed or put on board till entry of the ship is duly made.

Cargo to be sent ashore and laden outwards, according to existing forms.

Goods unmanifested not to be landed in ordinary form;

but to be seized on board.

Master to be answerable that all goods manifested are forthcoming and duly passed, under penalty of 500 rupees for each missing package of unknown value, or double duty if assessable.

Rule for presenting an amended or supplemental manifest.

Custom-house officers taking unauthorized fees or bribes subject to penalty of 500 rupees.

Same penalty on persons offering.

Collector to investigate and adjudge confiscation.

Board's confirmation necessary.

Twenty or 30 days allowed to clear inwards, according to tonnage;

after which the master to pay charges of the custom-house officer.

Master to land goods if consignees do not.

If these fail, collector may land and warehouse;

and may land packages before 20 days with consent of master.

Further period of 15 or 20 days for continuous lading for export.

prescribed in section VI. of this Act; and if goods entered in the manifest shall not be found on board the vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom-house, or at such other ghaut or place as the collector of customs shall have prescribed or permitted, there to be passed in due form, the master or commander shall be liable to a penalty not exceeding 500 rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if capable of being assessed therewith: Provided, however, that nothing herein contained shall be construed to prevent the collector of customs from permitting the master or commander of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest, but the receiving of such shall always be discretionary.

XIII. And it is hereby enacted, that any custom-house officer whatsoever who shall demand or accept any gratuity not authorized by any existing Regulation or Order of Government, in consideration of doing, or of omitting to do, any act in his official capacity, shall forfeit for every such offence the sum of 500 rupees; and any person who shall offer a bribe to any custom-house officer in order to induce such officer to act in a manner inconsistent with his duty, shall forfeit a like sum; and these penalties shall be adjudged on conviction before any magistrate or justice of the peace of the town, district, or place where the custom-house may be established by such magistrate, and in default of payment, any person so convicted shall be committed to the civil gaol of the city or district until the fine be paid, or for a period not exceeding six months.

XIV. And it is hereby enacted, that when goods shall be seized as contraband and liable to confiscation, the collector of customs shall investigate the case, and, according to his judgment, shall either release the goods or adjudge them to confiscation, and whenever he shall declare goods to be confiscated, he shall report his proceedings for confirmation and final adjudication by the Board of Customs, Salt, and Opium: Provided, however, that nothing herein contained shall be construed to prevent the Governor of Bengal from ordering the release of goods seized, or from remitting any penalty whatsoever that may be incurred for contravention of the customs laws.

XV. And it is hereby further enacted, that 20 days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding 600 tons burthen, and 30 days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day of the tide-waiter or other custom-house officer first going on board. And if the whole cargo be not discharged by the expiration of the above-stated periods respectively, the master or commander shall be charged with the tide-waiter's or other officer's wages, and other expenses, for any further period that he or they may be detained on board. And if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master or commander so to do. And if any goods remain on board after the time fixed as above for the discharge of the import cargo, the collector may order the same to be landed and warehoused for the security of the duties chargeable, and of any freight and primage, and other demands that may be due thereon, giving his receipt to the master for the same: Provided always, that in all cases it shall be lawful for the collector or other officer in charge of the custom-house, with the consent of the master of the vessel, to cause any packages to be brought on shore and to be deposited in the Government warehouse for the security of the duties and charges thereon, although 20 days may not have expired from the entry of such vessel; and in case goods so landed and warehoused, or any goods brought to land from any vessel, be not claimed and cleared from the custom-house within three months from the date of landing, it shall be competent to the collector to sell the same on account of the duties, freight, and other charges incurred and due thereon.

XVI. And it is hereby enacted, that a further period of 15 days, Sundays and holidays excluded, shall be allowed for putting on board export cargo, if the vessel shall not exceed 600 tons burthen, and 20 days if exceeding that burthen, when the lading and unlading thereof shall be continuous; and the master or commander shall in such case not be charged with the wages and expenses

expenses of the custom-house officer on board until after the expiration of such additional periods respectively; and, if a vessel having discharged its import cargo shall be laid up, the custom-house officer on board shall be withdrawn so soon as he shall certify that no goods remain on board, excepting necessary stores and articles for use; and when a vessel so laid up shall be entered at the custom-house for receipt of export cargo, a custom-house officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board, saving as above excepted, 20 days, exclusive of Sundays and holidays as above, shall be allowed from the date of such certificate for the lading outwards of a vessel not exceeding 600 tons, and 30 days for vessels exceeding that burthen, after which periods respectively the master and commander shall be charged with the wages and expenses of the custom-house officer on board to the date of the vessel's sailing from the port.

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If the vessel be laid up, tide-waiter to search and leave, certifying that it is empty. Twenty and 30 days, according to tonnages, allowed for lading a vessel outwards after being laid up, but search and certificate that nothing is on board, necessary.

XVII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any penalty, fine, or demand on account of any act or omission relating to customs, the collector of customs shall be competent, subject to the orders of the Board of Customs, Salt, and Opium, to refuse port-clearance to such vessel until the fine shall be discharged.

When penalty has been incurred by a master, the collector may refuse port-clearance of the vessel till it be paid.

XVIII. And it is hereby enacted, that upon any goods passed through the custom-house for shipment, the application for which shall be presented after port-clearance shall have been taken out, double the prescribed duty shall in all cases be levied; and if the goods be free, five per cent. upon the market value shall be levied thereon.

Goods shipped after port-clearance to pay double duty, and five per cent. if free.

XIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall, for any damage or from other cause, be necessary that the cargo of a vessel that has cleared out shall be unshipped or re-landed, a custom-house officer shall be sent to watch the vessel and take charge of the cargo during such re-landing or removal from on board; and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty, by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of customs, and shall remain while on land, or while on board of any other vessels, under special charge of the officers of customs, until the time of re-export; and all charges attending such custody shall be borne by the exporter, or by the applicant, for this advantage: Provided, however, that in all cases of return to port after port-clearance on account of damage, or for stress of weather, it shall be lawful for the owner, or for the master and commander, to re-enter the vessel and land the cargo, under the rules for the importation of goods; and the export duty shall in that case be refunded, and the amount paid in drawback be re-claimed, and the goods be placed in all respects as before being passed for exportation; and if goods on account of which drawback has been paid be not found on board the vessel, the master shall forfeit the entire value thereof, unless he account for them to the satisfaction of the collector of customs.

In case of re-landing for damage, &c. officer to proceed on board to watch.

And cargo not to be exempt from duty on re-export, unless all the while in charge of custom-house officers.

Proviso for re-importation when duties and drawbacks are to be refunded;

and master to forfeit the value of drawback, goods not forthcoming.

XX. And it is hereby enacted, that when goods shall be re-landed before the lading of any vessel is complete and port-clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port-clearance shall have been granted for the vessel on which the goods were exported, except the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in section XIX. of this Act.

No refund of export duty after port-clearance.

XXI. And it is hereby further enacted, that vessels owned by natives of Arabia, and coming from the ports thereof, and likewise the vessels of any country or port of Asia not subject to the dominion of the King of the United Kingdom of Great Britain and Ireland, excepting dhoonies and small craft from the Maldivé and Nicobar Islands, as hereinunder provided, shall be deemed foreign vessels.

Arabs and other foreign Asiatic vessels to be deemed foreign.

XXII. And it is hereby enacted, that dhoonies, country craft, and other small vessels not brought into the port of Calcutta by pilots, shall be required to anchor and moor in such part of the River Hooghly as shall be marked out by the collector of customs, with the sanction of the Board of Customs, Salt, and

Dhoonies, &c. to be required to anchor in a particular part of the river.

Penalty if not moved to said ghaut when required, 100 rupees.

Vessel, its equipment, or cargo may be seized.

Dhoonies, &c. from Maldives and Nicobar to be British vessels.

Opium; and if any such vessel shall anchor in any other part of the river than as so marked out, and the master or person in charge thereof shall not, immediately upon being ordered so to do, move his vessel to the place marked out, he shall be liable to a fine of 100 rupees, to be adjudged by the collector of customs; and the vessel, or any part of its equipment or cargo, may be seized and sold in satisfaction of such fine; and goods shall be landed from such vessels and put on board for export according to such rules, and at such places as shall be prescribed by the collector of customs; and vessels of this description coming from the Maldives, or from the Nicobar Islands, shall be considered as British vessels.

SCHEDULE (A.)

RATES of DUTY to be Charged on Goods imported by Sea into any Port of the Presidency of Fort William, in Bengal.

No.	ENUMERATION OF GOODS.	WHEN IMPORTED ON BRITISH BOTTOMS.	WHEN IMPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin	free	free.
2	Precious stones and pearls	ditto	ditto.
3	Grain and pulse	ditto	ditto.
4	Horses and other living animals	ditto	ditto.
5	Ice	ditto	ditto.
6	Coal, coke, bricks, chalk, and stones	ditto	ditto.
7	Books printed in the United Kingdom, or in any British possession.	ditto	3 per cent.
8	Foreign books	3 per cent.	6 per cent.
9	Marine stores, the produce or manufacture of the United Kingdom, or of any British possession.	3 per cent.	6 per cent.
10	Ditto ditto, the produce or manufacture of any other place or country.	6 per cent.	12 per cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British possession.	3 per cent.	6 per cent.
12	Metals, ditto ditto, excepting tin, the produce or manufacture of any other place.	6 per cent.	12 per cent.
13	Tin, the produce of any other place than the United Kingdom, or any British possession.	10 per cent.	20 per cent.
14	Woolens, the produce or manufacture of the United Kingdom, or any British possession.	2 per cent.	4 per cent.
15	Ditto, the produce of any other place or country.	4 per cent.	8 per cent.
16	Cotton and silk piece goods, cotton twist, and yarn, the produce of the United Kingdom, or of any British possession.	3½ per cent.	7 per cent.
17	Ditto, the produce of any other place	7 per cent.	14 per cent.
18	Opium	-- 24 rs. per seer of 80 tolas.	-- 24 rs. per seer of 80 tolas.
19	Salt	-- rs. 3-4 per md. of 80 tolas per seer.	-- rs. 3-4 per md. of 80 tolas per seer.
20	Alum	10 per cent.	20 per cent.
21	Camphor	10 per cent.	20 per cent.
22	Cassia	10 per cent.	20 per cent.
23	Cloves	10 per cent.	20 per cent.
24	Coffee	7½ per cent.	15 per cent.
25	Coral	10 per cent.	20 per cent.
26	Nutmegs and mace	10 per cent.	20 per cent.
27	Pepper	10 per cent.	20 per cent.
28	Rattans	7½ per cent.	15 per cent.
29	Tea	10 per cent.	20 per cent.
30	Vermillion	10 per cent.	20 per cent.
31	Wines and liqueurs	10 per cent.	20 per cent.
32	Spirits, consolidated duty, including that levied heretofore through the police of Calcutta. And the duty on spirits shall be rateably increased as the strength exceeds of London proof; and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.	-- 9 as. per imperial gallon.	-- 16 as. per imperial gallon.
33	All articles not included in the above enumeration.	3½ per cent.	7 per cent.

And

And when the duty is declared to be *ad valorem*, it shall be levied on the market value, without deduction; and if the collector of customs shall see reason to doubt whether the goods come from the country from which they are declared to come by the importer, it shall be lawful for the collector of customs to call on the importer to furnish evidence as to the place of manufacture or production; and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Board of Customs, Salt, and Opium.

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And upon the re-export by sea of goods imported, excepting opium and salt, provided the re-export be made within two years of the date of import as per custom-house register, and the goods be identified to the satisfaction of the collector of customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback. And if goods be re-exported in the same ship without being landed (always excepting opium and salt, in regard to which the special rules in force shall continue to apply), there shall be no import duty levied thereon.

SCHEDULE (B.)

RATES of DUTY to be charged upon Goods exported by Sea from any Port or Place in the Presidency of Fort William, in Bengal.

No.	ENUMERATION OF GOODS.	EXPORTED ON BRITISH BOTTOMS.	EXPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin	free	free
2	Precious stones and pearls	ditto	ditto
3	Books printed in India	ditto	ditto
4	Horses and living animals	ditto	ditto
5	Opium purchased at Government sales in Calcutta	ditto	ditto
6	Cotton wool exported to Europe, the United States of America, or any British possession in America.	ditto	8 as. p' md. of 80 tolas to the seer.
7	Ditto - ditto - exported to places other than above.	8 as. 3 p' md. of 80 tolas p' seer.	16 p' md. of 80 tolas to the seer.
8	Sugar and rum exported to the United Kingdom, or to any British possession.	free	3 per cent.
9	Ditto - exported to any other place	3 per cent.	6 per cent.
10	Grain and pulse of all sorts	1 anna per bag, not exceeding 2 mds. of 80 tolas to the seer, or if exported otherwise than in bags, half an anna per maund.	2 as. per bag not exceeding 2 mds. of 80 tolas to the seer, or if exported otherwise than in bags, 1 anna per maund.
11	Indigo	rs. 3 p' md. of 80 tolas to the seer.	rs. 6 p' md. of 80 tolas to the seer.
12	Lac dye and shell lac	4 per cent.	8 per cent.
13	Silk, raw flature	3 1/2 as. p' seer of 80 tolas.	7 as. p' seer of 80 tolas.
14	Silk, Bengal wound	3 as. p' seer of 80 tolas.	6 as. p' seer of 80 tolas.
15	Tobacco	4 as. p' maund	8 as. p' maund.
16	All country articles not enumerated or named above.	3 per cent.	6 per cent.

And when the duty is declared to be *ad valorem*, the same shall be levied on the market value of the article at the place of export, without deduction.

And in settling for the duties on exports by sea, credit shall be given for payment of inland customs duty, and drawback shall be allowed of any excess of duty paid upon production of ruwanas, under the following conditions, until the 1st April 1837:

1st. That the goods shall be identified, and destination to the port of export proved in the usual manner.

2d. That the ruwanas shall bear date before the 1st April 1836, and the goods shall not have been protected thereby, or by the original thereof, more than two years.

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And after the said 1st April 1837, credit shall not be given, nor shall drawback be allowed, of any inland customs or land frontier duty paid at any custom-house or chokee of the Jumna frontier line, or of Benares, except only upon the article of cotton wool covered by ruwanas taken out at the custom-houses of the western provinces, and proved to have been destined for export by sea when passed out of those provinces.

ACT No. XV. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 13th June 1836.

IT is hereby enacted, that the functionary or functionaries who are or may be appointed to the political charge of Subathoo and the other territories annexed thereto, be placed under the control and superintendence, in civil cases, of the court of Sudder Dewanny Adawlut at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionary or functionaries may have received, or may hereafter receive, from the Governor-General of India in Council.

ACT No. XVI. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 20th June 1836.

I. IT is hereby enacted, that from the 1st day of August 1836, it shall be lawful for the additional government commissioner, appointed by Regulation IV. of 1833 of the Madras code, to nominate for the approbation of the provincial court of the centre division, any person whom the said commissioner may think fit to be a vakeel in the office of the said commissioner; and if the provincial court shall approve of such nomination, the person nominated shall be appointed a vakeel in the office of the said commissioner, and shall receive a sunnud of appointment on unstamped paper, duly authenticated by the said commissioner.

II. And it is hereby enacted, that it shall be lawful for the said commissioner to suspend any such vakeel from his functions; but in every such case the said commissioner shall forthwith report such suspension, and the grounds thereof, to the said provincial court.

III. And it is hereby enacted, that it shall be lawful for the said provincial court to dismiss any such vakeel.

IV. And it is hereby enacted, that the said commissioner shall frame, with all convenient speed, a body of rules for the practice and remuneration of the vakeels of his office, and shall submit the same to the court of Sudder Adawlut of Fort St. George, and that the said rules, when approved by the said court of Sudder Adawlut, shall be of the same force as if they were inserted in this Act.

V. And it is hereby enacted, that no person not appointed a vakeel in the manner directed by this Act, or under suspension, or after dismissal, shall act as a vakeel in the office of the said commissioner.

ACT No. XVII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 20th June 1836.

I. IT is hereby enacted, that whenever the Governor-General in Council shall order that any of the territories which were lately held by the Begum Sumroo, and which lapsed to the East India Company on the 27th of January 1836, shall be annexed to any district under the government of the said Company, all laws and regulations now in force within such district shall be in force in the territories so annexed to such district.

II. And

II. And it is hereby enacted, that the criminal courts shall not take cognizance of any offence committed in the said territories previously to the 27th of January 1836, unless specially empowered by the Governor-General in Council so to do.

III. And it is hereby enacted, that no court of civil judicature shall take cognizance of any claim within the said territories with respect to which claim a final decision may have been previously pronounced by any court, which at the time of pronouncing such decision was competent to pronounce such decision.

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 ACT No. XVIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 5th September 1836.

I. IT is hereby enacted, in modification of section I. Regulation IX. of 1830 of the Bombay code, that, from the 1st day of October next, every labour cart and every labour hackery, not having springs, and having wheels of less diameter than three feet six inches, and the tires less in breadth than three inches, shall be subject, at the Bore Ghaut, in passing, to a toll not exceeding half a rupee, if such cart or hackery be drawn by two bullocks; and not exceeding a rupee, if such cart or hackery be drawn by four bullocks.

II. And it is hereby enacted, that the collection of toll which by the second section of the Regulation aforesaid was placed under the superintendence of the collector of the Northern Konkan, shall, from the said 1st day of October next, be under the superintendence of such person as the Governor of Bombay in Council shall appoint.

III. Nothing in the foregoing sections shall be construed as interfering with the right of Government to grant such exemptions as may be deemed proper from payment of the prescribed toll.

 ACT No. XIX. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 19th September 1836.

I. IT is hereby enacted, that, from the day of the passing of this Act, any person may hold capital stock of the bank of Bengal to an amount not exceeding 1,60,000 Company's rupees, and that any existing proprietor of stock of the said bank may subscribe for additional stock of the said bank in proportion to his interest, any restriction in the charter of the said bank contained notwithstanding.

II. And it is hereby enacted, that the sum of 70 lacs of sicca rupees, which is the increased capital stock of the said bank, shall, on or before the 1st of October 1836, be made up by the Governor-General of India in Council to the sum of 75 lacs of Company's rupees.

III. And it is hereby enacted, that the said sum of 75 lacs of Company's rupees shall, from the 1st day of October 1836, be the capital stock of the said bank, and shall be divided into 1,875 shares of 4,000 Company's rupees each.

IV. And it is hereby enacted, that 275 of the said shares, numbered from 1 to 275 inclusive, shall be the property of the Governor-General of India in Council, on behalf of the East India Company, and that the remaining 1,600 shares, numbered from 276 to 1,875 inclusive, shall be the property of those persons who, on the said 1st of October 1836, shall be proprietors of the capital stock of the said bank, and that every such proprietor shall, for every sum of sicca rupees 3,750 of stock of the said bank held by him, be entitled to one of the said shares.

V. And it is hereby enacted, that, on the 30th of September 1836, the account of the profits upon the capital stock of the said bank, as consisting of 50 lacs of sicca rupees, divided into 500 shares, shall be wound up, and a dividend declared; and that from the 1st of October 1836 the holders of the new shares of 4,000 Company's rupees each shall be entitled to share in the profits of the bank in proportion to their interest, and that the first dividend on the said new shares shall be declared on the 1st of January 1837.

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VI. And it is hereby enacted, that if the subscription for any share shall not be paid up on or before the 1st of October, such share shall become the property of the said bank, and shall be sold for the benefit of the said bank, and the profits of such sale shall be added to the profits of the said bank.

VII. And it is hereby enacted, that certificates shall be granted for the said shares of 4,000 Company's rupees each, in the same manner in which certificates have hitherto been granted for shares of the capital stock of the said bank; and that the said shares of 4,000 Company's rupees each shall be registered, and shall be transferable and assignable in the same manner in which shares of the capital stock of the said bank have hitherto been.

VIII. And it is hereby enacted, that the said shares of 4,000 Company's rupees each may be subdivided into quarter shares of 1,000 Company's rupees each, and that such quarter shares may be assigned, transferred, and reunited in the same manner in which fractional parts of shares of the capital stock of the said bank have hitherto been assigned, transferred, and reunited.

IX. And it is hereby enacted, that the proprietors of the capital stock of the said bank shall, from the 1st day of October 1836, be entitled at their meetings to vote according to the following scale :

1 Share of 4,000 Co.'s Rs.	shall entitle to	1 Vote.
5 Shares	- - - - -	2 Votes.
10 "	- - - - -	3 "
15 "	- - - - -	4 "
20 "	- - - - -	5 "
30 "	- - - - -	6 "
40 "	- - - - -	7 "

ACT No. XX. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 19th September 1836.

I. IT is hereby enacted, that, from the 1st day of October 1836, so much of clause 3, section III. Regulation XI. of 1822 of the Bengal code, as provides "that joint estates shall not be liable to sale for arrears that may accrue during the progress of a butwarra or partition until the expiration of the year within which the arrear may become due," be repealed.

II. And it is hereby enacted, that, from the said 1st day of October 1836, no butwarra, while in progress, shall be quashed by the Board of Revenue, or by any officer invested with the powers of the said Board, except as hereinafter provided.

III. And it is hereby enacted, that it shall be lawful for the said Board, or for any of the said officers, to give six months' notice in writing of an intention to quash any butwarra; and such notice shall be affixed at the offices of the collector of the district and moonsiff of the jurisdiction within which the lands under partition, or part of those lands, may be situated; and if within six months after such notice, no party to the said butwarra shall deliver to the said collector a written declaration that he the said party, objects to the quashing of the said butwarra, it shall be lawful for the said Board or the said officer to quash the said butwarra.

IV. And it is hereby enacted, that every butwarra which, before the said 1st day of October 1836, may have been quashed by the said Board, or by any of the said officers, shall be taken by all courts to have been lawfully quashed.

ACT No. XXI. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 19th September 1836.

IT is hereby enacted, that, from the 1st day of October 1836, it shall be lawful for the Governor-General in Council, by an Order in Council, to create new zillahs in any part of the presidency of Fort William in Bengal, and to alter the limits of existing zillahs.

ACT No. XXII. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 26th September 1836.

I. IT is hereby enacted, that from the 1st day of November 1836, Regulation VII. of 1810 of the Bengal code, and also such parts of Regulation XVIII. of 1806 of the Bengal code as relate to the Eastern Canal, commonly called "Tolly's Nullah," which connects the River Hooghly with the Sunderbunds, shall be repealed.

II. And it is hereby enacted, that from the said 1st day of November 1836, the Governor of Bengal shall be competent to prescribe the amount of toll, and the mode of levying the same, on boats, rafts, and floats, which shall enter on or pass out of or through either of the two lines of navigation hereinafter described; that is to say,

1st. The Eastern Canal aforesaid, from its entry into the Sunderbunds to its junction with the River Hooghly.

2d. The line made up of the channel across the Salt-water lake to Baminghatta, of the canal leading from the Salt-water lake to the Boitakhanna road, and of the new circular canal which connects the last-mentioned canal with the River Hooghly.

III. Provided always, that the aggregate amount of toll levied on account of the whole passage along either of the two lines aforesaid, or on account of entering into or passing out of either of the two lines aforesaid, shall in no case exceed one rupee and a half for every hundred maunds burden on any boat, or two annas for every timber on every raft of timber, or four annas for every hundred bamboos on every float of bamboos.

IV. And it is hereby enacted, that the said Governor shall be competent to fix a rate of rent to be levied on every boat which shall remain in any part of either of the lines aforesaid longer than two days for every hundred maunds of burden, and on every raft of timber which shall so remain longer than one day for every 10 timbers, and on every float of bamboos which shall so remain longer than one day for every 200 bamboos.

V. And it is hereby enacted, that the said Governor shall be competent to appoint officers for the collection of the tolls and rent hereinbefore mentioned, and to confer on such officers, for the purpose of preventing acts whereby either of the said lines of navigation may be obstructed, or whereby the banks along either of the said lines of navigation may be damaged, any or all the powers possessed by magistrates in respect to navigable streams and rivers.

VI. And it is hereby enacted, that whoever wilfully causes any obstruction of either of the said lines of navigation, or any damage to the banks along either of the said lines of navigation, shall be punishable, on conviction before the magistrate, with imprisonment for a term not exceeding 14 days, or fine to an amount not exceeding 50 rupees, or both; and in default of payment of such fine, with additional imprisonment for 14 days.

VII. And it is hereby enacted, that notifications of the rates of toll and rent, and of the places of collection, and of all rules made by the said Governor under the authority given to him by this Act, shall be published in the Calcutta Gazette, and exposed to public view at every toll-house on either of the said lines, in the English, Persian, and Bengallee tongues.

VIII. And it is hereby enacted, that if the toll or rent due in respect of any boat, raft, or float on either of the said lines shall not be paid on demand to an officer authorized by the said Governor to receive the same, it shall be lawful for such officer to seize such boat, raft, or float, and the cargo thereof, and to detain the same; and if the said toll or rent shall have been paid upon any day before the tenth day after such seizure, then the said boat, raft, or float shall be released, or if not paid within the said 10 days, it shall be lawful for such officer, with the sanction and under the directions of the superintendent of canals, to sell the property seized, or so much thereof as the said superintendent shall direct, for the purpose of satisfying the toll or rent which may be due, and also of defraying the expenses of seizure and detention; and in every such case so much of the property seized which has not been sold, and so much of the price of the property sold, as is in excess of the sum necessary for satisfying the toll or rent

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which is due, and for defraying the expenses of seizure and detention, shall be returned to the owner of the boat, raft, or float.

IX. And it is hereby enacted, that if any person in charge of any boat, raft, or float shall attempt to evade payment of the toll or rent due thereon, or shall resist a seizure made by the authority and under the circumstances hereinbefore described, such boat, raft, or float, and the cargo thereof, shall be forfeited to the Government, under orders of the superintendent, subject to appeal to the commissioner of revenue and police.

ACT No. XXXIII. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th October 1836.

I. IT is hereby enacted, that from the 15th day of November 1836, the ordinary functions of the courts of civil and criminal justice, and of the constituted revenue authorities, as well as the operation of the whole of the existing Regulations, shall be suspended within the zemindarees of Goomsur and Soorada, and shall continue to be so suspended until this Act shall be repealed, or until such time as the Governor in Council of Fort St. George shall, by an Order in Council and Proclamation, declare that the ordinary Regulations shall be again put in force within those zemindarees.

II. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George to appoint a commissioner for the said zemindarees, who shall exercise such powers as may be entrusted to him by the said Governor in Council of Fort St. George, and shall be guided in the discharge of his duties and functions by such instructions as he from time to time shall receive from the said Governor in Council.

III. And it is hereby enacted, that nothing in this Act shall be construed to affect the jurisdiction of the court of Circuit, or court of Sudder Foudaree Adawlut, in any case which may be depending before either of these courts on the 15th day of November 1836.

IV. And it is hereby enacted, that the court of Circuit and court of Sudder Foudaree Adawlut shall have criminal jurisdiction over every person whom the commissioner in Goomsur and Soorada, under the instructions of the Governor in Council of Fort St. George, may commit for trial, on the charge of any crime perpetrated before or during the operation of this Act; and in all such cases the court of Circuit and court of Sudder Foudaree Adawlut shall be guided by the general Regulations in force.

ACT No. XXIV. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 10th October 1836.

I. IT is hereby enacted, that the officers who in the Regulations of the presidency of Fort St. George are designated as native judges and native criminal judges, shall, from the 1st day of November 1836, be designated as principal sudder ameens.

II. And it is hereby enacted, that from the said 1st day of November 1836, the officers who in the Regulations of the presidency of Bombay are designated as native judges, shall be designated as principal sudder ameens; and the officers who in the said last-mentioned Regulations are designated as principal native commissioners, shall be designated as sudder ameens; and the officers who in the said last-mentioned Regulations are designated as junior native commissioners, shall be designated as moonsiffs.

III. And it is hereby enacted, that from the said 1st day of November 1836, no person whatever shall, by reason of birth, or by reason of descent, be incapable of being a principal sudder ameen, sudder ameen, or moonsiff, within the territories subject to the presidencies of Fort St. George and of Bombay.

IV. And

IV. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a principal sudder ameen, sudder ameen, or moonsiff, in the territories subject to the presidency of Fort St. George, or of Bombay, shall, in respect of all acts done by him as such principal sudder ameen, sudder ameen, or moonsiff, be liable to the same proceedings, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

ACTS of 1836.

V. And it is hereby enacted, that from the said 1st day of November 1836, no person shall, by reason of place of birth, or by reason of descent, be excepted in any civil proceeding from the jurisdiction of the assistant judges in the territories subject to the presidency of Bombay.

ACT No. XXV. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 31st October 1836.

I. IT is hereby enacted, that it shall be lawful for the Governor, or Governor in Council of any presidency, to declare any port within the territories of such presidency a warehousing port.

Governments of presidencies to declare warehousing ports.

II. And it is hereby enacted, that it shall be lawful for any person who imports goods into any such warehousing port to lodge such goods in any public warehouse, or in any private warehouse, licensed in the manner hereinafter described.

Importers may then warehouse.

III. And it is hereby enacted, that applications shall be made for the admission of such goods into such warehouses as aforesaid in the Form (A.) attached to this Act, and the said form shall be signed by the importer, owner, or consignee; and no goods shall be lodged in any such warehouse until they shall have been assessed for customs duty, according to the rules in force at the place of importation; and the keeper of every such warehouse shall be answerable for the weight or gauge reported by the custom-house officers who shall have assessed the said goods, deducting the wastage hereinafter allowed.

Making application in Form (A.) annexed.

Goods first to be assessed for customs duty. Warehouse-keeper to be answerable for weight or gauge of the custom-house, allowing for wastage.

IV. And it is hereby enacted, that when goods shall be passed by tale or by package, every omission or misdescription, tending to injure the revenue, shall be an offence punishable with fine, not exceeding 10 times the greatest amount of duty which could have been lost to the Government in consequence of such omission or misdescription; and if goods shall have been overstated in quantity or value, the error may be rectified prior to the lodging of the said goods in such warehouse as aforesaid, but not after the said goods have been so lodged.

Misdescription of tale goods or packages, to injury of revenue, punishable by fine of ten times the loss. Error of overstatement may be rectified before, not after entry into warehouse.

V. And it is hereby enacted, that no packages of goods shall be admitted into any public or licensed warehouse unless numbered and marked, in plain and legible characters, with the initials of the owner, importer, or consignee, and with a description of goods contained therein.

Packages to be marked and numbered before reception into warehouse.

VI. And it is hereby enacted, that upon goods warehoused under the provisions of this Act, when the import duty chargeable shall exceed the sum of 100 rupees, the importer or consignee shall be allowed to execute a bond for the amount of duty chargeable in the Form hereunto annexed, marked (B.); and when such bond shall have been executed, the goods shall be allowed to remain in warehouse for a period not exceeding 15 months, without being liable to the demand of import duty thereon. And the bond to be taken under this section shall be for twice the amount of import duty assessed on the goods, and shall stipulate for interest, to be payable from the date of the demand of any sum due on account of the goods, at such rate, not exceeding six per cent., as shall be fixed by the Board or other controlling authority of Customs; and the party executing the same shall be bound thereby for the payment of all duties and charges that shall be claimable on account of the goods, and of any penalties that may be incurred for violation of the custom laws in respect to the same.

When the duty exceeds 100 rs. bond may be executed for it in Form (B).

And goods may then remain in warehouse for 15 months without demand of duty. Bond to be for twice the duty, and to bear interest from the date of demand.

The obligee to be bound for all duties and charges claimable on the goods and for all penalties.

But collector to have power to proceed against the goods or under the bond, at his option.

And to detain goods and sell after 10 days, if the demand be not paid.

Proceeds of sale to be written off on the bond, and surplus paid over to the owner of the goods.

No transfer to bar this process.

VII. Provided always, that if any owner, importer, or consignee shall omit to pay any duty or penalty that may fall due on account of goods warehoused under this Act, it shall be lawful for the collector of customs, at his option, either to proceed upon the bond, or to cause such portion of the goods warehoused on account of which the duty or penalty may be demanded, as to him may seem fit, to be detained, in satisfaction thereof; and if the demand be not discharged within 10 days from the date of such detention (due notice thereof being given to the importer, owner, or consignee), the goods so detained shall be liable to be sold in satisfaction of the demand; and the proceeds of any sale so made of goods detained shall be written off upon the bond in discharge thereof to the amount received, less the charges of the sale; and if there be any surplus obtained from such sale beyond the amount demanded, such surplus shall be paid over to the owner or consignee of the goods; and no transfer or assignment of the goods shall prevent the collector from proceeding against the goods, in the manner above provided, for any demand of customs duties or penalty claimed thereon.

After 15 months the Board may renew the bond for other 15 months.

VIII. And it is hereby provided, that if at the end of 15 months the owner or consignee of goods shall desire to keep them in warehouse for a further period, the Board or other controlling authority of Customs shall be competent to permit him so to keep them for a like further period, not exceeding 15 months, on the bonds being renewed, by the parties applying for the same.

Goods re-landed from a vessel put back may be warehoused without bond and re-shipped under the previous settlement of duties.

Exception.

IX. And it is hereby enacted, that when a vessel, after having cleared from the port, shall return, and the owners, agents, or shippers of the cargo of such vessel, or any part thereof, shall desire to land the same for re-export, such goods shall be admitted to warehouse, and being so declared and registered, re-export may be made thereof under the previous settlement for duty, unless the bottom in which the re-export is made be one on account of which the goods are chargeable with increased duty, in which case the goods shall be chargeable only with the difference; and no bond shall be taken on account of duties for such re-landed goods, unless the goods should be liable to duty on being passed through the custom-house for importation.

Reserved duty on re-export to be chargeable on removal of goods for shipment, and bonds to be cancelled on payment thereof.

X. And it is hereby enacted, that upon the re-exportation by sea of goods imported and warehoused under bond for the duty, as provided in this Act, within the period during which such goods are by this Act permitted to continue in warehouse, and upon payment of all reserved duty which may be due on account of such goods, and of any charges or penalties that may have been incurred on account of the goods, the bond executed at the time of lodging the goods in warehouse shall be deemed to have been discharged and be cancelled accordingly.

On removal otherwise than for re-export, or if not cleared in time, full import duty to be levied, with interest and charges.

And collector may cause goods to be sold in satisfaction, if not paid in 10 days.

XI. And it is hereby enacted, that if any goods lodged in warehouse, in the manner aforesaid shall be removed or taken from the warehouse otherwise than for exportation by sea, or if the goods be not cleared from the warehouse and exported at the expiration of the time during which such goods are permitted by this Act to remain in warehouse, the collector of customs shall demand the full amount of import duty chargeable thereon, and any charges or penalties that may have been incurred. And if the amount so claimed be not paid within ten days from the date of the demand, the collector of customs shall be entitled to realize the same either by putting the bond in suit, or, at his option, by causing the goods, or any sufficient portion thereof, to be sold in satisfaction of the demand.

Removal of goods to be noted in the bond, with particulars.

XII. And it is hereby enacted, that whenever any goods warehoused and bonded as aforesaid shall be removed from any public or licensed warehouse, the collector of customs shall cause such removal to be noted on the back of the bond; and every note so made shall specify the quantity and description of goods removed, the purposes for which they have been removed, the date of removal, and name of the person removing them, and the number and date of the export pass under which they have been taken away, if removed for exportation by sea; and of the import pass or order, if removed for importation, and the amount of duty paid.

XIII. And

XIII. And it is hereby enacted, that a register shall be kept of all bonds entered into for customs duties on goods warehoused as aforesaid, and entry shall be made in the said register of all particulars prescribed in the preceding section of this Act, as to be noted on the bond; and when the register shall show that the entire quantity of the goods covered by any bond has been withdrawn from warehouse either through importation and the payment of duties, or through re-exportation by sea and payment of the reserved duties upon such re-export, it shall then be competent to, and be the duty of, the collector of customs to cancel the bond as discharged in full, and to deliver it so cancelled to the parties who shall have executed, or who shall be authorized to receive the same.

And the same particulars to be registered in the registers of bonds.

When registry shows all the bonded goods to have been cleared out, bond to be cancelled, and returned to the obligee.

XIV. And it is hereby enacted, that the warehouses of the custom-house, together with such other buildings as shall be directed by the Governor in Council, or Governor of the presidency or settlement, shall be public warehouses for the reception of the goods under the provisions of this Act. And every public warehouse shall be under the lock and key of the person whom the Governor, or Governor in Council of the presidency, shall appoint to be keeper of such warehouse; and such keeper shall be responsible for all duties connected with the charge of goods, their reception into, and delivery from, the warehouses.

The custom-house godowns, and other government godowns, to be public warehouses.

These to be under the collector's or warehouse-keeper's key.

XV. And it is hereby enacted, that the Board or other controlling authority of customs, shall determine what goods shall be admitted into every public warehouse, in what manner, and on what terms; and shall from time to time fix rates of hire for every public warehouse, or for the custody of goods therein, and a table of the rates so fixed shall be placed in a conspicuous part of every such warehouse.

Board to determine what goods are to be receivable into public warehouse, and the terms and rates of warehouse rent or hire. Table of rates to be exposed conspicuously.

XVI. And it is hereby enacted, that the owners or consignees of goods lodged in a public or licensed warehouse under this Act, or their agents, shall have access to their goods at any time, within the hours of business, in the presence of a custom-house officer, who shall be deputed to accompany them, upon their making application in writing to the collector of customs, or to the warehouse-keeper for the purpose.

Owners to have access to their warehoused goods, attended by a custom-house officer, during business hours.

XVII. And it is hereby enacted, that the expenses of carriage, packing, and stowage of goods, on their reception into or removal from a warehouse, shall, if paid by the collector or warehouse-keeper, be chargeable on the goods, and be defrayed by the owners or consignees, in like manner as the customs duties before the goods are removed. And if the goods be lodged in a public warehouse, the owners or consignees shall further pay monthly the rent and warehouse dues on receiving a bill or written demand from the collector or warehouse-keeper for the same; and if the bill for rent or warehouse dues be not discharged within 10 days from the date of presentation, the collector of customs shall have power (any private transfer or assignment of the goods notwithstanding) to cause to be sold by public auction such sufficient portion of the goods as he may select in liquidation of his demand. And the owners and consignees of goods shall not be entitled to claim from the collector of customs, or warehouse-keeper, any compensation for any loss that may occur while the goods are passed into or out of the warehouse, or while they remain therein, unless such loss or injury shall be proved to have been occasioned by the wilful act or neglect of the warehouse-keeper or his officers, or of the officers of customs.

Expenses of carriage, packing, &c. are to be borne by the owners.

And to be realized as customs duties.

Bill for rent to be sent in monthly. And if not paid in 10 days, goods may be sold in satisfaction.

Collector not answerable for loss by fire or other accident, nor for damage.

XVIII. And it is hereby enacted, that allowance shall be made for the wastage of goods deposited in warehouses according to the following table, as the rate of wastage for one year, and the import duty shall be settled on the quantities registered at the time of importation, wastage at these rates notwithstanding:

Wastage to be allowed as per table.

ACTS of 1836.

TABLE of WASTAGE to be allowed upon Goods when applied to be removed, either from Public or Private Licensed Warehouses.

Description of Goods.	Rate of Wastage.	Description of Goods.	Rate of Wastage.	
	<i>per cent.</i>		<i>per cent.</i>	
Alkali - - - - -	5	Kutch, or terra japonica - - -	3	
Alums - - - - -	3	Lac, lake stick and seed - - -	3	
Aromatic seeds {	Anise - - - - -	3	Long pepper and long pepper root - - -	3
	Coriander - - - - -	3	Oils, essential and fragrant - - -	3
	Cummin - - - - -	3	Resin, or dammer - - - - -	7 ½
	Calizerah - - - - -	3	Sago - - - - -	4
	Cardamums - - - - -	3	Sugar - - - - -	4
Jowain - - - - -	3	Saltpetre - - - - -	4	
Beetlenut - - - - -	7 ½	Soap - - - - -	3	
Brimstone - - - - -	3	Silk - - - - -	5	
Camphor - - - - -	2	Spices {	Cloves - - - - -	3
Coffee - - - - -	5		Cinnamon - - - - -	2
Copperas, or green vitriol - - -	5		Cassia - - - - -	2
Cotton wool - - - - -	2		Mace - - - - -	3
Dry ginger - - - - -	10		Pepper - - - - -	6
Gums and drugs, not otherwise specified - - - - -	3	Pimento, or allspice - - - - -	2	
Iron wrought bars - - - - -	3	Tobacco, unprepared - - - - -	5	
Indigo - - - - -	5	Turpentine - - - - -	8	
		Tutenague - - - - -	2	

Wines and spirits in casks; a deduction for ullage of 10 per cent. shall be allowed at the time of being received into warehouses.

Board may license any private warehouses.

Licence to be revocable at pleasure, unless otherwise stipulated.

Applications for licence for private warehouse to be in form (C.) with particulars filled up.

Collector or warehouse-keeper to have access to all licensed warehouses for himself and his officers. Proprietors refusing admittance, subject to penalty of 1,000 rs. and withdrawal of licence.

Bonds for duty to be put in suit seven days after notice of such penalty or of withdrawal of licence.

If goods be found deficient beyond the wastage allowance at time of delivery from warehouse, owner to forfeit ten times the duty on the deficiency.

If found excessive, ten times the duty to be paid on the excess; and goods to be detained till paid.

XIX. And it is hereby enacted, that the Board or other controlling authority of customs shall have power to license warehouses belonging to private persons for the reception of goods with duty bonded under the rules of this Act, in like manner as prescribed for public warehouses; and every licence so granted to a private warehouse shall be liable to be revoked at pleasure by the Board or other controlling authority of customs, unless otherwise specifically stipulated in the licence.

XX. And it is hereby enacted, that applications for licences for private warehouses shall be drawn up in the form marked (C.) annexed to this Act, and shall specify the particulars therein stated, and the situation of the warehouses, and their distances respectively from the custom-house in English yards.

XXI. And it is hereby enacted, that the collector of customs, or other warehouse keeper shall have access for himself, or for any officer he may depute for the purpose, to any private warehouse licensed as above. And if the proprietor thereof shall not open the same when required, or shall refuse to admit the collector or warehouse-keeper, or the officer of either, upon demand made at any time within the hours of business at the port, the proprietor of the warehouse shall be liable to a fine not exceeding 1,000 rupees, and further, to have the licence for the warehouse cancelled and withdrawn, and all bonds executed for duty chargeable upon goods therein deposited shall become due and be put in suit for the levy of the duty and other demands of customs, after seven days shall have passed from the date when the collector of customs or warehouse-keeper shall give notice of any licence being withdrawn.

XXII. And it is hereby enacted, that if goods lodged in a private warehouse shall be found to be deficient at the time of delivery therefrom beyond the allowance for wastage prescribed in the table annexed to section XVIII. of this Act, the owner or consignee, or other party who may have lodged the goods in the warehouse, shall, unless the deficiency be accounted for to the satisfaction of the collector of customs, forfeit to Government a sum equal to ten times the duty chargeable on the quantity of goods deficient; and if goods be found to exceed the registered quantity, such excess, unless similarly accounted for, shall be charged with ten times the ordinary duty thereon; and when any penalty shall be incurred under this section, the goods shall not be removed until the same is paid.

XXIII. And

XXIII. And it is hereby enacted, that the collector of customs shall have authority at any time to issue his warrant or written order, and to cause any goods or packages lodged in a public or private warehouse to be opened and weighed, or otherwise examined as he may direct. And after goods shall have been so opened or examined, he shall cause the same to be sealed or marked in such manner as to him may seem fit; and when goods shall have been so sealed or marked (after examination), they shall not be again opened without permission from the Board, or other controlling authority of customs, except when the proprietor or consignee shall apply to have them opened, and in every such case the packages shall be again sealed or marked as before.

Collector of customs may issue warrant for breaking packages to search and examine goods. When re-packed to be sealed; and seal not to be re-broken without sanction of Board;

except under application from proprietor, then to be re-sealed.

XXIV. And it is hereby enacted, that when goods shall be received into warehouse, or shall be removed therefrom, the packages shall be stamped with a conspicuous seal or stamp, containing the words—

Goods to be stamped on reception into or delivery from warehouse.

“Warehoused and Duty Bonded,” or, “Delivered for Exportation,” or “Removed for Importation,” accordingly as the goods may be received or removed for one or other purpose; and any person who shall remove or efface a stamp or seal affixed by an officer of customs, or who shall change the outer cover of any package so marked, or change the contents thereof while goods are in warehouse, without giving notice and obtaining permission of the collector of customs, shall for every such offence forfeit the sum of 500 rupees upon conviction before a magistrate or justice of the peace of the place. Provided however, that the owners and consignees of goods shall be at liberty to take out samples of their goods of such limited quantity as shall be deemed by the collector of customs reasonable and proper.

The stamp not to be removed or effaced without sanction of collector,

under penalty of 500 rupees on conviction before a magistrate. But owners may be allowed by the collector to take samples.

XXV. And it is hereby enacted, that no goods shall be removed from any warehouse except under application to the collector of customs for the goods to be passed for export or for importation, in like manner as for other goods passed through the custom-house, or for removal to another warehouse, as prescribed in section XXVIII. of this Act.

Goods not to be removed from warehouse without being passed through the custom-house.

XXVI. And it is hereby enacted, that if any owner or consignee of goods shall in any way break a package for removal of any part of the goods, the entire duty shall be levied for all the goods contained therein.

If a package be broken, duty to be levied on all the goods contained therein.

XXVII. And it is hereby enacted, that applications to remove goods from warehouse shall be made in the form marked (D.) hereunto annexed, and 24 hours' notice shall ordinarily be given to the collector of customs or warehouse-keeper of the intention to remove goods.

Applications to remove goods to be made in form (D.), and 24 hours' notice to be given of removal.

XXXVIII. And it is hereby enacted, that owners or consignees of goods warehoused and bonded for duty under this Act, may remove the same from one public or licensed warehouse to any other; and when they shall desire so to remove goods, they shall make application in the form marked (E.) hereunto annexed, furnishing the information specified, and filling up the columns left blank in the said form, with all the particulars therein contained.

Goods may be removed from one warehouse to another, application being made in form (E.)

XXIX. And it is hereby enacted, that if goods warehoused and bonded for duty shall be destroyed by fire or other accident, no duty shall be chargeable thereon, provided that if they be destroyed in a private warehouse, notice thereof be given to the collector of customs or warehouse-keeper within 48 hours of the discovery of the accident; and if goods, when lodged in warehouse, shall receive damage, they shall be assessed for duty according to their actual value, and bond for the same executed for the unexpired term of warehousing.

No duty to be levied on goods destroyed by fire or other accident; and if damaged, duty to be levied on the damaged value.

XXX. And it is hereby enacted, that whenever any person shall be charged with having committed any act or neglect for which he is liable to penalty under this Act, the collector of customs at the port shall be competent to investigate the case, and to adjudge the penalty or to dismiss the complaint, as to him may seem fit: provided, however, that if the collector shall adjudge any penalty to be incurred, such judgment shall not be conclusive until the case shall have been reported to the Board or other superior authority of customs, and the award shall have been confirmed by that authority. And it is further enacted, that the Board or other controlling authority of customs shall have the power of mitigating any penalty that may be incurred on account of warehoused goods, to the extent of reducing the same to a levy of double duty.

Penalties under this Act to be adjudged by the collector of customs,

subject to confirmation by the Board or other superior authority of customs

ACTS of 1836.

(A.)

FORM of Application for the Reception of Goods imported by Sea in
Warehouses.

To the Collector of Sea Customs at Calcutta.

Sir,

Please to order the reception into the government [or private warehouse of Mr. A. B. situate at _____, and licensed by No. _____, dated _____], of the under-mentioned goods, being of the growth or manufacture of [place to be stated], and arrived from [port or place to be mentioned], on the [British or other] ship _____, whereof _____ is commander, the duty upon which goods has been adjusted in the manner hereafter specified.

Marks and Number of Packages.	Description of Packages and Goods.	Contents of Goods.	Rate of Value of the Goods.	Amount of Value of the Goods, as ascertained and entered on the landing of the same.	Rate of Duty, both of Customs and Town Duty.	Date and Number of Importation.	Specification of the Particulars of Bonds, if the Duty upon the Goods has been bonded.
Total - -							

[Date.]

(signed)

[By the owner, agent, or consignee of the goods.]

(B.)

FORM of Bond for Import Duty.

Know all men by these presents, that we _____, now of Calcutta, at Fort William, in the province of Bengal, in the East Indies, and _____, of the same place, are jointly and severally held and firmly bound unto the East India Company in the sum of _____ rs. _____, to be paid to the said East India Company, or their certain attorney, agent, successors, or assigns, for which payment, well and truly to be made, we jointly and severally bind ourselves and each of us, and our respective heirs, executors, administrators, and representatives, by these presents; sealed with our respective seals, dated the _____ day of _____ in the _____ year of Christ _____; and the said _____ for themselves and each of them, and their respective heirs and representatives, covenant and agree that, in case of dispute touching the matter of this obligation, or the condition thereof, the same may be heard and determined in the supreme court of judicature at _____

Whereas the above bounden _____ hath [or have] applied to the collector of sea customs of the said East India Company at _____, for and have obtained permission to lodge in a certain public [or licensed] godown for a period of 15 months, subject to the Rules or Regulations of government, the following goods; that is to say [here a large blank should be left for describing the goods], being of the growth or manufacture of _____, and imported by sea from _____ on board the _____ ship _____, and entered in the custom-house books as No. _____ of the register of goods imported by sea.

Now the condition of this obligation is such, that, if the above bounden [the principal] _____ his or their heirs, executors, administrators, representatives, or assigns, shall in all things well and truly observe and keep all and singular the rules prescribed in Act No. XXV. of 1836 to be observed and kept by the owners, importers, or consignees of goods bonded and warehoused, and by the persons obtaining permission to bond and warehouse goods

goods under the provisions thereof; and if the said [the principal] his [or their, if more than one] heirs, executors, administrators, representatives, or assigns, do and shall well and truly pay or cause to be paid to the collector of customs for the time being for the port of all such dues, whether of customs or of lawful charges, as shall be due or demandable upon the said goods, or on account of penalties incurred in respect to them, at or before the expiration of 15 months from the date of these presents, or before, or at the expiration of such further time as the board of customs shall allow in that behalf, together with interest thereon, at the rate of _____ per cent. per annum from the date of demand thereof being made by the said collector of customs in writing; and further, if the said goods, after being so warehoused, or any part thereof, shall not, within the term so fixed or to be enlarged, be removed from the said public [or licensed] godowns, or in case the said goods, or any part thereof, shall be removed from the said public [or licensed] warehouse at any time within the said term, either for importation or for exportation by sea; then and in such case, if the full amount of all such duties, charges, and penalties as may be payable or demandable as aforesaid shall have been first paid and satisfied on the whole quantity of the said goods, then this obligation to be void and of no effect; otherwise, and on breach or failure in the performance of the said several conditions, or any of them, the same to be in full force and virtue.

Sealed and delivered, &c.

(C.)

FORM of Application to obtain Licence for Private Warehouses.

To the Collector of Customs at Calcutta.

Sir,

Please to submit to the Board of Customs [or other controlling authority of customs] my request to be furnished with a licence, under Act No. XXV. of 1836, for a warehouse, situate at _____, and about the distance of _____ yards from the custom-house; the dimensions and other particulars of the godown are stated below, and the same is intended for the reception of all goods as a general storehouse [or as the case may be], the period of licence not to exceed [mention the time for which period].

Particulars of Godown.

Length, feet, inches	} Dry, airy, well-flued, and puckah built, can contain with perfect safety and convenience about _____ tons of goods.
Breadth, ditto, ditto	
Height, ditto, ditto	

The same being my own property [or the property of _____], from whom I have engaged the same on a lease of _____.

(signed) [By the applicant.]

(D.)

FORM of Application for Removal of Goods from Warehouses.

To the Collector of Government Customs.

Sir,

Please to order to be passed from the government [or private] warehouse [of Messrs. A. & Co. situate at _____, and licensed under Act No. XXV. of 1836, by No. _____, dated _____] the under-mentioned goods intended for exportation by sea, on the British ship _____, Captain _____, bound to _____, [or for internal consumption, or to be consigned to any station in the interior, as the case may be], the same having been entered in the books of your office for the said warehouse, under No. _____, dated _____, by me [or by Messrs. B. & Co. whose certificate of the transfer of the goods is herewith annexed].

ACTS of 1836.

Marks and Numbers of Cases. B. & Co. [Name of the Goods.] No. 1 to 4. <input type="checkbox"/> x ✓ Sealed. "Warehoused for Exportation."	4 Cases of [name of Goods.] 1 Case [Box, Bale, or Parcel], containing [here insert the quantity in each case.] 1 Ditto. 1 Ditto. 1 Ditto. 4 Cases [Boxes, Bales, or Partels], con- taining [total contents to be here stated.]
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Custom-house value of the above, rupees , and please to receive the amount of duty bonded for the said goods, by bond No. , dated , allowing drawback for exportation on British bottom [or as the case may be].

(signed) [Either by the owner, agent, or consignee of the goods.]

(E.)

FORM of Application for the Removal of Goods from one Warehouse to another, during the period for which the indulgence of Warehousing may have been obtained.

To the Collector of Government Customs at Calcutta.

Sir,

Please to permit the removal of the undermentioned goods from the government [or other licensed] warehouse to [the warehouse into which the removal is intended to be made must here be distinctly described], for the unexpired period of warehousing due on the goods, the same having been originally entered by virtue of Act No. XXV. of 1836, in the books of the warehouse department, under No. , dated , for 15 months [or such other period as may have been allowed, to be here stated], under all the obligations and conditions at present attached to the goods.

Marks and Numbers of Packages.	Description of Packages and of Goods.	Contents of Packages.	Rate of Value of Goods.	Amount of Value of Goods as entered in Custom-House Books.	Rate of Duty chargeable or paid upon the Goods.	Name of the Persons by whom Goods first passed into Warehouses.

Note.—If the goods to be removed shall have been sold or transferred by the original proprietor or agent, a certificate of such sale or transfer shall accompany the application.

(signed) [By the owner, agent, or consignee of the goods.]

ACT No. XXVI. of 1836.

Passed by the Right Honourable the Governor-General of India in Council on the 7th November 1836.

I. IT is hereby enacted, that as often as the Governor-General of India, or the Commander-in-Chief of all the Forces in India, or the Lieutenant-Governor of the N. W. P. shall pass through any part of the territories of the East India Company, attended by a camp, it shall be lawful for the Governor-General of India in Council, by an Order in Council, to appoint a superintendent of the police of such camp.

II. And

II. And it is hereby enacted, that with respect to all offences committed in any such camp, or on the line of march between the stations of any such camp, such superintendent shall have concurrent criminal jurisdiction with the magistrate of the zillah or city within which such offence shall have been committed. ACTS of 1836.

III. And it is hereby enacted, that as often as the said superintendent shall, by virtue of the powers conferred on him by the preceding clause, commit any person for trial before the sessions court, or sentence any person to imprisonment, it shall be lawful for the said superintendent to transmit such person to the magistrate of the zillah or city where the camp shall then be, with a copy of the commitment or sentence, under the hand of him the said superintendent, and the said magistrate shall give effect to such commitment or sentence.

IV. And it is hereby enacted, that all officers subordinate to the magistrate of the zillah or city where such camp shall be, shall be assisting to the said superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said magistrate.

ACT No. XXVII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th November 1836,

I. IT is hereby enacted, that Regulation V. of 1817, of the Madras code, intituled "A Regulation for providing a succession of Hindoos and Mahommedans duly qualified, to be employed as Law Officers and as Vakeels in the Courts of Adawlut, under the Presidency of Fort St. George," be repealed.

II. And it is hereby enacted, that candidates for the situation of vakeel in the courts of Adawlut under the presidency of Fort St. George, shall in future be appointed under the provisions of section III. Regulation XIV. of 1816, and that the qualifications of candidates for the situation of law officers be ascertained, by examination before the law officers of the Court of Sudder and Foujdaree Adawlut, with reference to the provisions of section III. Regulation XI. of 1802, and clause 2, section III. Regulation VII. of 1822.

ACT No. XXVIII. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th November 1836.

I. IT is hereby enacted, that from the 1st day of December 1836, no assessment made by the justices of the peace for the presidency of Fort St. George under the authority of the Act of Parliament of the 33 Geo. 3, c. 52, shall be levied, until the same shall have been approved by the Governor in Council of Fort St. George.

II. And it is hereby enacted, that it shall be lawful for the said Governor in Council of Fort St. George, by an Order in Council, to exempt any district, or portion of a district, from payment of any such assessment.

ACT No. XXIX. of 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 14th November 1836.

I. IT is hereby enacted, that from the 1st day of December 1836, it shall be competent to the Court of Sudder Adawlut of Fort St. George, with the sanction of the Governor in Council, to augment or diminish at discretion the number of sudder ameens within that presidency.

II. And it is hereby enacted, that such parts of any of the regulations in force as authorize the registers of the zillah courts and sudder ameens within the presidency of Fort St. George to receive any fee or commission for judicial duties performed by them, be repealed; provided always, that this rule shall not be construed to prohibit the receipt of fees for the registry of deeds.

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ACT No. XXX. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 14th November 1836.

I. IT is hereby enacted, that whoever shall be proved to have belonged, either before or after the passing of this Act, to any gang of Thugs, either within or without the territories of the East India Company, shall be punished with imprisonment for life, with hard labour.

II. And it is hereby enacted, that every person accused of the offence made punishable by this Act, may be tried by any court which would have been competent to try him if his offence had been committed within the zillah where that court sits, anything to the contrary in any regulation contained notwithstanding.

III. And it is hereby enacted, that no court shall, on a trial of any person accused of the offence made punishable by this Act, require any futwa from any law officer.

ACT No. XXXI. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th November 1836.

IT is hereby enacted, that the provisions of Regulation IV. of 1831, of the Madras code, relating to grants of money or land revenue made by the British Government, shall be extended to all similar grants within the territories subject to the presidency of Fort St. George, which, having been made by any native government, have been confirmed or continued by the British Government.

ACT No. XXXII. OF 1836.

Passed by the Right Honourable the Governor-General of India in Council
on the 28th November 1836.

I. IT is hereby enacted, that if any person after the 1st day of December 1836 lands or attempts to land in any part of the territories subject to the government of the presidency of Fort William in Bengal any sugar, which is not the growth of a British possession, into which foreign sugar cannot be legally imported, such sugar shall be seized and confiscated by the collector of the customs, or by any other officer thereunto authorized by the Governor of the said presidency, unless the district in which such sugar is landed, or in which an attempt has been made to land such sugar, be a district in which the Governor-General of India in council has authorized the importation of such sugar.

II. And it is hereby enacted; that if any owner of sugar, the produce of the said territories, or duly authorized agent of such owner, desires to obtain a certificate of origin from the collector or assistant collector of the land or custom revenue of any district within the said territories, or from any other officer appointed by the Governor-General of India in Council to give such certificates, such owner or agent shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (A.)

III. And it is hereby enacted, that if the district be one into which the Governor-general of India in Council has not by any order authorized the importation of foreign sugar, or of sugar the growth of any British possession into which foreign sugar can be legally imported, the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the form contained in the Schedule hereunto annexed, marked (B.)

IV. And it is hereby enacted, that every person who intends to ship sugar from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the collector of customs at that place, or to any other officer who may have been appointed by the Governor-General of India in Council to act on such occasions in place of the collector of customs, a certificate, such as is above described, and also, in the presence of the officer to whom he has

has so produced such certificate, to make and subscribe a declaration in the form contained in the Schedule hereunto annexed, marked (C).

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last-mentioned form shall have been so made and subscribed, shall grant to the person who has made the last-mentioned declaration a certificate, in the form contained in the Schedule hereunto annexed, marked (D).

VI. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof before such court as would be competent to try such person for perjury, be punished by fine to an amount not exceeding 5,000 rupees, and imprisonment for a term not exceeding two years.

SCHEDULES.

(A.)

I, *A. B.* solemnly declare that all the sugar hereinunder described is, to the best of my knowledge and belief, the produce of the district of

DESCRIPTION of the SUGAR to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.

The day of 18 (signed) *A. B.*

(B.)

I, *C. D.* collector of land revenue [or collector of custom revenue, or being an officer appointed by the Governor-General of India in Council to act in this behalf] for the district of , do hereby, in conformity with the provisions of Act No. XXXII. of 1836, grant this certificate under my hand and seal, that the sugar hereinunder described is of the produce of the district of , and that the importation of foreign sugar, and of sugar the growth of any British possessions into which foreign sugar can be legally imported, is prohibited in the said district of

DESCRIPTION of the SUGAR to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of the Packages.	Name of the Declarant on whose Declaration the Certificate is given.

(L. S.) (signed) *C. D.*

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(C.)

I, *E. F.* shipper of the sugar hereinunder described, solemnly declare that all the sugar hereinunder described is, to the best of my knowledge and belief, the same sugar to which the certificate now produced by me relates.

DESCRIPTION of the SUGAR to which the Declaration relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of Ship in which the Sugar is shipped, or to be shipped.	Name of the Master of the Ship.

(signed) *E. F.*

(D.)

I, *G. H.* collector of customs [or being an officer appointed by the Governor-General of India in Council to act in this behalf] for the port of _____ certify under my hand and seal, that there has been produced to me by *E. F.* the shipper of the sugar hereinunder described, a certificate under the hand and seal of *C. D.* collector of land revenue [or collector of customs revenue, or being an officer appointed by the Governor-General of India in Council to act in this behalf] for the district of _____, in the territories subject to the government of the presidency of Fort William in Bengal, which certificate certifies that the said sugar is of the produce of the said district, and that the importation of foreign sugar, or sugar the growth of any British possession into which foreign sugar can be legally imported, is prohibited in the said district.

DESCRIPTION of the SUGAR to which this Certificate relates.

Quantity.	Quality.	Number and Denomination of Packages.	Name of the Ship.	Name of the Master of the Ship.

(L. S.)

(signed) *G. H.*

ACT No. I. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 6th February 1837.

IT is hereby enacted, that from the 1st day of March next it shall be lawful for any one justice of the peace for the town of Calcutta to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. 3, c. 52, and every such warrant shall have the same force as if it were under the hands and seals of two such justices.

ACT No. II. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 6th February 1837.

I. IT is hereby enacted, that from the 1st day of March next, Regulation IX. of 1830, and Regulation XI. of 1831, of the Bombay Code, and Act No. XVIII. of 1836, of the Governor-General of India in Council, be repealed.

II. And it is hereby enacted, that the following rates of toll shall, from the said day, be levied in the Company's currency at the tollgate of the Bhoze Ghaut on vehicles and animals, both in going and returning :

On every four-wheeled carriage on springs - - - - -	1 rupee.
On every two-wheeled carriage on springs, except native hackeries	$\frac{1}{2}$ rupee.
On every native hackery on springs - - - - -	2 annas.
On every labour cart and labour hackery not on springs, and having wheels of less diameter than three feet six inches, and tyers less in breadth than three inches, if drawn by two bullocks - -	$\frac{1}{2}$ rupee.
On every such labour cart and labour hackery drawn by four bullocks - - - - -	1 rupee.
On every labour cart and labour hackery not on springs, and not having wheels of less diameter than three feet six inches, and tyers less in breadth than three inches, if drawn by two bullocks - - - - -	1 $\frac{1}{2}$ anna.
On every such labour cart and labour hackery drawn by four bullocks - - - - -	3 annas.
On every elephant - - - - -	$\frac{1}{2}$ rupee.
On every camel - - - - -	$\frac{1}{2}$ rupee.
On every saddle horse and harness horse - - - - -	1 anna.
On every tattoo - - - - -	6 pie.
On every score of sheep or goats - - - - -	2 annas.
On horned cattle per head - - - - -	2 pie.
On every beggary carrying a load for hire - - - - -	2 pie.
On every mule not used for riding - - - - -	3 pie.
On every mule used for riding - - - - -	1 anna.
On every ass - - - - -	1 pie.
On every palna or small native palanquin - - - - -	$\frac{1}{2}$ rupee.

III. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay to appoint persons for the collection of the tolls aforesaid, which persons shall, in the execution of such their office, be liable to the same responsibility as would attach to them if they were employed in the collection of the land revenue.

IV. And it is hereby enacted, that it shall be lawful for the persons employed in the collection of the tolls aforesaid, in case of non-payment of the toll on any property, to stop such property, or such part thereof as may be adequate to the discharge of the toll due, and that every police officer when thereunto required shall be assisting to the persons employed in the collection of the tolls aforesaid in the discharge of their duties.

V. And it is hereby enacted, that in case any toll due shall remain unpaid for the space of 24 hours after such detention of property as is aforesaid, it shall be lawful for such person as the Governor in Council of Bombay shall appoint to

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act in that behalf, to direct the sale of the property detained, and to reserve out of the proceeds of such sale a sum equivalent to the toll due; and also in cases in which it shall appear to that person that the payment of the toll has been contumaciously refused, to reserve a fine not exceeding five rupees; and that the surplus, if any, shall be repaid to the owners of the property on application.

VI. Provided always, that nothing herein contained shall be taken to deprive the owner of any property detained as aforesaid of his right of action in the civil court of the zillah for any injury which may have been done to him under colour of carrying this Act into execution.

VII. Provided also, that nothing herein contained shall be held to prevent the Governor in Council of Bombay from granting any exemption from payment of the said tolls, or from granting a farm of the said tolls.

ACT No. III. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 13th March 1837.

I. IT is hereby enacted, that it shall be lawful for each of the courts of Sudder Dewanny Adawlut within the territories subject to the presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of the register of such court of Sudder Dewanny Adawlut, that the cognizance of any original suit, or of any appeal which may be brought before any zillah or city court subordinate to such court of Sudder Dewanny Adawlut, shall be transferred to any other zillah or city court subordinate to the same court of Sudder Dewanny Adawlut.

II. Provided always, that whenever either of the said courts of Sudder Dewanny Adawlut shall, in the exercise of the power given by the preceding clause, direct the transfer of the cognizance of any suit, such court of Sudder Dewanny Adawlut shall cause the reasons for such transfer to be recorded on its proceedings.

ACT No. IV. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 17th April 1837.

I. IT is hereby enacted, that after the 1st day of May next it shall be lawful for any subject of His Majesty to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories of the East India Company.

II. And it is hereby enacted, that all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by natives of the said territories shall extend to all persons who shall under the authority of this Act acquire or hold such property.

ACT No. V. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 1st May 1837.

I. IT is hereby enacted, that from the 1st day of June next no native of India, except as hereinafter excepted, who makes a contract of service to be performed without the said territories, shall be received in pursuance of such contract on board of any vessel at any place within the territories subject to the presidency of Fort William in Bengal without an order from the governor of the said presidency, or a permit from an officer authorized by the governor of the said presidency, to act in that behalf.

II. And it is hereby enacted, that before any such permit shall be granted by any such officer, such native, and also the person with whom such native has contracted,

contracted; or an authorized agent of that person, shall personally appear before that officer, and shall exhibit a memorandum of the contract (written both in English and in the mother tongue of such native, or in some language understood by such native,) which memorandum shall specify the nature, the term, and the wages of the service as settled by the contract.

III. And it is hereby enacted, that no such permit shall be granted unless the contract of service shall be made determinable on the expiration of one term of not more than five years, to be reckoned from the date of the contract, or of successive terms, none of which shall exceed five years, and unless such contract shall contain a stipulation that such native shall be conveyed back to the port at which he is embarked free of charge to himself at the expiration of his service.

IV. And it is hereby enacted, that it shall be lawful for the said officer to examine the said native, and the person with whom that native has contracted, or the agent of that person, touching the terms of the contract, and shall cause those terms to be distinctly explained to the said native.

V. And it is hereby enacted, that if the said officer shall be satisfied that the said native fully understands the terms of the contract, and is desirous to fulfil the same, the said officer shall make and sign, on the back of the written memorandum aforesaid, a note to the effect that the said written memorandum has been inspected by him, the said officer; and such note shall be a permit authorizing the said native to embark, and the memorandum of contract, with the permit so written thereupon, shall be delivered to the native, to be kept by him during his service.

VI. And it is hereby enacted, that if application is made for permits authorizing more than 20 natives to embark on board of any one vessel, it shall be lawful for the officer aforesaid to summon the person in charge of that vessel, and to examine that person as to the accommodations, food, and medical attendance provided for such natives on board of that vessel, and to inspect that vessel, or by an order under his hand to depute any other person to inspect the same.

VII. And it is hereby enacted, that the officer aforesaid shall not grant permits authorizing a greater number of natives than 20 to embark on board of any one vessel, unless he is satisfied that the accommodations, food, and medical attendance provided for such natives on board of that vessel will be sufficient for their health.

VIII. And it is hereby enacted, that the officer aforesaid shall keep a register of all natives to whom he shall grant such permits as aforesaid, which register shall specify their names, the periods of the contracts, the dates of the permits, the places of their destination, and the vessel or board of which they were permitted to embark.

IX. And it is hereby enacted, that for every such permit it shall be lawful for the officer aforesaid to require that a fee not exceeding one rupee shall be paid by the person with whom the native to whom the permit relates has contracted, or by the authorized agent of that person.

X. And it is hereby enacted, that whoever, being in charge of any vessel at any place within the territories subject to the presidency of Fort William in Bengal, shall knowingly suffer any such native as is aforesaid to embark on board of that vessel in pursuance of any such contract as is aforesaid without either an order from the governor of the said presidency, or such a permit as is aforesaid being produced to him by the native so embarking, shall, on conviction thereof before a magistrate, be punished with a fine not exceeding 200 rupees for every native so suffered to embark, and in default of payment of such fine, with imprisonment for a term not exceeding 30 days for every native so suffered to embark.

XI. Provided always, that nothing in this Act contained shall be taken to apply to any native seaman who shall embark on board of any vessel in pursuance of a contract to navigate that vessel, or to any person who shall embark as a menial servant.

ACT No. VI. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 1st May 1837.

I. IT is hereby enacted, that every malgoozar in the province of Cuttack, and every body of malgoozars in the said province having as such body joint engagements with the Government, and being persons acknowledged as the proprietors or possessors of a permanent interest in the mehaul for which they have engaged, shall be answerable for the jumma fixed by the terms of the settlement now existing for every mehaul of such malgoozar, or body of malgoozars, until a new settlement of such mehaul shall be completed and confirmed according to the provisions of Regulation VII. of 1822, and Regulation IX. of 1833 of the Bengal code.

II. Provided always, that if any such malgoozar, or body of malgoozars, shall, before the 1st day of August 1837, notify to the collector of the district within which any mehaul of such malgoozar, or body of malgoozars, as aforesaid may be situated, that it is the intention of such malgoozar, or body of malgoozars, to relinquish the existing engagements of such malgoozar, or body of malgoozars, in respect of such mehaul, at the expiration of the term for which those engagements have been made, it shall be lawful for such malgoozar, or body of malgoozars, to relinquish the said engagements at the expiration of the said term.

ACT No. VII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 1st May 1837.

IT is hereby enacted, that it shall be lawful for any of the courts established by His Majesty's charters, in any case in which such court shall have recommended to His Majesty the granting of a free pardon to any convict, to permit such convict to be at liberty on his own recognizance.

ACT No. VIII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 8th May 1837.

I. IT is hereby enacted, that from the 1st day of July 1837 the districts of Anjengo and Changancherry shall form a separate jurisdiction, which shall belong to the western division of the territories, subject to the government of the presidency of Fort St. George.

II. And it is hereby enacted, that from the said day the British resident in Travancore shall exercise the powers of judge and criminal judge within the said jurisdiction, sending to Calicut the parties and proceedings in cases to be tried by the court of circuit, and that the said resident shall also exercise within the said jurisdiction all the powers of a magistrate, anything contained in the Regulations of the Madras Code to the contrary notwithstanding.

ACT No. IX. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 15th May 1837.

I. IT is hereby enacted, that from the 1st day of June 1837 all immoveable property situate within the jurisdiction of any of the courts established by His Majesty's charter shall, as far as regards the transmission of such property on the death and intestacy of any Parsee having a beneficial interest in the same, or by the last will of any such Parsee, be taken to be and to have been of the nature of chattels real and not of freehold.

II. Provided

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last will of any such Parsee, if such transmission took place before the said 1st day of June 1837, and if such transmission were either according to the rules which regulate the transmission of freehold property, or else took place with the acquiescence of all persons to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of such Parsee.

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 ACT No. X. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 22d May 1837.

I. IT is hereby enacted, that from the date of the passing of this Act, Regulations I. and IX. of 1830, passed by the Governor in Council of Prince of Wales' Island, Singapore, and Malacca, and likewise Regulation I. of 1831, passed by the Vice-president in Council, shall be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, to appoint one or more commissioners for the purpose of inquiring into, and deciding upon, claims to hold lands within any of the settlements of Prince of Wales' Island, Singapore, and Malacca, whether the said claims be founded on grants or titles registered in conformity with the provisions of any of the Regulations repealed by the foregoing clause or not; provided nevertheless, that every person holding land in any of the settlements aforesaid, under a grant or title registered in conformity with the provisions of the said Regulations, shall be entitled to hold such land for such terms, and on such conditions as are specified in such grant or title.

III. And it is hereby enacted, that on the arrival of any such commissioner in any of the said settlements, it shall be lawful for such commissioner to require that all claims and applications to hold lands in that settlement, which may be pending before the resident councillor, collector, or superintendent of land revenue, shall be transferred to the said commissioner, to be dealt with by him according to the powers vested in him by authority of this Act.

IV. And it is hereby enacted, that it shall be lawful for any such commissioner, whenever he may be within any of the said settlements, to cause a survey or measurement to be made of any lands within that settlement, in such manner as he may deem proper, and to require, by a summons under his hand, any person resident within that settlement to attend before him, and to produce any document relating to the right to any land, or interest in land within that settlement; and it shall further be competent to the said commissioner to examine any such person, upon oath, touching the right to any such land, or interest in such land.

V. And it is hereby enacted, that whenever any such commissioner, being within any of the said settlements, shall, in prosecution of the duties assigned to him by this Act, discover that any person owning or occupying lands within that settlement, under any grant or title registered in conformity with any of the Regulations repealed by section I. shall be in possession of more land than is specified in such grant or title, it shall be competent to the commissioner aforesaid to declare the land so held in excess to be liable to separate assessment.

VI. And it is hereby enacted, that if any person shall hold or occupy land within any of the settlements aforesaid, by a grant or title which shall not have been registered in conformity with the provisions of any of the Regulations repealed by this Act, and such person shall prefer a claim to hold or occupy the same, or if such claim shall arise out of any proceeding or inquiry held by the commissioner under this Act, it shall be competent to the said commissioner to investigate the claim; and in every case in which the said commissioner shall be of opinion that the claim is a fair one, the said commissioner shall make a decree, assigning the land to which there may be such fair claim to the party who has such fair claim, on such conditions and for such term as may be pre-

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scribed under the rules laid down for the guidance of the said commissioner, and such decree shall constitute a good title, as against the Government, to the land therein assigned, on the conditions and for the term therein specified.

VII. And it is hereby enacted, that whenever the commissioner aforesaid, under the power vested in him by section IV. of this Act, shall require the attendance of any person, or the production of any document by any person, he shall cause such person to be served with a notice under the hand of the said commissioner, stating the purpose for which the attendance of such person is required, the documents (if any) which such person is to bring with him, and the period within which such person is to attend, and if such person cannot himself be found, the notice shall be affixed at his usual place of residence.

VIII. And it is hereby enacted, that if any person shall wilfully omit to obey any lawful summons to attend before the said commissioner, or to produce any document which he is required by the said commissioner, in the exercise of the lawful powers of the said commissioner, to produce, or to answer any lawful question put by the said commissioner, it shall be competent to the said commissioner to impose upon the person so wilfully omitting, for every such wilful omission, a fine not exceeding 50 rupees, commutable, if not paid, to imprisonment by order of the commissioner, in the civil gaol, for a period not exceeding one month.

IX. And it is hereby enacted, that whoever shall forcibly resist, or cause to be resisted, any such commissioner, or any person employed by such commissioner, in the performance of anything which such commissioner is by this Act authorized to perform, or to cause to be performed, shall, on conviction before a magistrate, be punished with imprisonment for a term not exceeding one year, or fine, or both, in addition to any punishment to which such offender may be liable by reason of any other offence committed in the course of such resistance.

X. And it is hereby enacted, that whoever, being under examination before any such commissioner, either on oath or on a declaration received instead of an oath, knowingly and deliberately affirms that to be true which he knows to be false, touching any point material to the question which the commissioner is investigating, shall be taken to be guilty of perjury, and dealt with accordingly.

XI. And it is hereby enacted, that all orders and decrees passed by any such commissioner, by which the possession of any land within any of the settlements aforesaid shall be altered or affected, shall be final.

XII. Provided always, that if any party objects to any decree or order of the said commissioner, on the ground that such decree or order deprives that party of a legal right to land, or to some interest in land, it shall be lawful for that party, at any time within six weeks after the making of such decree or order, to move the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, to quash such decree or order, which court shall try the question whether such decree or order be or be not inconsistent with any legal right of the party moving; and if the said court shall decide that such decree or order is inconsistent with any such legal right, the decree or order of the commissioner shall be quashed by the said court, and shall be of no effect.

XIII. And it is hereby enacted, that the said Court of Judicature shall not decide whether a decree or order of any such commissioner shall or shall not be quashed, except when the recorder is sitting in the said court, if there be at that time a recorder.

XIV. And it is hereby enacted, that no decree or order of any such commissioner shall be executed until six weeks shall have elapsed from the date of such decree or order. And it is further hereby enacted, that if any application shall be made to the said Court of Judicature, as provided for in section XII. of this Act, in that case the decree or order with respect to which such application is made shall not be executed until such application shall be finally disposed of by the said court.

XV. And it is hereby enacted, that if no such application to the Recorder's Court as aforesaid, shall be made within the period fixed in section XII. of this Act, the said commissioner shall proceed to execute the order or decree passed by him, in the same manner as the decrees of the Recorder's Court are executed; and all sheriffs, magistrates, constables, and other public officers, are hereby enjoined and required to be aiding and assisting in the execution of the same.

XVI. And

XVI. And it is hereby enacted, that every commissioner appointed under this Act shall be guided in the performance of the duties confided to him under the provisions of this Act, by such instructions as he shall from time to time receive from the Governor of Bengal. ACTS of 1837.

ACT No. XI. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 29th May 1837.

It is hereby enacted, that Articles 1 and 2 of Regulation I. of 1820, of the Bombay code, be repealed.

ACT No. XII. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 5th June 1837.

I. It is hereby enacted, that every house and outhouse built within the city of Calcutta, after the 1st day of November 1837, shall be covered with an outer roof of incombustible materials, and that, if any house or outhouse be built in contravention of this provision, the owner of such house or outhouse shall, on conviction before a magistrate, be punished with fine not exceeding 100 rupees.

II. And it is hereby enacted, that it shall be lawful for the superintendent of the police of the said city, from the date of the passing of this Act, to tender to the owner of any house or outhouse within the said city, which house or outhouse may have been built before the said 1st day of November 1837, and which may not be covered with an outer roof of incombustible materials, a sum of money to defray the expense of covering such house or outhouse with such an outer roof, and that if the owner of such house or outhouse shall accept the sum so tendered, and shall engage that such house or outhouse shall be covered with such an outer roof within a certain time, and shall not within that time cause such house or outhouse to be covered with such an outer roof, such owner shall, on conviction before a magistrate, be punished with a fine not exceeding ten times the sum so accepted by such owner.

III. And it is hereby enacted, that if any house or outhouse shall be built in contravention of the provision contained in section I. of this Act, or if any owner of a house or outhouse shall refuse to accept a sum of money tendered by the said superintendent in the manner described in section II. of this Act, it shall be lawful for the said superintendent to cause such house or outhouse to be covered with an outer roof of incombustible materials without the consent of the owner thereof, and to cause such alterations to be made in the walls of such house or outhouse, as may enable such walls to support such outer roof, and to defray the expense out of any funds which may be put at the disposal of the said superintendent for that purpose either by the government or by any private person, or body of private persons.

IV. And it is hereby enacted, that whoever shall wilfully obstruct the said superintendent, or any person acting under the authority of the said superintendent, in the exercise of the powers given to the said superintendent by section III. of this Act, shall, on conviction before a magistrate, be punished with a fine not exceeding 100 rupees, in excess of any punishment to which the person so obstructing may be liable by reason of any other offence which he may commit in the course of such obstruction.

V. And it is hereby enacted, that all fines levied under the authority of this Act shall be paid into the general treasury, and shall be applied to the purpose of defraying expenses incurred in carrying this Act into execution.

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ACT No. XIII. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 5th June 1837.

IT is hereby enacted, that no trial by court martial which may have been held prior to the passing of this Act at any military station within the territories subject to the government of the presidency of Bombay, shall be deemed to have been illegal on the ground that such military station had not been proclaimed in the manner directed by section IX. Regulation XXII. of 1827, of the Bombay code.

ACT No. XIV. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 12th June 1837.

IT is hereby enacted, that whenever any foreign state in Asia or Africa shall permit, within the dominions of such state, the importation or exportation of goods in British vessels on the same terms on which it permits the importation or exportation of goods in vessels belonging to the subjects of such foreign state, it shall be lawful for the Governor-General of India in Council, by an Order in Council, to direct that goods may be imported into the territories of the East India Company, or exported thence in vessels belonging to the subjects of such foreign state, on the same terms on which such goods are imported into the said territories, or exported thence in British vessels.

ACT No. XV. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 19th June 1837.

I. IT is hereby enacted, that from the 1st day of July 1837 it shall be lawful for the several magistrates and joint magistrates within the presidency of Fort William in Bengal to appropriate a portion of the tax levied under Regulation XXII. 1816 of the Bengal code, to the purpose of cleansing and repairing the towns in which that tax is levied.

II. And it is hereby enacted, in lieu of the maximum rate prescribed by the sunnud of appointment referred to in section X. of the abovementioned Regulation, that after the 1st day of July 1837 it shall be competent to the panchaite appointed by the said sunnud to fix the rate of assessment to be levied from the proprietor or principal occupier of any shop or habitation at two Company's rupees per mensem.

III. And it is hereby enacted, that no person whatever shall, either by reason of place of birth, or by reason of descent, be exempted from the payment of any assessment under Regulation XXII. of 1816 of the Bengal code, or under this Act.

ACT No. XVI. of 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 3d July 1837.

I. IT is hereby enacted, that from the 15th day of July 1837 Regulation XV. 1817 of the Bengal code shall be repealed.

II. And it is hereby enacted, that when the customs duties fixed to be levied upon goods exported by sea from any port of Bengal or Orissa shall be *ad valorem*.
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the value of such goods shall be declared by the exporter in the manner prescribed by Regulation VI. 1833 of the Bengal code, for goods imported into Calcutta by sea, and the provisions of that Regulation for cases of disputed value (excepting section IV. thereof, which prescribes the levy of duty when the goods are taken for government,) shall apply to goods intended to be exported by sea in like manner as for imported goods, and the value so to be declared by the exporter, shall include the packages or materials in which the goods may be contained.

III. And it is hereby enacted, that it shall be lawful for the Governor of the presidency of Fort William in Bengal, from time to time, by notice in the official gazette, to fix a value for any article liable to *ad valorem* duty, and that the value so fixed by the Governor of the said presidency shall, till altered by a similar notice, be taken to be the value of such article for the purpose of levying duty on the same.

IV. And it is hereby enacted, that every master of a vessel who shall remove from such vessel, or put on board thereof any goods, or cause or suffer any goods to be removed thence, or put on board thereof, between sunset and sunrise, or on any day when the Custom-house is closed for business, without leave in writing obtained from the collector of customs, shall be punished with a fine not exceeding 500 rupees.

V. And it is hereby enacted, that when, upon application from the commander of any vessel, the Custom-house officer shall be removed from on board thereof under the provisions to that effect contained in section XVI. of the Act XIV. of 1836, if the commander of such vessel shall before a Custom-house officer have again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel, any goods whatever, such commander shall be punished with a fine not exceeding 1,000 rupees, and the goods shall be liable to be re-landed for examination at the expense of the shipper or shippers upon requisition to that effect from the collector of customs.

VI. And it is hereby enacted, that the commander of every vessel who is bound to receive a Custom-house officer on board of such vessel, shall also be bound to receive on board one servant of such officer, and to provide such officer and such servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board, and if any commander of a vessel shall wilfully disobey the directions contained in this section he shall be punished with fine not exceeding 500 rupees.

VII. And it is hereby enacted, that no cargo-boat, laden with goods intended for exportation by sea, shall make fast to, or lie alongside of, any vessel, unless there shall be on board the boat, or have been received by the Custom-house officer on board of the vessel, a Custom-house permit or order for the shipment of the goods; and the goods on board of any boat that may so lie alongside, or be made fast to a vessel, if such goods be not covered by a Custom-house pass accompanying them, or previously received by the customs officer on board the said vessel, shall be liable to confiscation.

VIII. And it is hereby enacted, that when goods shall be sent from on board ship for the purpose of being landed and passed for importation, there shall be sent with each boat-load or other separate despatch, a boat-note, specifying the number of packages and the marks and numbers or other description thereof, and such boat-note shall be signed by an officer of the vessel, and likewise by the customs officer that may be on board; and if any imported goods be found in a boat proceeding to land without a boat-note, or if, being accompanied by a boat-note, they be found out of the proper track between the ship and the custom-house wharf, or other wharf or ghaut at which they have been permitted to be landed, the boat containing such goods may be detained by any inspector, or by any other officer of the preventive service of the custom-house, duly authorized by the collector of customs, and unless the cause of deviation be explained to the satisfaction of the officers of customs, the goods shall be liable to confiscation.

IX. And it is hereby enacted, that when goods shall be brought to be passed through the custom-house, either for importation or exportation by sea, if the

ACTS of 1837. packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom-house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

X. And it is hereby enacted, that if any person, after goods have been landed, and before they have been passed through the custom-house, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation.

XI. And it is hereby enacted, in modification of the Article of Schedule (B.) of Act No. XIV. of 1836, which provides, that when sugar or rum shall be exported on British bottoms to any British possession, no duty shall be levied thereupon, and if on foreign bottoms, a duty of three per cent. only shall be levied; that the said exemption from duty and advantage of rate shall not hold or apply to the case of sugar exported to any British possession or settlement on the continent of India (including the port of Bombay), but duties shall be levied on such exports, in the same manner as upon sugar and rum exported to other places; and the amount of duties so levied shall be credited, in the adjustment of any import duty to which the sugar so exported from Bengal may be subject, at any place of import within the possessions of the East India Company.

XII. And it is hereby enacted, in modification of section XVIII. of the Act XIV. of 1836, that when goods shall be shipped after port clearance, if the same be imported goods entitled to drawback, such drawback shall be forfeited, but no separate duty shall be levied thereon.

XIII. And it is hereby enacted, in modification of section XV. of Act XIV. of 1836, that if goods landed at the custom-house be not claimed and cleared from the custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the goods on account of the duties, freight, and other charges incurred and due thereon.

XIV. And it is hereby enacted, that no payment shall be made of drawback upon any goods exported from any port of Bengal or Orissa, unless the export be made within two years from the date of the import in the custom-house registers, nor unless the claim to receive such drawback be made at the time of exportation, nor unless the amount due thereupon be demanded within one year from the date of entry for shipment in the custom-house registers.

XV. And it is hereby enacted, that drawback shall not be allowed upon goods shipped in dhonies and native craft not navigated by pilots, and not having custom-house officers on board.

XVI. And it is hereby enacted, in modification of section LI. Regulation IX. of 1810, that the Board of Customs, Salt, and Opium, shall have power to fix, and from time to time to alter the rates of wharfage and godown rent-charges, and to determine the time for which goods shall be allowed to remain on the wharfs or in the godowns of the custom-house free of charge, while the goods are being passed for import or export by sea.

XVII. And it is hereby enacted, that it shall be lawful for the collector of customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk shall be weighed on board ship before being sent to land, and to levy duty according to the result of such weighing.

XVIII. And it is hereby enacted, that whoever shall intentionally offer any obstruction to the weighing directed by the preceding section, shall be punished with a fine not exceeding 500 rupees.

ACT No. XVII. of 1837.

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Passed by the Right Honourable the Governor-General of India in Council
on the 24th July 1837.

I. IT is hereby enacted, that Regulation XI. of 1830 of the Bombay code, shall be repealed.

II. And it is hereby enacted, that the exclusive right of conveying letters by post for hire from place to place within the territories of the East India Company, shall be in the Governor-General of India in Council.

III. Provided always, that it shall be competent to the said Governor-General of India in Council, and to any authority thereunto empowered by the said Governor-General in Council, to grant to any person or persons a license, permitting such person or persons to convey letters by post for hire from place to place within the said territories, and that it shall be lawful for any person or persons having such a license, to convey letters in conformity with the terms of such license.

IV. And it is hereby enacted, that it shall be lawful for the said Governor-General in Council, and for any authority which may have granted any such license as is described in the preceding section, to revoke such license at pleasure.

V. And it is hereby enacted, that whoever otherwise than under the authority of the said Governor-General in Council, or in conformity with the terms of such a license as is aforesaid, knowingly conveys any letters by post for hire from place to place within the said territories, or receives any letter or packet of letters, in order to such conveyance, or delivers any letter according to its direction, knowing the same to have been so conveyed, or is accessory to such conveyance, receipt or delivery, shall be punished with fine not exceeding 50 rupees for every letter so conveyed, received or delivered.

VI. And it is hereby enacted, that inland postage duties shall be levied on the conveyance of letters and packets by the government post, at the rates set forth in the Schedule marked (A.), which is annexed to this Act, and that the full postage shall be paid either on receipt, or on delivery, at the option of the sender, and that if the thing conveyed be transferred from a post-office in one presidency to a post-office in another presidency, no additional charge shall be made on account of such transfer.

VII. And it is hereby enacted, that when there is a banghy established on a line of road, no person shall be entitled to demand that any letter or packet exceeding 12 tolas in weight, shall be conveyed by the letter post on that line of road.

VIII. And it is hereby enacted, that when there is no banghy established on a line of road, letters and packets exceeding 12 tolas in weight, and not exceeding 40 tolas in weight, shall be conveyed on that line of road by the letter post, and every such letter or packet shall be charged with the postage of a letter or packet of the same description, of 12 tolas weight, sent by letter post.

IX. And it is hereby enacted, that no packet of the description mentioned in Table 2 of Schedule (A.) shall contain any writing whatever other than writing which is necessarily part of the document which such packet is stated to contain, by attestation on the cover of such packet, and that whoever shall send any such packet by the government post, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 rupees.

X. And it is hereby enacted, that no packet of the description mentioned in Table 3 of Schedule (A.), shall contain any writing whatever, except the direction on the cover, and that whoever shall send any such packet by the government post, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 rupees.

XI. And it is hereby enacted, that proof sheets marked as such may be sent by letter post at the rates set forth in Table 3 of Schedule (A.), provided they be

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brought to the Dispatching-office open, and be sealed in presence of the person in charge of such office.

XII. And it is hereby enacted, that the said Governor-General in Council shall frame a scale of distances as nearly as practicable, according to the distance by the nearest road between post-office stations, and that the rates of inland postage shall be calculated according to this scale.

XIII. And it is hereby enacted, that steam-postage, according to such rates as may from time to time be fixed by the Governor-General in Council, shall be levied on all letters and packets sent or received by any government steamer, and that such steam postage shall be in excess of any inland postage to which such letters or packets may be liable.

XIV. And it is hereby enacted, that ship postage according to the rates fixed in Schedule (B.) annexed to this Act, shall be levied on all letters or packets sent or received by sea through any government post-office, and not liable to steam postage.

XV. And it is hereby enacted, that when any vessel arrives by sea at any place within the said territories, at which there is a government post-office, the commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel which is directed to that place, and which was not specially entrusted for separate delivery, to be delivered either at the post-office, or to some officer of the post-office authorized to receive the same; and that if there be on board any letter or packet directed to any other place, and not specially entrusted for separate delivery, the said commander shall, as speedily as possible, report the same to the postmaster-general, or postmaster of the place at which he has arrived, and shall act according to such directions as he may receive from such postmaster-general, or postmaster; and that the receipt of such postmaster-general or postmaster shall discharge such commander of all responsibility in respect of such letter or packet.

XVI. And it is hereby enacted, that every commander of a vessel who shall wilfully disobey any of the directions contained in the preceding section, shall be punished with fine, not exceeding 1,000 rupees.

XVII. And it is hereby enacted, that for every letter or packet delivered by a commander of a ship, in conformity with the directions of section XV. of this Act, the officer in charge of the post-office shall pay to the said commander the sum of one anna.

XVIII. And it is hereby enacted, that whenever any letter or packet is transhipped for transmission to any other place within the said territories, the commander of the vessel, which originally brought such letter or packet, shall be entitled to receive one anna for every such letter or packet, and that the commander of the vessel into which the letter or packet is transhipped, shall be entitled to receive half an anna from the person in charge of the post-office at the place of delivery, provided that the said last-mentioned commander delivers the same in conformity with the directions contained in section XV. of this Act.

XIX. Provided always, that no payment shall be made to the commander of any vessel on account of the delivery of any letter or packet unless the claim of such commander shall be preferred before the vessel leaves the place at which the letter or packet was delivered, or before the expiration of three months from the date of the arrival of the packet at the place of ultimate delivery.

XX. And it is hereby enacted, that the commander of every vessel leaving any place in the said territories by sea, shall receive on board of such his vessel, every letter and packet which he shall be required to receive by any officer of the post-office, and shall sign a receipt for such letters and packets; and that every commander of a vessel who shall wilfully disobey any direction of this clause shall be punished with a fine not exceeding 1,000 rupees.

XXI. And it is hereby enacted, that whenever any letter or packet, the postage of which has not been paid, shall be delivered by any person employed by the post-office, the person to whom it is delivered shall not be bound to pay the postage if he returns the letter or packet unopened, but if he opens the same he

he shall be bound to pay the postage due thereon; provided always, that if the letter or packet shall appear to have been maliciously sent for the purpose of annoying the person to whom it is directed, the postmaster-general, or postmaster of the office from which the delivery took place, shall remit the said postage.

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XXII. And it is hereby enacted, that every letter or packet which is rejected unopened by the person to whom it is directed, shall be returned by post to the sender, and that the said sender shall be bound to pay the return postage thereon, unless direct postage has already been paid thereon.

XXIII. And it is hereby enacted, that whenever any letter or packet, the sender of which is unknown, shall be rejected unopened by the person to whom it is directed, such letter or packet shall be opened by the officer in charge of the post-office from which such letter or packet was delivered to that person.

XXIV. And it is hereby enacted, that if any person shall refuse to pay any postage which he is legally bound to pay for any letter or packet, it shall be lawful for the officer in charge of the post-office from which such letter or packet was delivered, to withhold from the person so refusing, till such postage be paid, any letter directed to that person upon which postage has not been paid by the sender.

XXV. And it is hereby enacted, that all letters and packets which have remained three months unclaimed at any post-office, shall be transmitted to the General Post-office of the presidency.

XXVI. And it is hereby enacted, that at intervals not exceeding three months, lists of all unclaimed letters and packets which are in the General Post-office of any presidency, shall be published in the Official Gazette of that presidency.

XXVII. And it is hereby enacted, that every letter and packet which may have remained 18 months unclaimed in the General Post-office of any presidency, shall be opened by the postmaster-general of that presidency, and that all valuable property which such letter or packet may contain, shall be paid into the government treasury for the benefit of any party who may have a right thereto, and that when 12 months shall have elapsed after the opening of such unclaimed letter or packet, it shall be lawful for the said postmaster-general, if such letter or packet still continues to be unclaimed, to destroy the same.

XXVIII. And it is hereby enacted, that the privilege of sending and receiving all letters and packets by letter post free of postage, and of sending and receiving letters and packets by banghy on the public service free of postage, shall be allowed to the persons hereinafter mentioned, viz.

- His Majesty's Principal Secretaries of State.
- President and Secretaries of the Board of Control.
- The Chairman, Deputy-Chairman, and Directors of the East India Company.
- Secretary, Deputy-Secretary, and Assistant-Secretary at the India House.
- The Governor-General.
- The Governors of Bengal, Madras, and Bombay.
- The Governor of Ceylon.
- The Lieutenant-Governor of the North Western Provinces.
- The Chief Justices of Bengal, Madras, and Bombay.
- The Bishops of Calcutta, Madras, and Bombay.
- The Members of the Supreme Council.
- The Members of Council of Madras and Bombay.
- The Puisne Judges of the Supreme Courts of Bengal, Madras, and Bombay.
- The Recorder of Prince of Wales' Island, Singapore, and Malacca.
- The Commander-in-Chief of His Majesty's Naval Forces.
- The Commander-in-Chief of the Army in India.
- The Commanders-in-Chief of the Army at Madras and Bombay.

And that the letters and packets sent by any of the persons aforesaid, shall be franked in such manner as may be directed by the Governor-General of India in Council.

XXIX. And it is hereby enacted, that it shall be competent to the said Governor-General of India in Council, by an Order in Council, to grant to any person, or body of persons, the privilege of sending or receiving letters or packets either by letter, post, or banghy, free of postage, on such conditions and under such rules as the said Governor-General in Council may direct.

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XXX. And it is hereby enacted, that if any postmaster-general, or postmaster, shall suspect that any letter or packet lying for delivery at his post-office contains any contraband article, or any article on which duty is owing to government, or that any letter or packet lying for delivery at that post-office contains any writing in contravention of the provisions of sections IX. and X. of this Act, it shall be lawful for such officer to summon the person to whom the letter or packet is directed, to attend at the post-office, by himself or agent, within 48 hours after the arrival of the letter or packet at that post-office, and to open the letter or packet in the presence of the person to whom the letter or packet is directed, or of that person's agent; and if that person shall not so attend, by himself or agent, then to open the letter or packet in the absence of that person.

XXXI. And it is hereby enacted, that the government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the post-office for conveyance, and that no person employed by the government in the post-office department shall be responsible for any such loss or damage unless that person had caused such loss or damage maliciously or fraudulently.

XXXII. And it is hereby enacted, that all fines incurred under any of the preceding provisions of this Act, may be levied on conviction before any magistrate or justice of the peace, or before any person exercising the powers of a magistrate; provided always, that no person not a postmaster-general, or postmaster, shall be competent to institute any prosecution for any violation of any of the preceding provisions of this Act.

XXXIII. And it is hereby enacted, that whoever being in the employ of the government in the post-office department, or being in the employ of any person or persons who may contract with the government, to convey letters or packets by post for hire, shall fraudulently appropriate any letter or packet which may have been entrusted to him, or anything contained in any such letter or packet, or shall open any such letter or packet, or any banghy box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labour, for a term not exceeding seven years, and shall also be liable to fine.

XXXIV. And it is hereby enacted, that whoever being in such employ as is described in the last section, and being entrusted to receive money for postage duty, shall fraudulently appropriate the same, shall be punished on conviction before a magistrate with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

XXXV. And it is hereby enacted, that whoever being in such employ as is described in section XXXIII. shall fraudulently put any wrong mark on any letter or packet, or shall fraudulently alter or cause to disappear any mark which is on any letter or packet, shall be punished on conviction before a magistrate with imprisonment with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

XXXVI. And it is hereby enacted, that whoever being in such employ as is described in section XXXIII. and being entrusted with the preparing or keeping of any document, shall with a fraudulent intention prepare that document incorrectly, or alter that document, or secrete or destroy that document, shall be punished on conviction before a magistrate with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

XXXVII. And it is hereby enacted, that whoever being in such employ as is described in section XXXIII. puts any letter or packet into the wallets of the post-office, intending thereby to defraud the government of the postage duty on such letter or packet, shall be punished on conviction before a magistrate with imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to fine.

XXXVIII. And it is hereby declared, that the tola weight mentioned in this Act is the tola of 180 grains troy, being the standard weight of the Company's rupee.

XXXIX. And it is hereby enacted, that this Act shall have effect from the 1st day of October 1837, and that no postage duty shall be levied under the authority of this Act on any letter which shall be received at any post-office before the said 1st of October 1837.

SCHEDULE

LETTERS.

MILES.	SINGL.		DOUBL.	
	Not exceeding One Tola.	Exceeding One Tola and not exceeding Two Tolas.	Not exceeding Three and a half Tolas, and not exceeding Six Tolas.	Exceeding Three and a half Tolas, and not exceeding Six Tolas.
20	1	0	2	0
50	2	0	4	0
100	3	0	6	0
150	4	0	8	0
200	5	0	10	0
250	6	0	12	0
300	7	0	14	0
400	8	1	0	0
500	9	1	2	0
600	10	1	4	0
700	11	1	6	0
800	12	1	8	0
900	13	1	10	0
1,000	14	1	12	0
1,200	15	1	14	0
1,400	1 rupee.	2	0	0

And upwards; single postage being added for each additional tola.

2. LAW PAPERS, Accounts, and Vouchers, attested as such, with the full signature of the sender.

MILES.	SINGL.		DOUBL.	
	Not exceeding Three and a half Tolas.	Exceeding Three and a half Tolas, and not exceeding Six Tolas.	Not exceeding Three and a half Tolas, and not exceeding Six Tolas.	Exceeding Three and a half Tolas, and not exceeding Six Tolas.
20	1	0	2	0
50	2	0	4	0
100	3	0	6	0
150	4	0	8	0
200	5	0	10	0
250	6	0	12	0
300	7	0	14	0
400	8	1	0	0
500	9	1	2	0
600	10	1	4	0
700	11	1	6	0
800	12	1	8	0
900	13	1	10	0
1,000	14	1	12	0
1,200	15	1	14	0
1,400	1 rupee.	2	0	0

And upwards; single postage being added for every three additional tolas.

NEWSPAPERS, PAMPHLETS, and other Printed or Engraved Papers, packed in short covers, open at each end.

DISTANCE	Newspapers, Pamphlets, &c. printed in India. Weight.			Imported Newspapers, Pamphlets, &c. Weight.	
	Not exceeding Three and a half Tolas.	Exceeding Three and a half Tolas, and not exceeding Six Tolas.	Exceeding Six Tolas and not exceeding Nine Tolas.	Not exceeding Six Tolas.	Exceeding Six Tolas and not exceeding Twelve Tolas.
Not exceeding 20 miles	1	2	3	1	2
400 ditto	3	4	6	3	4
Above 400 ditto	3	6	9	3	6

Single postage being added for every additional three tolas. Single postage being added for every additional six tolas.

4. PARCELS sent by the Public Banghy not exceeding 600 Tolas in weight, nor 18 Inches long by 12 deep and 12 broad, or 2,160 cubic Inches in size.

Distance.	WEIGHT.											
	NOT EXCEEDING TOLAS											
Not exceeding Miles	50.	100.	150.	200.	250.	300.	350.	400.	450.	500.	550.	600.
20	0 6	0 12	1 2	1 8	1 14	2 4	2 10	3 0	3 6	3 12	4 2	4 8
50	0 9	1 2	1 11	2 4	2 13	3 6	3 15	4 8	5 1	5 10	6 3	6 12
100	0 12	1 8	2 4	3 0	3 12	4 8	5 4	6 0	6 12	7 8	8 4	9 0
150	0 15	1 14	2 18	3 12	4 11	5 10	6 9	7 8	8 7	9 6	10 5	11 4
200	1 2	2 4	3 8	4 8	5 10	6 12	7 14	8 9	9 10	10 12	11 4	12 8
250	1 5	2 10	3 15	4 8	5 9	6 12	7 14	8 10	9 8	10 8	11 13	12 14
300	1 8	3 0	4 8	6 0	7 8	9 0	10 8	12 0	13 8	15 0	16 8	18 0
400	1 11	3 6	5 1	6 12	8 7	10 2	11 13	13 8	15 3	16 14	18 9	20 4
500	1 14	3 12	5 10	7 8	9 6	11 4	13 2	15 0	16 14	18 12	20 10	22 8
600	2 1	4 2	6 3	8 4	10 5	12 6	14 7	16 8	18 9	20 10	22 11	24 12
700	2 4	4 8	6 12	9 0	11 4	13 8	15 12	18 0	20 4	22 8	24 12	27 0
800	2 7	4 14	7 5	9 12	12 3	14 10	17 1	19 8	21 15	24 6	26 13	29 4
900	2 10	5 4	7 14	10 8	13 2	15 12	18 6	21 0	23 10	26 4	28 14	31 8
1,000	2 13	5 10	8 7	11 4	14 1	16 14	19 11	22 8	25 5	28 2	30 15	33 12
1,200	3 0	6 0	9 0	12 0	15 0	18 0	21 0	24 0	27 0	30 0	33 0	36 0

And upwards; single postage being added for every three additional tolas.

BOOKS, PAMPHLETS, Packets of Newspapers, and any written, printed, or engraved Papers, sent by the public Banghy, not exceeding 40 Tolas in weight, and packed in short covers, open at each end.

Not exceeding Miles	Not exceeding 20 Tolas.		Exceeding 20 Tolas and not exceeding 40 Tolas.	
	Annas.	Rupess.	Annas.	Rupess.
100	2	0	4	0
200	3	0	6	0
300	4	0	8	0
400	5	0	10	0
500	6	0	12	0
600	7	0	14	0
700	8	1	0	0
800	9	1	2	0
900	10	1	4	0
1,000	11	1	6	0
1,100	12	1	8	0
1,200	13	1	10	0
1,300	14	1	12	0
1,400	15	1	14	0
upwards.	1 rupee.	2	0	0

SCHEDULE (B).

SHIP POSTAGE, to be Levied in addition to Land Postage, on Letters received or sent by Sea.

LETTERS		Newspapers, Pamphlets, and other printed Papers, packed in short covers, open at each end.	Parcels not exceeding 300 Tolas Weight.
Outward.	Inward.		
Not exceeding Three Tolas.	Not exceeding Three Tolas.	Not exceeding Six Tolas Weight.	Not exceeding 100 Tolas Weight.
Annas. 2	Annas. 3	Annas. 1	Annas. 2
An anna being added for every additional tola.		An anna being added for every additional six tolas weight.	Two annas being added for every additional 100 tolas up to 300 tolas, beyond which no Parcel will be received.

ACT No. XVIII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th August 1837.

IT is hereby enacted, that any person charged with murder by Thuggee, or with the offence of having belonged to a gang of Thugs, made punishable by Act No. XXX. of 1836, may be committed by any magistrate or joint magistrate within the territories of the East India Company for trial before any criminal court competent to try such person on such charge.

ACT No. XIX. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 7th August 1837.

IT is hereby enacted, that no person shall by reason of any conviction for any offence whatever be incompetent to be a witness in any stage of any cause, civil or criminal, before any court in the territories of the East India Company.

ACT No. XX. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 11th September 1837.

IT is hereby enacted, that from the 1st day of October 1837, all immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall, as far as regards the transmission of such property on the death and intestacy of any person having a beneficial interest in the same, or by the last will of any such person, be taken to be, and to have been of the nature of chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same, or by the last will of any such person, if such transmission took place before the said 1st day of October, and if such transmission were according to the rules which regulate the transmission of freehold property, or were according to the law of the nation to which the deceased person belonged, or took place with the acquiescence of all those to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable property derived from a deceased person, shall have been, before the said 1st day of October, conveyed for a valuable consideration by any person who would be entitled to convey the same according to the rules which regulate the transmission of freehold property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received from such conveyance.

ACT No. XXI. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 25th September 1837.

1. IT is hereby enacted, that from the 1st day of October 1837, it shall be lawful for the Governor in Council of any presidency of which there is a Council,

cil, and for the Governor of any presidency of which there is no Council, to dispense with any oath which by any Regulation of that presidency or by any Act of the Governor-General of India in Council is now required to be taken, and that it shall be lawful for the Lieutenant-Governor of the north-west provinces to dispense with any oath which by any Regulation or any Act of the Governor-General of India in Council now in force within those provinces is now required to be taken.

II. Provided always, that the dispensing power given by this Act shall not extend to any oath now required by law to be taken in any stage of any judicial proceeding.

III. And it is hereby enacted, that whenever any oath is dispensed with under the authority given by this Act, the person who but for such dispensation would have been legally required to take such oath shall, in the presence of the functionary by whom, but for such dispensation, such oath would have been administered, make and subscribe a declaration in writing to the same effect with such oath.

IV. And it is hereby enacted, that whoever shall, in any declaration made and subscribed according to the provisions of this Act, knowingly state any untruth, such that if that untruth had been stated on oath, the person stating it would have been guilty of perjury, shall be punished with imprisonment for a term not exceeding one year, or fine, or both.

ACT No. XXII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council on the 25th September 1837.

I. IT is hereby enacted, that from the 1st day of November 1837, neither the criminal judge nor the magistrate of the zillah of Chingleput, shall have any jurisdiction in respect of offences committed within the collectorate of Madras against any Regulation relating to the public revenue.

II. And it is hereby enacted, that the whole jurisdiction now belonging to the said criminal judge, and also the whole jurisdiction now belonging to the said magistrate in respect of such offences, shall, from the 1st day of November 1837, belong to the superintendent of police of the town of Madras, and to every one of the deputies of the said superintendent, and shall be exercised by the said superintendent and by every one of the said deputies, according to the rules by which the said criminal judge and the said magistrate are now bound to exercise the same.

III. Provided always, that in the exercise of this jurisdiction the said superintendent of police and the said deputies shall not be subject to the orders of the court of circuit for the centre division of the Madras territories, nor be bound by any rule in the Madras code of Regulations to furnish any calendar, list, or report to that court, but shall be immediately subject to the orders of the court of Foujdarry Adawlut, and shall furnish to the court of Foujdarry Adawlut such lists or calendars of charges preferred before them, or of persons sentenced to punishment by them, as the said court of Foujdarry Adawlut may direct.

IV. Provided also, that it shall be lawful for the said superintendent and every one of the said deputies, in cases in which the said criminal judge or the said magistrate would now be empowered to commit any person to the gaol of Chingleput, to commit such person to any gaol within the collectorate of Madras.

V. Provided also, that the provisions of clause 5th of section VIII. of Regulation XV. of 1803 of the Madras code, shall be applicable to all convicts on whom sentence of imprisonment shall have been passed by the said superintendent of police, or by any of the said deputies, in the exercise of the jurisdiction transferred to them by this Act.

ACT No. XXIII. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 2d October 1837.

IT is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an order in Council, to invest principal sudder ameens at stations where gaol deliveries, are held with the same powers of commitment in cases of perjury as are exercised by the criminal judges under section III. Regulation VIII. of 1829 of the Madras code.

ACT No. XXIV. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council
on the 2d October 1837.

I. IT is hereby enacted, that it shall be lawful for the Governor of the presidency of Fort William, in Bengal, to appoint a superintendent of police for the territories under his government, or for any part thereof, and for the Lieutenant-governor of the N. W. provinces to appoint a superintendent of police for those provinces, or for any part thereof.

II. And it is hereby enacted, that whenever a superintendent of police shall be appointed under this Act, such parts of section VII. Regulation I. 1829 of the Bengal code, as vest the commissioner of revenue and circuit with the duties and powers belonging to the superintendent of police, shall cease to have effect in the territories which may be comprised within the jurisdiction of such superintendent; and such superintendent shall be guided in the execution of the duties of his office by the rules contained in Regulation X. 1808, and other regulations of the Bengal code, subsequently enacted, in regard to the said office, in so far as they may not be modified or repealed by this Act.

III. And it is hereby enacted, that whenever such a superintendent of police as aforesaid shall be appointed for any jurisdiction, section III. Regulation IX. 1831 of the Bengal code, shall cease to have effect within that jurisdiction.

IV. And it is hereby enacted, that the superintendent of police appointed under this Act, shall exercise all the powers that may be now legally exercised by the commissioners of circuit, in virtue of the authority vested in them by section III. Regulation I. 1829 of the Bengal code, in regard to the appointment, suspension, and removal of any ministerial or police officer, subordinate to any zillah or city magistrate, or joint magistrate.

V. And it is hereby enacted, that whenever the whole administration of criminal justice shall, under the provisions of Act No. VII. of 1835, be vested in any session judge, such session judge shall receive and try any appeal made to him from any order of any zillah or city magistrate, or joint magistrate, whether such order may have been passed in a criminal trial or in any judicial proceeding whatever; provided, that it shall not be competent to such session judge to interfere with any order passed by a zillah or city magistrate, or joint magistrate, regarding the appointment, suspension, or removal of any ministerial or police officer, the revision of which has, by section IV. of this Act been entrusted to the superintendent of police.

VI. And it is hereby enacted, that the decision of a session judge in appeal from the order of a zillah or city magistrate, or joint magistrate, in any judicial proceeding other than a criminal trial, and also the orders of the superintendents of police in regard to the appointment, suspension, or removal of a ministerial or police officer of a zillah or city magistrate, or joint magistrate, passed under the provisions of sections IV. and V. of this Act respectively, shall not be open to revision by the Nizamut Adawlut.

VII. And it is hereby enacted, that whenever the whole administration of criminal justice shall, under the provisions of Act No. VII. 1835, and section V. of this Act, be vested in any session judge, such session judge shall possess the
same

same control and superintendence over every gaol under the management of any zillah or city magistrate, or joint magistrate, subject to his jurisdiction, and over the officers of every such gaol as may have been exercised by the commissioners of circuit under the provisions of section III. Regulation I. 1829, or of any Regulation, Act, or circular order of the Nizamut Adawlut, which may have been passed or issued since the promulgation of the said Regulation.

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VIII. And it is hereby enacted, that this Act shall come into operation on the 1st of January 1838, except so much thereof as authorizes the appointment of superintendents of police, which shall come into operation from the day of the passing of this Act.

ACT No. XXV. OF 1837.

Passed by the Right Honourable the Governor-General of India in Council on the 2d October 1837.

I. IT is hereby enacted, in modification of section XVIII. Regulation V. 1831 of the Bengal code, that from the 1st day of November 1837, no zillah or city judge within the territories subject to the presidency of Fort William in Bengal, shall be precluded by reason of the amount or value of the property for the recovery of which a suit is instituted, from referring that suit to any principal sudder ameen.

II. And it is hereby enacted, that so much of clause 2, section XXXI. Regulation VII. 1822, and section XIX. Regulation VIII. 1831 of the Bengal code, as provides that suits of the description therein referred to shall not be cognizable by, or referable to any sudder ameen or moonsiff, be repealed.

III. And it is hereby enacted, that it shall be competent to every zillah or city judge within the said territories to refer for trial and decision any original suit preferred under the provisions of clause 1, section XXX. Regulation II. 1819 of the Bengal code, to any principal sudder ameen, anything in the existing Regulations to the contrary notwithstanding.

IV. And it is hereby enacted, that in all suits exceeding the amount or value specified in clause 1, section XVIII. Regulation V. 1831, which shall, under the authority of section 1, of this Act, be referred to a principal sudder ameen, the appeal from the decision of such principal sudder ameen shall be direct to the court of Sudder Dewanny Adawlut, and shall be conducted in all respects according to the same rules as if it were an appeal from the decision of a zillah judge to the said court of Sudder Dewanny Adawlut, and any application for a review of judgment on such decision shall be made by the said principal sudder ameen directly to the said court of Sudder Dewanny Adawlut, and shall be conducted in all respects as if it were an application for a review of a decision of a zillah judge.

V. And it is hereby enacted, that whenever a zillah or city judge within the said territories, in the exercise of the discretion vested in him by section VII. Regulation V. 1831 of the Bengal code, shall refer for trial to a sudder ameen or principal sudder ameen, a suit within the competency of a moonsiff to decide, such suit shall be subject to the same rules in regard to stamp duties, and to the same rules in regard to appeal as the said suit would have been subjected to had it been received and tried by the moonsiff in the first instance.

VI. Provided always, that when any such suit shall have been decided by a principal sudder ameen, the appeal from such decision shall lie to the zillah or city judge, and shall be tried by him only, and that the decision of the zillah or city judge on such appeal, shall be final, anything in the existing regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that whenever a zillah or city judge within the said territories shall refer for trial to a principal sudder ameen a suit within the competency of a sudder ameen to decide, such suit shall be subject to the same rules in regard to stamp duties, and to the same rules in regard to appeal, as the said suit would have been subjected to, had it been referred to and tried by the sudder ameen in the first instance.

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VIII. And it is hereby enacted, that it shall be competent to either of the courts of Sudder Dewanny Adawlut within the territories, subject to the presidency of Fort William in Bengal, by an order under the signature of the register of such court, to authorize the judge of any zillah or city court, subordinate to such court of Sudder Dewanny Adawlut, to transfer to a principal sudder ameen any civil proceedings, whether miscellaneous or summary, which may be depending at the time when such order is issued or be thereafter instituted in the court of the said zillah or city judge, and all proceedings so transferred shall be disposed of by the said principal sudder ameen, according to the rules prescribed in the Regulations for the guidance of the zillah and city judges in the like cases; provided, however, that an appeal from the order of the principal sudder ameen in such cases shall lie in the first instance to the zillah or city judge, and specially to the Sudder Dewanny Adawlut.

IX. And it is hereby enacted, that clause 2, section II. Regulation VII. 1832, be repealed, and that in all cases in which an appeal from the orders or decision of a principal sudder ameen to a zillah or city judge is authorized by law, such appeal shall not be received, unless the same be preferred within the period of 30 days from the date of the order or decision of the said principal sudder ameen, to be calculated according to the rules prescribed in clause 10, section VIII. Regulation XXVI. 1814, or unless it shall be proved that the appellant was prevented by circumstances beyond his control from presenting his appeal within the above-mentioned period.

X. And it is hereby enacted, that clause 1, section XXV. Regulation V. 1831 of the Bengal code, be repealed.

XI. And it is hereby enacted, that the rule contained in the 2d clause of section XXV. Regulation V. 1831, be extended to the ministerial officers of the moonsiffs' courts.

XII. And it is hereby enacted, that all ministerial officers of the courts of moonsiffs, sudder ameens, and principal sudder ameens, shall be nominated and appointed by those courts respectively, subject to the general control of the zillah and city judges and court of Sudder Dewanny Adawlut, within whose jurisdiction the said courts may be situated.

ACT No. XXVI. of 1837.

Passed by the Right Honourable the Governor-General of India in Council on the 16th October 1837.

IT is hereby enacted, that from the day on which it shall be notified by an order of the Governor-General of India in Council, published in the official Gazette, that the said Governor-General has quitted his Council for the purpose of proceeding to the north-western provinces, till the time at which the said Governor-General shall next, after the said notification, rejoin his Council, the said Governor-General shall have all the powers of Governor-General in Council, except the power of making laws or regulations.

ACT No. XXVII. of 1837.

Passed by the Honourable the President of the Council of India in Council on the 8th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, there shall be paid to the government on every maund of 3,200 tolas of salt that may be delivered from any salt work in the territories subject to the government of the presidency of Bombay, a duty of eight annas, except only in cases in which the Governor in Council of Bombay may grant a remission of such duty.

II. And it is hereby enacted, that from the said day salt shall not be manufactured at any place within the said territories, unless the person conducting the manufacture

manufacture shall have given notice in writing to the collector of the district in which the place of manufacture may be situated, of his intention to manufacture salt at that place; and every such notice shall contain a true and accurate description of the situation of the works and of the name by which they are known; and if the person giving the notice manufactures salt at more places than one, of the distance at which those places are from each other.

III. And it is hereby enacted, that upon receiving such notice as is prescribed in the last preceding section of this Act, the collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said collector shall direct at every such place of manufacture.

IV. And it is hereby enacted, that every officer stationed at any salt works in the manner described in the last preceding section of this Act, shall be entitled to have free passage over all parts of such works at all times, and to take at any time account of the quantity of salt manufactured and stored at such works, and to put on any portion of such salt which may be stored such a mark as may be prescribed by the collector of the district, and to prevent the removal of such salt until the duty thereon has been paid.

V. And it is hereby enacted, that whenever the duty due under this Act on any portion of salt has been paid to the collector of the district within which such salt was produced, such collector shall deliver to the person who has paid such duty a receipt and order in the form marked (A.) annexed to this Act, which receipt and order shall specify the amount of duty paid, and the quantity of salt which the person who has paid that duty is entitled to remove, and the place whence and the person to whom that quantity of salt is to be delivered.

VI. And it is hereby enacted, that on the production of such a receipt and order as is described in the last preceding section of this Act to the officer stationed at the salt works whence the salt to which such receipt and order relates is to be removed, that officer shall fill up the blanks which are marked therein, as intended to be filled up by that officer, and shall tear off and retain that part of the receipt and order which is marked as intended to be torn off, and shall deliver the remaining part of the receipt and order to the person who removes the salt, and the part of the receipt and order so delivered to the person so removing the salt shall be a pass authorizing the removing of that salt.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to establish chokies as near as conveniently may be to works where salt is manufactured, and to authorize any of the officers stationed at such chokies to stop and detain any salt which is removed otherwise than in conformity with the foregoing rules, and to search any load which may pass any such chokee, and which may be suspected to contain salt, and to take and cancel every pass under which salt shall be suffered to pass.

VIII. And it is hereby enacted, that it shall be lawful for the collector of a district to direct that any salt works within that district, of which notice shall not have been given in the manner described in section II. of this Act, shall be destroyed.

IX. And it is hereby enacted, that it shall be lawful for the collector of a district to direct the confiscation of any salt which may have been removed from any works within that district otherwise than in conformity with the foregoing rules, or which is found clandestinely stored for the purpose of evading the duty imposed by this Act.

X. And it is hereby enacted, that whoever shall manufacture salt at any works, whereof notice shall not have been given to the collector of the district in the manner required by this Act, or shall remove or aid the removing of any salt from any salt works, otherwise than in conformity to the provisions of this Act, or shall with a fraudulent intention counterfeit any mark which a collector of a district may have ordered to be put on salt in store, shall be punished with imprisonment for a term not exceeding three months, or fine not exceeding 500 rupees, or both.

XI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be

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XII. And it is hereby enacted, that whoever being an officer appointed under the authority of this Act, shall accept or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIII. And it is hereby enacted, that whoever being an officer, appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

XIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer the superintendance of the salt revenue of any district from the collector of that district to any other functionary, and that whenever such a transfer shall take place, all provisions of this Act which apply to such a collector shall be applicable to the functionary to whom the superintendance of the salt revenue has been so transferred.

PERMIT No. 1, of Zillah Surat.

(This part to be torn off and retained by the Officer.)

Salt delivered this day and this order cancelled. — 1838. A. B., Salt-officer.

CERTIFIED that the sum of rupees 250 on account of government duty on 500 maunds of salt, has been paid at the office of _____ for the district of _____ on this day, the _____ of _____ in the year _____. The salt is to be delivered by _____ at the _____ works in Pergunna _____ on or before the 20 instant.

The government officer at those works, Lala Munsa Ram, is to allow the same to be delivered, provided this order is presented on or before the said 20th day of December in the year 1838.

Maunds 500.

A. B., Collector.

10 December 1838.

(Tear off here.)

PASSED this 20th December 1838 from salt works _____ belonging to _____, maunds of salt 500, to be carried away on Banjaree bullocks (here enter number). This pass will protect the dispatch to Doodea until sunset of the 21st December.

To be torn off and delivered to the Banjaree.

ACT No. XXVIII. of 1837.

Passed by the Honourable the President of the Council of India in Council on the 20th November 1837.

IT is hereby enacted, that so much of section VII. Regulation X. of 1829 of the Bengal code, as directs that the officer to whom the management of the stamp duties may be transferred shall be a covenanted officer, be repealed.

ACT No. XXIX. OF 1837.

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Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 1st day of December 1837, it shall be lawful for the Governor-General of India in Council, by an order in Council, to dispense, either generally, or within such local limits as may to him seem meet, with any provision of any regulation of the Bengal code which enjoins the use of the Persian language in any judicial proceeding, or in any proceeding relating to the revenue, and to prescribe the language and character to be used in such proceedings.

II. And it is hereby enacted, that from the said day it shall be lawful for the said Governor-General of India in Council, by an Order in Council, to delegate all or any of the powers given to him by this Act, to any subordinate authority, under such restrictions as may to the said Governor-General of India in Council seem meet.

ACT No. XXX. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

IT is hereby enacted, that from the 15th day of December 1837, all aumeens of police who have been or may be appointed according to section XL. Regulation XI. of 1816 of the Madras code, to act with the police powers vested in tuhsildars by that Regulation, shall possess all police powers and criminal judicial powers which are vested in tuhsildars within the territories subject to the presidency of Fort St. George, by any law or regulation whatever, and shall be subject to all provisions to which, by any law or regulation, tuhsildars are subject in respect of any of those powers.

ACT No. XXXI. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that so much of Act No. XVII. of 1835, as directs that certain coins issued from the mints within the territories of the East India Company, shall bear on the obverse the head of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, shall be suspended, till the Governor-General of India in Council shall, by an Order in Council, declare those parts of the said Act to be again in force.

II. And it is hereby enacted, that till the said Governor-General in Council shall make such an Order in Council as is aforesaid, the said coins shall bear on their obverse the head of his late Majesty, William the Fourth.

ACT No. XXXII. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, Act No. V. of 1837 be repealed.

II. And it is hereby enacted, that from the said day no native of India, except as hereinafter excepted, who makes a contract of service to be performed without the territories of the East India Company, shall embark, in pursuance of such contract, on board of any vessel, at any place within the said territories, without

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an order from the government of the presidency to which such place may belong, or a permit from an officer authorized to act in that behalf by the Governor in Council of the presidency, if there be a Council of that presidency, but if there be no Council, then by the Governor thereof.

III. And it is hereby enacted, that before any such permit shall be granted by any such officer, such native, and also the person with whom such native has contracted, or an authorized agent of that person, shall personally appear before that officer, and shall exhibit a memorandum of the contract, written both in English and in the mother tongue of such native, which memorandum shall specify the nature, the term, and the wages of the service, as settled by the contract.

IV. And it is hereby enacted, that no such permit shall be granted, unless the contract of service shall be made determinable on the expiration of one term of not more than five years, to be reckoned from the date of the contract, or of successive terms, none of which shall exceed five years; and unless such contract shall contain a stipulation that such native shall be conveyed back to the port at which he is embarked, free of charge to himself, at the expiration of his service.

V. And it is hereby enacted, that it shall be lawful for the said officer to examine the said native, and the person with whom that native has contracted, or the agent of that person, touching the terms of the contract, and shall cause those terms to be distinctly explained to the said native.

VI. And it is hereby enacted, that if the said officer shall be satisfied that the said native fully understands the terms of the contract, and is desirous to fulfil the same, the said officer shall make and sign on the back of the written memorandum aforesaid, a note to the effect that the said written memorandum has been inspected by him the said officer; and such note shall be a permit, authorizing the said native to embark; and the memorandum of contract, with the permit so written thereupon, shall be delivered to the native, to be kept by him during his service.

VII. And it is hereby enacted, that if application is made for permits, authorizing more than 20 natives to embark on board of any one vessel, it shall be lawful for the officer aforesaid to summon the person in charge of that vessel, and to examine that person as to the accommodations, food and medical attendance provided for such natives on board of that vessel, and to inspect that vessel, or by an order under his hand, to depute any other person to inspect the same.

VIII. And it is hereby enacted, that the officer aforesaid shall not grant permits authorizing a greater number of natives than 20 to embark on board of any one vessel, unless he is satisfied that the accommodations, food and medical attendance, provided for such natives on board of that vessel, will be sufficient for their health.

IX. And it is hereby enacted, that the officer aforesaid shall keep a register of all natives to whom he shall grant such permits as aforesaid, which register shall specify their names, the periods of the contracts, the dates of the permits, the places of their destination, and the vessel on board of which they are permitted to embark; and also the names of the parties with whom the contracts are made, and of the agents of such parties as appear by agents, and of the masters of the vessels on which such natives are permitted to embark.

X. And it is hereby enacted, that for every such permit it shall be lawful for the officer aforesaid to require that a fee, not exceeding one rupee, shall be paid by the person with whom the native to whom the permit relates has contracted, or by the authorized agent of that person.

XI. And it is hereby enacted, that whoever being in charge of any vessel, at any place within the territories of the East India Company, shall knowingly suffer any such natives as is aforesaid to embark on board of that vessel in pursuance of any such contract as is aforesaid, without either an order from the government of the presidency to which such place may belong, or such a permit as is aforesaid being produced to him by the native so embarking, shall, on conviction thereof before a magistrate, be punished with a fine not exceeding 200 rupees for every native so suffered to embark, and, in default of payment of such

such fine, with imprisonment for a term not exceeding 30 days for every native ACTS of 1837.
so suffered to embark.

XII. Provided always, that nothing in this Act contained shall be taken to apply to any native seaman, who shall embark on board of any vessel in pursuance of a contract to navigate that vessel, or to any person who shall embark as a menial servant.

ACT No. XXXIII. of 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, the provisions of clauses 2 & 3, section IV. Regulation IV. of 1821 of the Madras code, shall apply to all petty offences cognizable by heads of district police, as well as to petty thefts.

II. And it is hereby enacted, that whenever any head of district police shall, under those provisions, report any case whatever to a magistrate for final orders, such head of district police shall state precisely in his report the description and extent of the punishment which, in his opinion, is proper to be inflicted in that case; and the said magistrate, if he give orders at variance in any respect with that opinion, shall record his reasons for varying from it.

ACT No. XXXIV. of 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, section VI. Regulation VIII. of 1827 of the Madras code shall be repealed; and that it shall be lawful for magistrates, under the government of the presidency of Fort St. George, to send persons for trial, committal, or confinement, to principal sudder aumeens, any provision of any Regulation to the contrary notwithstanding.

II. Provided always, that it shall not be lawful to send any European or American for such purpose to a principal sudder aumeen, but that magistrates shall send Europeans and Americans for trial, committal, or confinement, to the criminal judges, as heretofore.

ACT No. XXXV. of 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, all provisions of any Regulation of the Madras code, which direct that any translations of decrees passed by the court of Sudder Adawlut, or by the provincial courts, or by the courts of zillah judges, or by the auxiliary courts, under the presidency of Fort St. George, shall be attached or appended to those decrees, or shall be furnished to parties in the suits wherein those decrees are passed, shall be repealed.

II. And it is hereby enacted, that from the said day an abstract of every such decree, containing a succinct statement of the grounds of judgment, shall, on the day of the promulgation of the decree, be entered in the diary of the court passing the decree; and every party in the suit wherein the decree is passed shall be entitled to be furnished with a copy of that abstract, on application for a copy thereof, or with a translation of that abstract in a current language of the district or country, on application for such a translation.

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III. And it is hereby enacted, that from the said day all rules now in force within the presidency of Fort St. George, for determining from what days the limited periods for appealing from decrees of the Sudder Adawlut, or of the provincial courts, or of the zillah judges, or of the zillah assistant judges, or of the zillah registers, shall be computed, shall be repealed; and that such limited periods for appealing from any such decree shall be computed from the day on which the decree is sealed and signed, agreeably to section XXVII. Regulation III. of 1802 of the Madras code: provided always, that if, within such limited period as aforesaid, an application be made by a plaintiff or defendant for a copy of the decree, or for a copy or a translation of the abstract mentioned in the clause last preceding, or for both a copy of the decree and a copy or a translation of the abstract; and if the document or documents so applied for be not delivered or tendered on the same day to the party applying, then, for every day of such delay not attributable to that party, a day shall be added to the period allowed for appealing, in as far as the right of that party is concerned.

IV. And it is hereby enacted, that the day on which the time for appealing will expire shall be certified at the end of every document furnished to any party according to the last preceding clause.

V. And it is hereby enacted, that on the day on which any such decree is sealed and signed, the day on which the original limited period for appealing will expire, shall be proclaimed in open court.

ACT No. XXXVI. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 15th day of December 1837, the jurisdiction vested in collectors, subordinate collectors, and assistant collectors, by Regulations IX. of 1822 and VII. of 1828 of the Madras code, in cases of embezzlement of public money, and of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall extend to cases of the embezzlement of any public property, or the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property, by any person of any of the classes described in the 3d clause of section II. of the said Regulation IX. of 1822.

II. And it is hereby enacted, that from the said day all provisions of either of the said Regulations IX. of 1822 and VII. of 1828, which apply to cases of the embezzling of public money, shall apply to cases of the embezzling of any public property whatever by persons of any of the classes described in the 3d clause of section II. of the said Regulation IX. of 1822; and that all provisions of either of those Regulations, which apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property whatever, by persons of any of the said classes.

ACT No. XXXVII. OF 1837.

Passed by the Honourable the President of the Council of India in Council
on the 20th November 1837.

I. IT is hereby enacted, that from the 1st day of January 1838 so much of section XXVI. Regulation XIII. 1827 of the Bombay code, as requires that the special courts for the trial of persons charged with offences of a political nature shall forward their proceedings to the Governor in Council, be repealed; and those courts shall, from the said 1st day of January 1838, forward their proceedings to the Foujdarry Adawlut.

II. And

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II. And it is hereby enacted, that the Foudarry Adawlut, on the receipt of any trials referred to them under this Act, shall proceed thereupon according to the rules in force with respect to other trials referred to them; except that they shall in every instance report their sentence, with the whole of the proceedings held upon the case, to the Governor in Council, and shall wait the orders of Government before they direct their sentence to be carried into execution.

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ACT No. XXXVIII. of 1837.

Passed by the Honourable the President of the Council of India in Council, on the 20th November 1837.

IT is hereby enacted, in modification of the provision contained in section IX. Regulation XIX. of 1810 of the Bengal code, that no person shall, by reason of his not being in the civil, military, or medical branch of the service, be incapable of being appointed a local agent under that Regulation.

ACT No. I. of 1838.

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Passed by the Honourable the President of the Council of India in Council on the 3d January 1838.

I. IT is hereby enacted, that from the 1st February 1838 all Regulations of the Bombay code passed before the year 1827, and now in force, with the exception of sections I. II. and III. Regulation VI. 1799, and of clause 2, section VII. Regulation IX. 1800, and of sections XIV. XVII. XX. XXI. and XXV. Regulation I. of 1805, and of the whole of Regulations II. 1810, and VI. 1814, shall be repealed.

II. And it is hereby enacted, that chapters I. II. IV. VI. VIII. and IX. of Regulation XX. 1827, of the said Code, together with the Appendices A. B. C. E. H. I. J. K. of that Regulation, also Regulation II. 1831, Regulation XIII. 1831, Regulation I. 1832, Regulation IV. 1833, and Regulation IV. 1834, of the said code, and all such parts of any Regulations of the said code as prescribe the levy of transit or inland customs duties, or as require the payment of any fee whatever on account of any vessel which may enter any port in the territories subject to the Bombay presidency, and likewise the provisions of any kind contained in those or in any other Regulations, for fixing the amount of duty to be levied on goods imported or exported by sea at any place within the limits of the Bombay presidency, or the drawback payable on the same, shall be repealed: and it is further enacted, that Act No. II. of 1836 shall likewise be repealed, except in so far as it repeals any Regulation of the Bombay code.

III. Provided always, that nothing contained in the two preceding sections of this Act shall be construed to prevent the levy of any town duty, or of any municipal tax, or of any toll on any bridge, road, canal, or causeway, for repair and maintenance of the same, or of any fee for the erection and maintenance of lighthouses.

IV. And it is hereby enacted, that duties of customs shall be levied on goods imported by sea into any place in the territories subordinate, to the government of the presidency of Bombay; after the said 1st February next, according to the rates specified in Schedule (A.) annexed to this Act, and with the exceptions specified therein, and the said schedule with the notes attached thereto shall be taken to be a part of this Act.

V. And it is hereby further enacted, that duties of customs shall be levied upon country goods exported by sea from any ports of the Bombay presidency after the said 1st February next, according to the rates specified in Schedule (B.) annexed to this Act, with the exceptions therein specified, and the said schedule with the notes attached thereto shall also be taken to be a part of this Act.

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VI. Provided, however, that the ships of any European nation having firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their firmans respectively, anything in the schedules or in this Act notwithstanding.

VII. And it is hereby enacted, that duties of customs shall be levied on goods passing by land into or out of foreign European settlements situated on the line of coast within the limits of the presidency of Bombay, at the rates prescribed in the schedules of this Act for goods imported or exported on foreign bottoms at any British port in that presidency.

VIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay to declare by notice to be published in the Gazette of that presidency, that the territory of any native chief, not subject to the jurisdiction of the courts and civil authorities of that presidency, shall be deemed to be foreign territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British or for foreign bottoms, as the said Governor in Council may think fit.

IX. And it is hereby enacted, that for the levy of duties of customs as above provided on goods exported by land to, or imported by land from such foreign territories, customs' chokees may be established at such places as may be determined by the said Governor in Council, and every officer at every such chokee shall have power to detain goods passing into or out of any such foreign territory, and to examine and ascertain the quantities and kinds thereof; and such goods shall not be allowed to pass across the frontier line out of or into the territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate showing that the customs duty leviable thereupon has been paid in full.

X. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of customs duties, and grant certificates of the payment thereof, and that such a certificate being delivered to any chokee officer, shall entitle goods to cross the frontier into or out of the East India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate show the entire amount of duty leviable on those goods to have been duly paid; and if upon examination the goods brought to any chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of duty certified therein shall not cover the entire amount of duty leviable on the goods as ascertained at such examination, the goods shall be detained until a further certificate for the difference shall be produced.

XI. And it is hereby enacted, that the said Governor in Council shall give public notice in the official Gazette of the presidency of Bombay of the appointment of every officer appointed to receive customs duties on goods crossing the land frontier of the said foreign territories, and the officers so appointed shall, on receipt of money tendered as customs duty, be bound to give to any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of goods, with the values and description thereof, according to the statement furnished by the person so applying, provided only that the proper duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

XII. And it is hereby enacted, that no certificate shall be received at any chokee that shall bear date more than 30 days before the date when the goods arrive at the chokee: provided, however, that any person who has taken out a certificate from any authorized receiver of customs duties shall at any time within the said period of 30 days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of duty.

XIII. And it hereby enacted, that it shall be lawful for the said Governor in Council to prescribe, by public notice in the official Gazette of the presidency of Bombay, by what routes goods shall be allowed to pass into or out of any such foreign territory, as is described in sections VII. and VIII. of this Act; and after such
such

such notice shall be given, goods which may be brought to any chokee established on other routes or passes than those so prescribed, shall, if provided with a certificate, be sent back, and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the collector of customs, unless the person in charge thereof shall be able to satisfy the said collector that his carrying them by that route was from ignorance or accident.

XIV. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass across any frontier guarded by chokees between sunset and sunrise, or in a clandestine manner, shall be seized and confiscated.

XV. And it is hereby enacted, that any chokee officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the collector of customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding 500 rupees, commutable, if not paid, to imprisonment for a further period of six months.

XVI. And it is hereby enacted, that if any chokee officer shall needlessly and vexatiously injure goods under the pretence of examination, or in the course of his examination; or who shall wrongfully detain goods for which there shall be produced a sufficient certificate, such officer shall, on conviction before the collector of customs, or before any magistrate, or joint magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding 500 rupees, commutable, if not paid, to imprisonment, for a further period of six months.

XVII. And it is hereby enacted, that all goods imported by sea into any port of the presidency of Bombay from any foreign European settlement in India, or from any native state, the inland trade of which has been declared by the Governor in Council of the presidency of Bombay, under section VIII. of this Regulation, to be subject to the duties levied on foreign bottoms, shall be liable to the same duties as are imposed by Schedule (A.) on imports on foreign bottoms.

XVIII. And it is hereby enacted, that no goods whatsoever entered in either of the schedules of this Act, as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor in Council of the presidency of Bombay; provided always, that it shall and may be lawful for the collector of customs, or other officer in charge of a custom-house, to pass free of duty any baggage in actual use at his discretion; and if any person shall apply to have goods passed as such baggage, the collector, acting under the orders of the government, shall determine whether they be baggage in actual use, or goods subject to duty under the provisions of this Act.

XIX. Provided always, that when goods are imported at any port of the Bombay presidency from any other port in that presidency, under certificate that the export duty specified in Schedule (B.) has been duly paid thereon, or that there has been a re-export, and that the import duty specified in Schedule (A.) has been duly paid, the said goods shall be admitted to free entry.

XX. Provided also, that when duties of customs shall have been paid on any goods at any port in any part of the territories of the East India Company not subject to the presidency of Bombay, and when such goods shall subsequently be imported at any port of the presidency of Bombay, credit shall be given at such last-mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

XXI. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay, from time to time, by notice in the official Gazette of that presidency, to fix a value for any article or number of articles liable to *ad valorem* duty, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles, for the purpose of levying duty on the same.

XXII. And it is hereby enacted, that when goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the schedules annexed to this Act, are brought to any custom-house in the presidency of Bombay, for the purpose of

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being passed for importation or exportation, the duty leviable on such goods shall be levied *ad valorem*, that is to say, according to the market value of such goods at the place and time of importation or exportation, as the case may be.

XXIII. And it is hereby enacted, that the market value for assessment of duties on *ad valorem* goods shall be declared by the owner, consignee or exporter, or by the agent or factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the custom-house; and the value so declared shall include the packages or materials in which the goods are contained, and the application shall truly set forth the name of the ship in which the goods have been imported or are to be exported, the name of the master of the said ship, the colours under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the goods were produced.

XXIV. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the officer of customs appointed to appraise goods at the custom-house, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the collector of customs, who shall have power to take the goods or any part thereof as purchased for the government at the price so declared; and whenever the collector of customs shall so take goods for the government, payment thereof shall be made to the consignee or importer, if the goods be imported goods, within 15 days from the date of the declaration, the amount of import duty leviable thereon being first deducted, and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of customs duty.

XXV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the presidency of Bombay to declare, by public notice in the official Gazette of that presidency, what places within the same shall be ports for the landing and shipment of merchandise, and any goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

XXVI. And it is hereby enacted, that when any vessel shall arrive in any port of the presidency of Bombay, the master shall deliver a true manifest of the cargo on board, made out according to the form annexed to this Act, and marked (C.), to the first person duly empowered to receive such manifest that may come on board, and if no such person shall have come on board before the anchor of the said vessel is dropped, then the manifest shall be forwarded to land on board of the first boat that leaves the vessel after dropping anchor, and if the port be up a river or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an order published in the official Gazette of the presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound vessel, except such country craft as are described in sections LI. and LII. of this Act, to pass until the master shall have forwarded in such manner as may be ordered by the said Governor in Council, such a manifest as is required by this Act.

XXVII. And it is hereby enacted, that if the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine of 1,000 rupees, and any goods or packages that may be found on board in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized by any customs officer and confiscated, or to be charged with such increased duties as may be determined by the collector of customs under the orders of government.

XXVIII. And it is hereby enacted, that if any inward bound vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of manifests, the master shall deliver a manifest as hereinbefore prescribed, to the first person duly empowered to receive such manifest that may come on board, and if any vessel entering a port for which there is a custom-house established, shall lie at anchor therein for the space of 24 hours, the master whereof shall refuse to deliver the said manifest in the manner

manner above prescribed, he shall for such refusal be liable to fine not exceeding 1,000 rupees, and no entry or port clearance shall be given for such vessel until the fine is paid.

XXIX. And it is hereby enacted, that no vessel shall be allowed to break bulk until a manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the collector of customs, shall have been received by the said collector, nor until order shall have been given by the said collector for the discharge of the cargo; and that the said collector may further refuse to give such order if he shall see fit until any port clearances, cocketts, or other papers, known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XXX. And it is hereby enacted, that no goods shall be allowed to leave any vessel or to be put on board thereof until entry of the vessel shall have been duly made in the custom-house of the port, and until order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of every customs officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of, any vessel in contravention of the above provision. And after entry of the vessel at the custom-house in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by Order of the Governor in Council of the presidency of Bombay, and if an attempt be made to land or put on board goods or merchandize in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XXXI. And it is hereby enacted, that if goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom-house, or at such other place as the collector of customs shall have prescribed, the master shall be liable to a penalty not exceeding 500 rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained. Provided, however, that nothing herein contained shall be construed to prevent the collector of customs from permitting at his discretion the master of any vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

XXXII. And it is hereby enacted, that there shall in every port of the Bombay presidency be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at any other place without the special order in writing of the collector of customs for the port; and if any goods be landed, or an attempt be made to land any goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

XXXIII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of customs at any port, to maintain special establishments of boats for the landing and shipping of merchandize, or to licence and register the cargo boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the collector of customs at the port; and any goods that may be found on board of other boats than those so authorized for the port shall be liable to be seized by any officer of customs, and shall be liable to confiscation.

XXXIV. And it is hereby enacted, that when the Governor in Council of the presidency of Bombay shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the collector of customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day, until the vessel shall leave the port, or it shall be otherwise ordered by the collector.

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XXXV. And it is hereby enacted, that any master of such vessel at such port who shall refuse to receive such officer with one servant on board, when such officer shall be so deputed as above provided, or shall not afford such officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water, if necessary, and with the means of cooking on board, shall be liable to a fine not exceeding the sum of 100 rupees for each day during which such officer and servant shall not be received and provided with suitable shelter and accommodation.

XXXVI. And it is hereby enacted, that whenever a collector of customs shall see cause to direct that any vessel shall be searched, he shall issue his warrant or written order for such search addressed to any officer under his authority, and upon production of such order, the officer bearing it shall be competent to require any cabins, lockers, or bulk-heads to be opened in his presence, and if they be not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the collector of customs, shall be liable to confiscation, and any master or person in charge of a vessel, who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the collector of customs, shall be liable, upon conviction for every such offence, to a fine of 1,000 rupees.

XXXVII. And it is hereby enacted, that every master of a vessel who shall remove from such vessel, or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof, between sunset and sunrise, or on any day when the custom-house is closed for business, without leave in writing obtained from the collector of customs, shall be punished with a fine not exceeding 500 rupees.

XXXVIII. And it is hereby enacted, that no cargo-boat laden with goods intended for exportation by sea, shall make fast to, or lie alongside of, any vessel on board of which there shall be a customs officer stationed, unless there shall be on board the boat, or have been received by the said customs officer, a custom-house permit or order for the shipment of the goods, and the goods on board of any boat that may so be alongside, or be made fast to a vessel, if such goods be not covered by a custom-house pass accompanying them, or previously received by the customs officer on board the said vessel, shall be liable to confiscation.

XXXIX. And it is hereby enacted, that when goods shall be sent from on board of any vessel having a customs officer on board, for the purpose of being landed and passed for importation, there shall be sent with each boat load or other separate despatch, a boat note specifying the number of packages, and the marks and numbers, or other description thereof, and such boat note shall be signed by an officer of the vessel, and likewise by the customs officer on board, and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, or if being accompanied by a boat note, they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of customs duly authorized by the collector, and unless the cause of deviation be explained to the satisfaction of the collector of customs, the goods shall be liable to confiscation.

XL. And it is hereby enacted, that when goods shall be brought to be passed through the custom-house, either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom-house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

XLI. And it is hereby enacted, that if any person after goods have been landed, and before they have been passed through the custom-house, removes or attempts to remove them, with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved to the satisfaction of the collector of customs that the removal was not sanctioned by the owner, or by any person having an interest in or power over the goods.

XLII. And

XLII. And it is hereby enacted, that it shall be lawful for the collector of customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk, shall be weighed or measured on board ship before being sent to land, and to levy duty according to the result of such weighing or measurement. ACTS of 1838.

XLIII. And it is hereby enacted, that on application by the exporter of any salt that has paid the excise duty fixed by Act No. XXVII. of 1837, a certificate shall be granted by the collector of customs at the place of export, under authority of which certificate, the quantity of salt specified therein shall be landed at any other port of the said presidency of Bombay, and shall be passed from such port into the interior without the levy of any further duty, either of excise or of customs.

XLIV. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel to superintend the delivery of cargo, 20 days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding 600 tons burthen; and 30 days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen, and the said periods shall be calculated from the day when the customs officer first went on board: and if the whole cargo be not discharged by the expiration of the abovementioned periods, the master shall be charged with the wages of such officer, and other expenses, for any further period that such officer may be detained on board; and if the owners, importers, or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master so to do.

XLV. And it is hereby enacted, that when there shall be no customs officer sent aboard vessels discharging cargo, it shall be lawful for the collector of customs to fix a period, not being less than 20 days, for the discharge thereof, and clearance of the vessel inwards; and if any goods remain on board after the time so fixed, or after the time allowed in the last preceding section of this Act, the collector may order the same to be landed and warehoused, for the security of the duties chargeable thereon, and of any freight and primage, and other demands, that may be due thereon, giving his receipt to the master for the same: provided always, that in all cases it shall be lawful for the collector or other officer in charge of the custom-house, with the consent of the master of the vessel, to cause any packages to be brought on shore, and to be deposited in the government warehouses, for the security of the duties and charges thereon, although 20 days may not have expired from the entry of such vessel; and in case any goods brought to land from any vessel be not claimed, and cleared from the custom-house within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the collector to sell the same, on account of the duties and other charges due thereon, and the balance remaining, after deducting the said duties and charges, shall be held in deposit, and paid to the owner on application.

XLVI. And it is hereby enacted, that when a customs officer shall be sent on board of any vessel discharging cargo, a further period of 15 days, Sundays and holidays excluded, beyond the 20 days above specified, shall be allowed for putting on board export cargo, if the vessel shall not exceed 600 tons burthen, and 20 days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the master or commander shall, in such case, not be charged with the wages and expenses of the customs officer on board until after the expiration of such additional period; and if a vessel having discharged its import cargo shall be laid up, the customs officer on board shall certify that no goods remain on board, except necessary stores and articles for use, and when a vessel so laid up shall be entered at the custom-house for receipt of export cargo, a customs officer shall be sent on board, and if the said last-mentioned officer shall certify that no goods are on board, except as above excepted, 20 days, exclusive of Sundays and holidays, as above, shall be allowed from the date of such certificate, for the lading outwards of a vessel not exceeding 600 tons, and 30 days for vessels exceeding that burthen; after which periods respectively, the master shall be charged with the wages and expenses of the customs officer on board, to the date of the vessel's sailing from the port.

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XLVII. And it is hereby enacted, that when, upon application from the master of any vessel, the customs officer shall be removed from on board thereof, under the provisions to that effect contained in the last preceding section of this Act, if the master of such vessel shall, before a customs officer have again been placed in such vessel, put on board of such vessel, or cause, or suffer to be put on board of such vessel, any goods whatever, such master shall be punished with a fine not exceeding 1,000 rupees, and the goods shall be liable to be re-landed for examination at the expense of the shippers, upon requisition to that effect from the collector of customs.

XLVIII. And it is hereby enacted, that upon any goods liable to duty that may be passed through the custom-house for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall in all cases be levied; and if the goods be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon; or if the same be imported goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

XLIX. And it is hereby enacted, that when a vessel having cleared out from any port, shall put back from stress of weather, or it shall for any damage, or from other cause, be necessary that the cargo of a vessel that has cleared out shall be unshipped or re-landed, a customs officer shall be sent to watch the vessel, and take charge of the cargo during such re-landing or removal from on board, and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the collector of customs, and shall remain while on land, or while on board of any other vessel, under special charge of the officers of the customs until the time of re-export, and all charges attending such custody shall be borne by the exporter; provided, however, that in all cases of return to port after port clearance, on account of damage, or for stress of weather, it shall be lawful for the owner, or for the master, to enter the vessel and land the cargo, under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed; and if goods, on account of which drawback has been paid, be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the collector of customs.

L. And it is hereby enacted, that when goods shall be re-landed before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, unless the vessel shall have put back for stress of weather, or for damage, and the goods shall have been re-landed under the rule contained in the last preceding section of this Act.

LI. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping of goods therein, and that whoever, being in charge of any such craft, shall knowingly contravene any such rule, shall be liable to a fine not exceeding 100 rupees for each offence.

LII. And it is hereby enacted, that pattamars, dhonies, botellos, and other small craft from the Maldiva or Laccadive Islands, or from the native ports of Kattywar, Cutch, and Scinde, shall be treated in the ports of the Bombay presidency like the coasting craft of the British territory, provided that they conform to such special regulations as to the place of anchoring, and mode of landing and shipping goods, as may be made by the Governor in Council of Bombay for such vessels in the several ports of the Bombay presidency.

LIII. And it is hereby enacted, that no drawback shall be allowed on goods shipped on such native craft as are described in the last preceding section of this Act.

LIV. And

LIV. And it is hereby enacted, that goods exported in the same vessels, if manifested for re-export, shall not be subject to import or export duty; and if any goods brought to any port in any vessel, be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the custom-house for re-exportation in the vessel into which they may be transhipped.

LV. And it is hereby enacted, that no transhipment shall be made of any goods except under special order in writing from the collector of customs of the port, and an officer of customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel.

LVI. And it is hereby enacted, that at every port subordinate to the Bombay presidency, the port of Bombay excepted, an anchorage fee shall be levied once at each port, according to the burthen, on all country craft above the burthen of (100) one hundred maunds, at the rates herein-under specified:—

		Fee:	
		Rupees.	
Above	{ 10 candies (equal to 100 maunds) }	not exceeding { 20 candies (200 Indian maunds) }	1 0
- -	20	40	1 8
- -	40	60	2 0
- -	60	80	2 8
- -	80	100	3 0
- -	100	150	3 8
- -	150	200	4 0
- -	200	250	4 8
- -	250	300	5 0
- -	300	350	5 8
- -	350	400 and upwards	6 0

LVII. And it is hereby enacted, that in all cases in which, under this Act, goods are liable to confiscation, the collector of customs of the place where those goods may be shall be competent to adjudge such confiscation.

LVIII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any fine on account of any act or omission relating to customs, the collector of customs shall be competent, subject to the orders of the Governor in Council of the presidency of Bombay, to refuse port clearance to such vessel until the fine shall be discharged.

LIX. And it is hereby enacted, that it shall be lawful for any collector of customs, or other officer who may be authorized to adjudicate customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the customs officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages, no action shall thereafter lie against the officer of customs in any court of justice on account of such seizure: and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy of double duty; and if the said officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion, not exceeding one-half, shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

LX. And it is hereby enacted, that all officers of customs shall, as heretofore, be amenable to the civil courts of the presidency or island of Bombay by action for damages on account of any executive acts done in their official capacity, at the suit of the parties injured by such acts: provided, however, that no suit shall lie against a collector of customs or other officer for any judicial award in a matter of customs passed under the preceding section of this Act.

LXI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished

ACTS of 1838. with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 rupees, or both.

LXII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept, or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIII. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the customs revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

LXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer any of the powers given to a collector of customs by this Act to any other functionary, and to make any rules consistent with law for the carrying of this Act into effect, and to establish such bunders and appoint such officers as he shall think fit, and to fix rates of wharfage and of rent to be paid for goods deposited or suffered to lie in the godowns of the custom-house.

SCHEDULE (A.)

RATES of DUTY to be Charged on Goods Imported by Sea into any Port of the Presidency of Bombay.

No.	ENUMERATION OF GOODS.	WHEN IMPORTED ON BRITISH BOTTOMS.	WHEN IMPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin - - - - -	free - - -	free.
2	Precious stones and pearls - - - - -	ditto - - -	ditto.
3	Grain and pulse - - - - -	ditto - - -	ditto.
4	Horses and other living animals - - - - -	ditto - - -	ditto.
5	Ice - - - - -	ditto - - -	ditto.
6	Coal, coke, bricks, chalk, stones (marble and wrought stones excepted.)	ditto - - -	ditto.
7	Books printed in the United Kingdom, or in any British possession.	ditto - - -	3 per cent.
8	Foreign books - - - - -	3 per cent. -	6 per cent.
9	Marine stores, the produce or manufacture of the United Kingdom, or of any British possession.	3 per cent. -	6 per cent.
10	Ditto, ditto, the produce or manufacture of any other place or country.	6 per cent. -	12 per cent.
11	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom, or any British possession.	3 per cent. -	6 per cent.
12	Metals, ditto, ditto, excepting tin, the produce or manufacture of any other place.	6 per cent. -	12 per cent.
13	Tin, the produce of any other place than the United Kingdom, or any British possession.	10 per cent. -	20 per cent.
14	Woollens, the produce or manufacture of the United Kingdom, or any British possession.	2 per cent. -	4 per cent.
15	Ditto, the produce of any other place or country -	4 per cent. -	8 per cent.
16	Cotton-wool, not covered by certificate of the payment of export duty at any other port of Bombay.	-- 9 as. per md. of 80 tolas to the seer.	-- 1 re. 2 as. per md. of 80 tolas to the seer.
17	Cotton and silk piece goods, cotton twist and yarn, the produce of the United Kingdom, or of any British possession.	3½ per cent. -	7 per cent.
18	Ditto, the produce of any other place - - - - -	7 per cent. -	14 per cent.
19	Opium, covered by a pass - - - - -	free - - -	free.
20	Ditto, not covered by a pass - - - - -	-- 24 rs. per seer of 80 tolas.	-- 24 rs. per seer of 80 tolas.
21	Salt, not covered by a pass - - - - -	-- 8 as. per md. of 80 tolas per seer.	-- 8 as. per md. of 80 tolas per seer.

No.	ENUMERATION OF GOODS.	WHEN IMPORTED ON BRITISH BOTTOMS.	WHEN IMPORTED ON FOREIGN BOTTOMS.
22	Alum	10 per cent.	20 per cent.
23	Camphor	10 per cent.	20 per cent.
24	Cassia	10 per cent.	20 per cent.
25	Cloves	10 per cent.	20 per cent.
26	Coffee	7 ½ per cent.	15 per cent.
27	Coral	10 per cent.	20 per cent.
28	Nutmegs and mace	10 per cent.	20 per cent.
29	Pepper	10 per cent.	20 per cent.
30	Rattans	7 ½ per cent.	15 per cent.
31	Tea	10 per cent.	20 per cent.
32	Vermillion	10 per cent.	20 per cent.
33	Wines and liqueurs	10 per cent.	20 per cent.
34	Spirits, consolidated duty, including any duties levied heretofore through the police. And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon.	-- 9 as. per imperial gallon.	-- 1 re. per imperial gallon.
35	Tobacco Which duty shall be the minimum customs duty levied on raw tobacco, and all preparations thereof, in all the ports of the Bombay presidency; but if at the rate of 5 per cent. on the actual value, a higher duty than 1 rupee 8 annas per maund should be leviable on any preparation of tobacco, the duty shall be levied <i>ad valorem</i> at that rate if imported on British bottoms, and at 10 per cent. on foreign bottoms. And the customs duty laid upon tobacco shall be allowed in settling for the special duty levied on the import of this article into the island of Bombay, which special duty shall be levied at the rate of 9 rupees for the Indian maund.	-- 1 re. 8 as. per md. of 80 tolas per seer.	-- 1 re. 8 as. per md. of 80 tolas per seer.
36	All articles not included in the above enumeration	3 ½ per cent.	7 per cent.

And if the collector of customs shall see reason to doubt whether the goods liable to a different rate of duty, according to the place of their production, come from the country from which they are declared to come by the importer, it shall be lawful for the collector of customs to call on the importer to furnish evidence as to the place of manufacture or production; and if such evidence shall not satisfy the said collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Governor in Council at Bombay.

And upon the re-export by sea of goods imported, excepting opium and salt, and all goods of the growth, production, or manufacture of the continent of India, provided the re-export be made within two years of the date of import, as per custom-house register, and the goods be identified to the satisfaction of the collector of customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback.

But no exporter of imported goods shall be entitled to drawback unless the drawback be claimed at the time of re-export, nor shall any payment be made of drawback unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the custom-house registers.

SCHEDULE (B.)

RATES of DUTY to be charged on Goods Exported by Sea from any Port or Place in the Presidency of Bombay.

No.	ENUMERATION OF GOODS.	EXPORTED ON BRITISH BOTTOMS.	EXPORTED ON FOREIGN BOTTOMS.
1	Bullion and coin	free	free.
2	Precious stones and pearls	ditto	ditto.
3	Books, maps, and drawings printed in India	ditto	ditto.
4	Horses and living animals	ditto	ditto.
5	Opium, covered by a pass	ditto	ditto.
6	Ditto, not covered by a pass	prohibited	prohibited.
7	Cotton-wool exported to Europe, the United States of America, or any British possession in America.	free	-- 9 as. per md. of 80 tolas to the seer.
8	Ditto, ditto, exported to places other than above	-- 9 as. per md. of 80 tolas per seer.	-- 1 ra. 2 as. per md. of 80 tolas to the seer.
9	Salt, having paid the excise of 8 annas a maund	free	free.
10	Tobacco	-- 1 re. 8 as. per maund of 80 tolas to the seer.	-- 1 re. 8 as. per md. of 80 tolas per seer.
11	All country articles not enumerated or named above.	3 per cent.	6 per cent.

And upon the re-export to Europe, the United States of America, or to any British possession in America, or from any other port of the Bombay Presidency, of cotton that has been imported under certificate of the payment of the duty specified in this Schedule, provided that the re-export be made in British bottoms within two years from the date of such certificate, and the amount be claimed within one year from the date of re-export, as per custom-house registers, the whole amount of export duty levied at the first place of export shall be refunded.

SCHEDULE (C.)

MANIFEST of Goods Imported per Commander, from under Colours; viz.

Marks.	Numbers.	Packages.	Quantity.	Weight. Gallons.	Yards.	DESCRIPTION OF GOODS.	Invoice Value.	Tariff Value.
A.	1 a' 5	5 cases	250 pieces	--	3,000	Cambrics. Long-cloths, bleached. Ditto - unbleached. Madapollams, bleached. Ditto - unbleached. Plain muslins.		

N.B.—Articles generally to be specified, excepting such as ironmongery, hardware, glassware, earthenware, cutlery, perfumery, confectionery, stationery, and such like.

All articles from Great Britain to be entered according to the English weight, not native.

From China, in like manner in China weights.

In imports and exports of bullion or coin, to specify the sort of which they consist.

ACT No. II. OF 1838.

ACTS of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 5th January 1838.

I. IT is hereby enacted, that from the 1st day of February 1838 salt shall not be manufactured at any place within the territories subject to the authority of the Lieutenant-governor of the north-western provinces, the districts beyond the right bank of the Jumna river excepted, unless the person conducting the manufacture shall, before preparing works for the production of such salt, give notice in writing to the collector of the district in which the place of manufacture may be situated, of his intention to manufacture salt therein.

II. And it is hereby enacted, that upon receiving such notice as is prescribed in the preceding section, the collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said collector shall think proper at every such place of manufacture, and shall have power to take account of the salt manufactured and stored, and to prevent the removal of the salt until the government duty thereon shall have been paid.

III. And it is hereby enacted, that every proprietor of salt works within the north-western provinces, at which an officer shall be stationed as above provided, shall pay to the collector the wages of one officer at the rate of 10 rupees per mensem for so long as such officer shall be retained for the supervision of the works; and if the collector shall see fit to employ more than one officer to watch any set of works, or to employ one officer receiving larger allowances than 10 rupees per month, the wages of such extra officers, or the extra wages of such one officer, shall be defrayed by government.

IV. And it is hereby enacted, that if any salt works be found producing salt, of which notice has not been given in the manner prescribed by the first section of this Act, such works shall be destroyed, and any salt stored thereat shall be seized and confiscated.

V. And it is hereby enacted, that it shall be the duty of every party under direct engagements with government for the land revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands, upon whose zemindaree, farm, or lakhiraj estate there shall be any works producing salt, of which works notice has not been given in the manner prescribed by the first section of this Act, to give notice of the same in writing to the nearest public officer of police or land revenue within 10 days from the date on which the works were first prepared; and every such proprietor, farmer, or proprietor of lakhiraj estate, who shall knowingly omit to give such notice, shall forfeit a sum not exceeding 500 rupees for every such salt work.

VI. And it is hereby enacted, that the magistrate or joint magistrate of any city or district shall be competent to receive and determine all charges on account of things done in contravention of this Act.

VII. And it is hereby enacted, that whoever offers any resistance to any officer appointed under the authority of this Act, in the exercise of the lawful power of such officer, shall be punished in like manner as if the resistance had been offered to the ordinary process of a collector.

ACT No. III. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 5th January 1838.

I. IT is hereby enacted, that Act No. VIII. of 1837 be repealed.

II. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall appoint a joint criminal judge of Cochin, and shall give to such joint criminal judge jurisdiction over the districts of Anjengo and Chancherry, such joint criminal judge shall exercise, within his jurisdiction, all the powers of joint magistrate, as defined in the Madras Regulations.

ACT No. IV. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 29th January 1838.

IT is hereby enacted, that if it shall appear to the court of Sudder Adawlut of Bombay that any person has been guilty of perjury in any matter depending in that court, that court may immediately commit the offender to custody, and transmit him to the zillah court nearest to the presidency, in order to his being brought to trial before the session court of the zillah in which such zillah court is situated; and such person shall be dealt with in the same manner as if the perjury had been committed within the limits of the local jurisdiction of such court of session.

ACT No. V. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 14th March 1838.

I. IT is hereby enacted, that the persons whose names appear in the schedule No. I. hereunto annexed, shall, from the 14th day of March 1838, form a corporate body for the warehousing of goods, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

II. And it is hereby enacted, that the said association shall sue and be sued by its corporate name, and shall use such common seal as the directors of the said association shall from time to time appoint, and may acquire, may hold absolutely, may hold by way of pledge, and may transfer, any description of property whatever.

III. And it is hereby enacted, that the sum of 10,00,000 rupees, subscribed for the purposes of the said association by the persons hereby incorporated, shall be the capital stock of the said association, and shall be divided into 2,000 shares of 500 rupees each, and that every one of the persons hereby incorporated shall have one share of such capital stock for every 500 rupees which such person shall have subscribed.

IV. And it is hereby enacted, that the directors of the said association shall cause the names, additions, and places of residence of the proprietors of shares in the said capital stock, and the number of shares held by each proprietor, to be registered in a book; and the said shares shall in such book be numbered, beginning from No. 1, and such book shall be kept at the office of the said association, and shall there be open to the inspection of all persons during the usual hours of business.

V. And it is hereby enacted, that a certificate, signed by three directors of the said association, shall be delivered to every proprietor of the said capital stock, and that it shall be at the option of every proprietor of several shares to receive one certificate for all the shares of such proprietor, or one certificate for each of those shares, or several certificates, each of which may be for any number of those shares.

VI. And it is hereby enacted, that any share or shares of the said capital stock may be transferred by indorsement made on the certificate for such share or shares by the proprietor of such share or shares, or by the attorney of such proprietor duly authorized thereunto; provided always, that such indorsement shall specify the name of the party to whom the transfer is made; and provided also, that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered in a registry, to be kept for that purpose at the office of the said association, and until a note of such registration, and of the date thereof, shall have been made on the back of the indorsed certificate, under the hand of an officer appointed for that purpose by the directors of the said association.

VII. And it is hereby enacted, that every proprietor of a share of the said capital stock, who shall cease to be a proprietor of such stock, shall cease to be
a member

a member of the corporation created by this Act; and that every person who shall become a proprietor of the said capital stock shall become a member of the corporation created by this Act, and shall, in respect of his share or shares of the said capital stock, be under the same liabilities under which an original proprietor of the said capital stock would be.

VIII. And it is hereby enacted, that the business of the said association shall be managed by six directors, and that Francis Macnaghten, Joseph Walker Jasper Ouseley, Richard Howe Cockerell, Alexander Colvin, Joseph Willis, and James Church, Esqrs., shall be the first directors of the said association.

IX. And it is hereby enacted, that every director of the said association may be removed by a general meeting of the proprietors, and that every future director of the said association shall be elected by such a general meeting.

X. And it is hereby enacted, that a rotation among the directors of the said association shall be settled by lot, so that two of the said directors may go out of office on the Monday following the 15th day of May in every year, and that on the Monday following the 15th day of May in every year a general meeting of proprietors shall be held, at which two directors shall be chosen; and that no director, going out by such rotation, shall be capable of being re-elected till the Monday after the 15th of May in the year next following.

XI. And it is hereby enacted, that if any director of the said association shall cease to be a director otherwise than by the operation of the rule of rotation aforesaid, the directors of the said association shall, with all convenient speed, after such public notice as is hereinafter directed, call an extraordinary general meeting of the proprietors, for the purpose of choosing a successor; and such successor shall come into the same place in the rotation aforesaid in which the director whom he has succeeded was.

XII. And it is hereby enacted, that no person shall be capable of being a director of the said association, who shall not be a proprietor in his own right of fifteen shares of the capital stock of the said association, which shares shall have been registered in his name not less than three calendar months before his election.

XIII. And it is hereby enacted, that no person shall be capable of being a director of the said association, unless he be resident within the territories subject to the presidency of Fort William, in Bengal.

XIV. And it is hereby enacted, that ordinary general meetings of the said proprietors shall be held at least twice in every year; that is to say, on the Monday following the 15th day of May, and on the Monday following the 15th day of November; and that at every such ordinary meeting the directors of the said association shall present a report in writing of the state of the affairs of the said association, and a balance sheet; and that such general meeting may declare a dividend out of the profits of the said association: provided always, that no dividend shall be made which shall diminish the capital of the said association.

XV. And it is hereby enacted, that any ordinary general meeting of the said association may adjourn itself to a future day, and may, on the day to which it shall have so adjourned itself, resume its proceedings, and transact any business which it would have been competent to transact on the day when it originally assembled.

XVI. And it is hereby enacted, that extraordinary general meetings of the said association shall be held according to such rules as may be made for that purpose in the bye-laws of the said association; provided always, that no such extraordinary general meeting shall be held without a previous notice of not less than 14 days, which notice shall be published in not less than two newspapers printed at Calcutta.

XVII. And it is hereby enacted, that at general meetings of the proprietors every election and question shall be decided by a majority of votes; and that no proprietor shall be allowed to vote unless he be possessed of two or more shares of the capital stock of the said association, which shares shall have been registered in his name not less than three calendar months before.

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XVIII. And it is hereby enacted, that at such general meetings no proprietor shall have more than eight votes, and that the proprietors shall vote according to the following scale:

2	Shares shall entitle to	-	-	1	vote.
4	—	-	-	2	—
6	—	-	-	3	—
10	—	-	-	4	—
20	—	-	-	6	—
35	—	-	-	7	—
50	—	-	-	8	—

XIX. And it is hereby enacted, that if more persons than one, being partners in trade, shall be joint proprietors of two or more shares of the said capital stock, and shall agree to give a joint vote or joint votes, such joint vote or joint votes shall be received in all respects as the vote or votes of a single proprietor would be received.

XX. And it is hereby enacted, that every proprietor entitled to vote at any general meeting may give a proxy in writing, general or special, limited or unlimited, and signed by himself or by his attorney duly authorized thereunto, to any other proprietor, and that the proprietor to whom the proxy is given may vote on behalf of the proprietor who had given the proxy, according to the terms of such proxy.

XXI. And it is hereby enacted, that the directors of the said association shall have authority to expend the money of the said association for the purpose of purchasing and erecting warehouses, and of warehousing and bonding goods therein, and to make and fulfil contracts for the said purpose, and to appoint and remove such servants as may be necessary for the said purpose, and generally to manage all the concerns of the said association, subject to such rules as may be laid down in the bye-laws of the said association, and to keep the seal of the said association, and to use the said seal in the affairs of the said association; provided always, that the said seal shall never be affixed to any instrument except in the presence and by the consent of three directors, who shall sign their names on every such instrument in token of their presence and consent.

XXII. And it is hereby enacted, that the directors of the said association shall have authority to call on the proprietors to pay such instalment or instalments as shall, together with the instalments already paid, amount to a sum not exceeding 50 per cent. on each share; and that no further call shall be made, except in consequence of a vote of a general meeting of the proprietors authorizing such further call; provided always, that no proprietor shall be called upon to pay more in proportion to his share in the capital stock than any other proprietor.

XXIII. And it is hereby enacted, that if any proprietor shall not pay any instalment which he is lawfully called upon to pay in the manner described in the last section, on the day appointed for such payment, the said association shall have a claim against such proprietor for interest on the deficient sum, after the rate of 10 per cent. per annum; and that it shall be lawful for the directors of the said association to apply, in satisfaction of such instalment and of such interest, any dividend due to such proprietor, placing every dividend so applied to the credit of such proprietor with the said association.

XXIV. And it is hereby enacted, that it shall be lawful for the directors of the said association to refuse to register the transfer of any share belonging to any proprietor who shall not have paid such instalment and interest as aforesaid; and that in case such instalment and interest shall not be paid within two months after notice to pay the same has been given by the said directors to such proprietor or to his attorney or attorneys duly authorized, it shall be lawful for the said directors to sell by public sale the share or shares of such proprietor to such an extent as may be sufficient to satisfy such instalment and interest, and to grant, upon such sale, a new certificate or new certificates to the purchaser of such share or shares, whereupon the former certificate or certificates for such share or shares shall become void, and if there be any surplus after such instalment and interest have been satisfied, such surplus shall be paid on demand to the proprietor of such share or shares, and shall till demanded be credited in the

the books of the said association to such proprietor, but no interest shall run thereon. ACTS of 1838.

XXV. And it is hereby enacted, that all the provisions of Act No. XXV. of 1836 of the Governor-General of India in Council, relating to private licensed warehouses shall be applicable to all warehouses wherein the said association shall receive bonded goods.

XXVI. And it is hereby enacted, that it shall be lawful for the said association to give general security, by bond under the seal of the said association, for payment of the full duties of importation on goods lodged in any warehouse of the said association, or for the due exportation of such goods; and if the said association shall give such bond, no security shall be required from any other party to the same effect.

XXVII. And it is hereby enacted, that the directors of the said association shall from time to time fix the rates at which the said association will warehouse goods and receive goods at its wharfs, and that a table of such rates shall be placed at every warehouse and wharf of the said association.

XXVIII. And it is hereby enacted, that as often as any goods are lodged in any warehouse of the said association the secretary of the said association shall deliver a warrant, signed by him as such secretary, to the person lodging such goods, which warrant shall be as nearly as possible in the form set forth in Schedule (II.) annexed to this Act; and such warrant shall be transferable by indorsement, and shall entitle any person to whom it may have been so transferred by indorsement to receive the goods specified in such warrant on the same terms on which the person who originally lodged those goods would have been entitled to receive the same.

XXIX. And it is hereby enacted, that all suits brought against the said association shall be brought in the Supreme Court of Judicature at Fort William in Bengal, and not elsewhere.

XXX. And it is hereby enacted, that all the joint stock of the said association, of what kind or description soever, and all the land, warehouses, messuages, tenements, hereditaments, premises and property acquired therewith, of which the said association shall become in any manner possessed, entitled to, or interested in, shall be held and enjoyed by the proprietors thereof, and their successors respectively, as personal estate, or as in the nature of chattel interests, and not as, or in the nature of, real estate.

XXXI. And it is hereby enacted, that in order to define the liability of proprietors of shares, and to save harmless themselves and their respective heirs, executors, administrators, representatives, and assigns, no proprietor, his heirs, executors, administrators, representatives or assigns, shall be personally liable to any person or persons whatsoever by reason of being a proprietor, in any event, or for or on account of any acts, deeds, contracts, or liabilities of the said association, or of the directors or secretary thereof respectively, or under or by virtue of any judgment or decree in any action or suit, but that the party or parties having any legal or equitable demand or claim for or on the account last aforesaid, or having obtained such judgment or decree as last aforesaid, shall and may only recover the amount of such demand, claim, judgment or decree from and out of or to the whole extent of the paid-up capital, accumulated funds, lands, messuages, tenements, hereditaments, and premises, whatsoever and wheresoever, which may at the time belong to the said association, or to which they may at the time be entitled.

XXXII. And it is hereby enacted, that it shall be lawful for the said association to make bye-laws, for the regulation of its own proceedings, which bye-laws shall be binding only on its own members and officers; provided that no such bye-law shall be valid till it shall have been approved of by two extraordinary general meetings of proprietors specially convened for that purpose, of which meetings the second shall be held not less than one calendar month after the first; provided also that no such bye-law shall be valid till it shall have been confirmed by the Governor of the presidency of Fort William in Bengal.

XXXIII. And it is hereby enacted, that it shall be lawful for the said association to increase its capital stock; provided always that no such increase shall

ACTS of 1838. take place unless it be authorized by a vote of two extraordinary general meetings of proprietors specially convened for that purpose, of which meetings the second shall be held not less than three calendar months after the first.

XXXIV. And it is hereby enacted, that in the event of such increase, the proprietors of the original stock shall not be bound to subscribe, but shall in the first instance have the option of subscribing for the increased capital stock in proportion to the share which each has of the original capital stock; and so much of the additional capital stock as shall not be subscribed for by the said proprietors of the original stock, within one year after the passing of the final resolution for the increase, shall be open to the public, and be sold, for the benefit of the said association, by public sale.

XXXV. And it is hereby enacted, that all the rules laid down in this Act, respecting the original capital stock of the said association, shall be applicable to any additional stock which may be subscribed in the manner hereinbefore described.

XXXVI. And it is hereby enacted, that if the said association shall be desirous to dispose of any premises purchased by the said association from the East India Company, the said East India Company shall have the right of pre-emption, and the price shall be fixed by two appraisers, the one named on the part of the said East India Company, and the other by the directors of the said association; and if the said appraisers shall not agree on a price, the price shall be fixed by an umpire named by the said appraisers.

XXXVII. And it is hereby enacted, that at any time after the 14th day of March 1860, it shall be lawful for the Governor-General of India in Council, by an Order in Council, to direct that the said association be dissolved.

XXXVIII. And it is hereby enacted, that the said association may at any time be dissolved by a resolution to that effect, of two-thirds in number and value of the proprietors qualified to vote at two successive extraordinary meetings specially called for the purpose of taking into consideration the expediency of such dissolution; provided that not less than three months shall have elapsed between the first and second of such two extraordinary meetings.

XXXIX. And it is hereby enacted, that whenever the dissolution of the said association shall be ordered either by the Governor-General of India in Council, or by a vote of the said association, the Directors of the said association shall cause all the property of the said association to be converted into money, and shall divide whatever surplus may remain, after satisfying the debts of the said association, among the proprietors in proportion to the shares which the proprietors have in the capital stock of the said association; and after such distribution the said association shall forthwith be dissolved.

SCHEDULE No. I.

LIST OF PROPRIETORS OF SHARES.

R. H. Cockerell.	T. Willis.	W. H. Martin.
W. Speir.	J. Master.	A. Irvine, Major.
W. Martin.	G. C. S. Master, Lieut.	W. A. Peacock.
R. Speir.	T. A. Shaw.	J. A. Moore, Major.
T. Speir.	W. A. Shaw.	T. W. Burt.
J. S. Brownrigg.	H. Walters.	William Braddon.
J. Cockerell.	J. Innes.	Trustees of Mrs. Limond's
G. G. de H. Larpent.	W. Adam.	Marriage Settlement.
J. St. Pourcain.	Joseph Worthington.	J. W. J. Ouseley, Capt.
J. M. Dove.	James Cullen.	G. A. Prinsep.
- Gungapersaud Gossain.	J. C. Palmer.	W. Barrington, Captain.
- Ramchunder Seal.	A. Colvin.	T. C. Robertson.
J. Willis.	W. Ainslie.	Ramdas Dey.
W. Earle.	H. Cowie.	-Bonomalee Mullick.
D. Willis.	T. S. Anquetil, Lt.-Col.	A. Muller.

Charles Trebeck.	J. Jackson.	Rajchunder Ghose.
T. Bowring.	A. S. Gladstone.	Radanauth Dutt.
J. W. Alexander.	J. Craigie, Lieut.-Col.	H. Barrow.
T. B. Swinhoe.	J. Williams.	Godadhur Mitter.
Robert Swinhoe.	Gopeekissen Paul.	E. D'Cruz.
A. Dobbs.	Megnarain Roy.	Goluckchunder Durr.
John Watson.	Ramnarain Mookerjee.	Luckinairan Day.
James Colcuhoun.	Doorgachurn Mookerjee.	T. Blechynden.
James Church.	Gowrichurn Mookerjee.	W. Rushton.
Edward Harding.	J. B. Biss.	A. J. Sturmer.
Henry Moore.	J. S. Biss.	Boloram Dey.
R. Watson.	Rogoonath Coondo.	Obhoychurn Mookerjee.
Mrs. B. Betty.	W. F. Gibbon.	Bolychaund Bysack.
Henry Mackenzie.	J. Cock.	Mrs. Sarah Moss.
Adam Scott & Co.	H. F. King.	W. Barrett.
Holodhur Chowdry.	James Hill.	Hurrimohun Mookerjee.
Charles S. Gover.	Taraneechurn Chatterjee.	Mohunchunder Ghose.
K. R. Mackenzie.	G. Herklots, junior.	Hurrimohun Banorjee.
S. R. Crawford.	F. O. Wells.	Kistnomohun Seal.
J. B. Higginson.	C. Lancaster.	Hurrochunder Bose.
Francis Macnaghten.	C. Lancaster, Trustee for	W. Ryland.
Carr, Tagore & Co.	Mrs. Cornish's Mar-	M. Hughes, Captain.
W. Carr, trustee for Mrs.	riage Settlement.	Annundchunder Mitter.
Dick's Marriage Set-	George Dougal.	J. A. Walker.
tlement.	John Richards.	T. Hyde Gardiner.
Robert Lyall.	Bruce, Shand & Co.	J. C. Owen.
Charles Lyall.	G. W. A. Lloyd, Lt.-Col.	Moheschunder Mitter.
John Lyall.	W. Freeth, Captain.	Prawnkisto Doss.
David Lyall.	J. P. Marcus.	Conai Lal and Mukun Lal.
W. T. Dawes.	Mrs. Bruce.	J. Rostan, junior.
Colville, Gilmore & Co.	Miss L. W. Bruce.	J. H. Rostan.
Alexander Rogers.	Joseph Bruce.	Madobchunder Sandell.
J. H. Crawford.	Charles C. Bruce.	Dyalchaund Bysack.
A. Porteous.	Debnarain Day.	W. Stacy.
J. Mackey & Co.	William Bruce, Trustee	J. George.
James Mackenzie.	for Mrs. Col. Lloyd.	Mrs. C. Shelverton.
P. J. Sarkies.	Ditto, ditto, for Mrs. A.	C. Shelverton.
G. Collier.	G. Glass.	Cassinath Bonerjee.
R. Bird.	Ditto, ditto, for E. B.	P. S. D'Rozario.
J. Ranken, M.D.	Squire, junior.	J. D'M. Sinaes, in trust
Brijobullub Doss and	Doorgachurn Bose.	for Miss J. F. Speed.
Gocul Doss.	Rajkissore Lahory.	Gorachand Bose.
J. S. Stopford.	Gourmohun Coondoo.	J. E. Dunn.
A. Beattie.	S. Hornby.	D. W. H. Speed.
Wilson, Frith & Co.	Hurrishunder Bose.	Rajkissen Dey.
G. C. Arbutnot.	Romsounder Mullick.	Jomejoy Bhowse.

SCHEDULE No. II.

Calcutta Bengal Bonded Warehouse Association.

I do hereby certify that _____ have deposited in the warehouse of the Association the undermentioned goods _____ which goods, the Association engage on demand, after payment of rent and incidental charges, and government dues or customs chargeable thereon, to deliver to the said _____ or their assigns, or to the holder of this warrant to whom it may be transferred by indorsement.

Secretary.

II. And it is hereby enacted, that the functionaries who are or may be appointed in the province of Kumaon be henceforth placed under the control and superintendence, in civil cases, of the court of Sudder Dewanny Adawlut at Allahabad, in criminal cases of the court of Nizamut Adawlut at Allahabad, and in revenue cases of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive, from the government of the north-western provinces of the presidency of Fort William.

ACT No. XI. OF 1838.

Passed by the Honourable the President of the Council of India in Council on the 14th May 1838.

I. IT is hereby enacted, that section XV. Regulation XIX. of 1814, of the Bengal code, be repealed.

II. And it is hereby enacted, that it shall be lawful for the Sudder Board of Revenue at Calcutta, with the sanction of the Governor of Bengal, and for the Sudder Board of Revenue at Allahabad, with the sanction of the functionary exercising the authority of government in the north-western provinces, to fix the remuneration of an ameen, or other person employed to effect a partition of an estate under the Regulations enacted for that purpose; and to cause the same to be levied from the parties concerned in the same manner as an arrear of revenue, at such periods, and in such proportions, as the said boards may severally think fit.

ACT No. XII. OF 1838.

Passed by the Honourable the President of the Council of India in Council on the 21st May 1838.

IT is hereby enacted, that from the 1st day of July 1838, all powers vested by Regulation XI. of 1832, of the Madras code, in zillah or assistant judges, shall be vested in every principal sudder ameen within the territories subject to the government of the presidency of Fort St. George, in respect of all hidden treasure of any of the kinds specified in section II. of that Regulation, which may be found within his jurisdiction; and all rules applicable to zillah or assistant judges, shall be applicable to every such principal sudder ameen, in respect of such treasure.

ACT No. XIII. OF 1838.

Passed by the Honourable the President of the Council of India in Council on the 21st May 1838.

I. IT is hereby enacted, that it shall be competent to the Governor-General of India in Council, by an Order in Council, to extend any part of the provisions of Regulation XII. of 1833, to the court of any principal sudder ameen, sudder ameen or moonsiff.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council to delegate the power given to him by section I. of this Act to the Governor of Bengal, and to the Lieutenant-governor of the north-western provinces, or to any functionary exercising the authority of government in the north-western provinces.

ACTS of 1838.

ACT No. XIV. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 16th July 1838.

IT is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to extend the provisions of Regulations III. of 1820 and IX. of 1831, to the articles of ganjah and bang:—the quantity of ganjah and bang which each person shall be allowed to have in his possession without a licence, within the limits specified in any such order, shall not exceed one half viss.

ACT No. XV. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 16th July 1838.

IT is hereby enacted, that clause 1, section XXXV. Regulation XII. of 1827, of the Bombay code, be repealed.

ACT No. XVI. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 23d July 1838.

I. *Clause 1.*—IT is hereby enacted, in modification of the Rules contained in chapter VIII. Regulation XVII. of 1827, of the Bombay code, that in the territories subject to the presidency of Bombay, all suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land, or of the wuttuns of hereditary district or village officers is claimed, shall be brought in the courts of Adawlut and the courts subordinate thereto, and not in the courts of Revenue.

Clause 2.—Provided nevertheless, that it shall be lawful for the Revenue Courts to give immediate possession of all lands, premises, trees, crops, fisheries, and of all profits arising from the same, to any party dispossessed of the same or of the profits thereof, provided application be made to them by such party within six months from the date of such dispossession. And in order to the due execution of such power, it shall be lawful for the Revenue Courts to determine the facts of such possession and dispossession; and the party to whom the Revenue Courts shall so give immediate possession, shall continue in possession, until ejected by a decree of a court of Adawlut.

Clause 3.—Provided also, that nothing contained in this Act shall be held to interfere with the jurisdiction defined in clauses 3, 4, and 5 of section XXXI. Regulation XVII. of 1827, of the aforesaid code, which shall continue to be exercised by the Revenue Courts.

II. And it is hereby enacted, that if a suit be presented in the court of a judge or collector, which such judge or collector shall not deem within his jurisdiction, the party presenting such suit shall be referred by the court in which it may be first presented to that in which, in the opinion of such court, the jurisdiction lies, and the latter court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sudder Dewanny Adawlut, whose decision on the point shall be final.

III. And it is hereby enacted, that if a suit be presented in any court subordinate to the court of a judge or collector, which suit such subordinate court shall not deem to be within its jurisdiction, such subordinate court shall submit the case to the Judge's or Collector's Court to which such subordinate court is subordinate; and if the superior court to which the case is so submitted shall be
of

of opinion that such subordinate court has jurisdiction in the case, such superior court shall direct such subordinate court to proceed with the case, and if such superior court shall be of opinion that such subordinate court has not jurisdiction in the case, such superior court shall proceed in the manner directed in the last preceding section.

IV. And it is hereby enacted, that whenever a court of Adawlut or a Revenue Court shall have entered on its file, under this Act, a suit in which it has not jurisdiction, it shall be competent to the Sudder Dewanny Adawlut, either on a reference from the judge or collector (as the case may be), or on application from the parties, to direct that the suit be transferred, with all the proceedings which may have taken place therein, up to the period of transfer, to the court possessing jurisdiction, which shall proceed therewith as if the suit had been originally filed in that court.

V. And it is hereby enacted, that when any court trying an appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a court of Adawlut, or a court subordinate thereto, or that the action was originally brought and decided in a court of Adawlut, or a court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the court trying the appeal shall, instead of quashing the whole proceedings, annul only the decree and refer the suit to be tried in the court to which the jurisdiction properly belongs, without further costs of stamps to the parties, except on new exhibits, if any such should be allowed to be filed; and the court trying any such case referred under the foregoing section shall take further pleadings, exhibits, and evidence, only if it deem such necessary, and shall pass a new decree; but if an appeal be made from such new decree by the party originally bringing the appeal, then the decree of the court trying such new appeal shall be passed without the cost of a new stamp on the petition of appeal to that party.

VI. And it is hereby enacted, that all original suits and appeals relating to any of the subjects enumerated in clause 1, section I. of this Act, which may be depending in the Revenue Courts, shall be forthwith transferred to the courts of Adawlut; and in all cases where the right of appeal may now be open, the appeal shall be brought to the court to which, under the rules of this Act, such appeal shall lie.

ACT No. XVII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 13th August 1838.

I. IT is hereby enacted, that from the 1st day of September 1838, it shall be competent to the zillah judges, the assistant judges of auxiliary courts, and the principal sudder ameens in the territories subject to the presidency of Fort St. George, to receive a summary appeal from the orders or decrees of the district moonsiffs stationed within their respective jurisdictions, in cases in which such district moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them by superior authority.

II. And it is hereby enacted, that the provisions contained in the fifth and six following clauses of section 5, Regulation XV. of 1816 of the Madras code, regarding summary appeals, shall apply to the summary appeals preferred under the authority of this Act.

ACT No. XVIII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 20th August 1838.

I. IT is hereby enacted, that from the 1st day of October next, in addition to the security authorized to be taken by section XII. Regulation XVI. 1827,

ACTS of 1888.

of the Bombay code, it shall be lawful for every collector or other principal officer entrusted with the collection or management of the revenues of government, in the territories subject to the government of the presidency of Bombay, to require security of one or more individuals in the form of Schedule (A), from any officer employed under him, not being a covenanted servant or commissioned officer of the East India Company.

II. *First.*—And it is hereby enacted, that the surety or sureties of such officer as is aforesaid, who may enter into a bond of the form Schedule (A), shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against, in case of default, and notwithstanding such principal may be so proceeded against.

Second.—Provided always, that no greater sum shall be recovered from the surety or sureties than is sufficient to cover any loss or damage which the government may actually sustain by the default of the principal, as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them.

Third.—And provided also, that the said surety or sureties shall, in no case, be liable to summary imprisonment in default of producing public papers or property, provided he or they pay into the collector's treasury, the whole or such part of the penalty named on the bond as may be demanded.

III. And it is hereby enacted, that the collector or other officer as aforesaid, may at any time after security has been given, the sanction of the superior revenue authority being first obtained, demand fresh or additional security, as may seem to him expedient.

IV. And it is hereby enacted, that any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on his stating, in writing, to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his principal concerning monies, papers, or accounts for which his principal may become chargeable after the expiration of such period of sixty days.

V. And it is hereby enacted, that the liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed.

VI. And it is hereby enacted, that the date from which the liability of the surety or sureties is to commence shall be stated in the bond, and such date shall be that of the appointment to the situation which the principal is declared in the bond to hold, or that from which any former security bond has been cancelled, or any other specific date which the officer requiring such security may determine, and the party or parties executing the bond shall agree to.

SCHEDULE (A.)

FORM OF BOND.

I, *A. B.* [*we, A. B. and C. D.*] do hereby become security on the part of *E. F.*, holder of the office of _____ in the collectorship of _____ and bind myself [*ourselves severally and jointly*] to make good all demands for public money, public papers and accounts, and all other property appertaining to government, which may have arisen from the date from which this bond is to take effect as hereinafter mentioned, and which may arise during such period as this bond may continue in force against the said *E. F.*; and on failure to produce public accounts, papers, or other property appertaining to government, not being money, I [*or we*] agree to forfeit such sum not exceeding [*10,000 rs.*, or as the case may be] as the collector [*or other officer, as the case may be*] may deem proper.

This bond is to have effect from the date of appointment of the said *E. F.* [*or as the case may be.*]

Executed this _____
Witnesses.

day of _____

in the year of _____

[Signature of Security.]

ACT No. XIX. OF 1838.

ACTS OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 27th August 1838.

I. IT is hereby enacted, that from the 1st day of November 1838 sections XX. and XXI., Regulation XX. of 1827 of the Bombay code, be repealed.

II. And it is hereby enacted, that from the said 1st day of November 1838 the following rules shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the presidency of Bombay and employed on the coasts of the territories subject to the government of Bombay or in trading coastwise, as also with respect to fishing vessels and harbour craft belonging to any of the same Her Majesty's subjects.

III. And it is hereby enacted, that every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same by the officer authorized to make such registry as is hereinafter mentioned; and the owner or owners of such vessel employed as aforesaid, fishing vessel, and harbour craft, shall cause such name and number to be painted in black paint upon a white ground on each quarter of such vessel employed as aforesaid, fishing vessel, and harbour craft, in English figures and letters, each figure and letter being six inches in length.

IV. And it is hereby enacted, that the name and number of every such vessel employed as aforesaid, fishing vessel, and harbour craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book to be kept for that purpose by the person hereinafter directed to make such registry. At Bombay such registry shall be made by the master-attendant; and at other places within the said territories by the collector of sea customs at such places respectively, or by such other person as shall be appointed by the government of Bombay to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing vessel, or harbour craft, or in the name or names of the owner or owners thereof, such registry shall be made again: provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing vessel, or harbour craft, other than that by which she was first registered.

V. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made; or in order to have such registry made again as aforesaid; and whenever such vessels employed as aforesaid, fishing vessel, or harbour craft, is registered at a subordinate port, information thereof and of the number there assigned to her, shall immediately be given by the registering officer to the master-attendant at Bombay.

VI. And it is hereby enacted, that the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing vessels, and harbour craft, at Bombay, shall be performed by the master-attendant; and at all other places within the territories subject to the government of Bombay, the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing vessel, and harbour craft, shall be performed by the collector of sea customs at such places respectively, or by such other persons as shall be appointed by the government of Bombay to act at such places respectively, in the execution of this Act.

VII. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply for and obtain a certificate of registry from the person authorized to make such registry as aforesaid, and such certificate shall be in the form specified in the schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned.

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VIII. And it is hereby enacted, that such certificate of registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorized to make such registry.

IX. And it is hereby enacted, that such certificate shall be issued to every vessel employed as aforesaid, fishing vessel, and harbour craft as aforesaid, from the date of the expiration of the pass she is now furnished with; the registrations with respect to fishing vessels and harbour craft, to take effect from the 1st of November 1838.

X. And it is hereby enacted, that the owner or owners of such vessels employed as aforesaid (fishing vessels and harbour craft being excepted), on being registered as aforesaid, shall pay—

For each certificate of registry for a vessel not exceeding 20 Bombay candies burthen, the fee of	- - -	1 rupee.
For each certificate for a vessel exceeding 20 such candies burthen, and not exceeding 100 candies burthen	- - -	5 —
For each certificate for a vessel exceeding 100 such candies burthen, and not exceeding 400 candies burthen	- - -	7 —
And for each certificate for a vessel of 100 tons, or greater burthen, per ton	- - - - -	2 annas.

XI. And it is hereby enacted, that the person or persons so authorized to make such registry as aforesaid shall receive the fees payable for the same, and shall pay such fees to such officer as the Governor of Bombay in Council shall appoint; the same to be carried to the credit of the government of Bombay.

XII. And it is hereby enacted, that the owner or owners or commander of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall produce, on demand thereof by any officer of the customs within the said territories, or by any officer of the Indian navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing vessel, or harbour craft, as abovementioned.

XIII. And it is hereby enacted, that in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so marked or branded, in all respects as hereinbefore directed, or in case the name and number of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing vessel, or harbour craft, in all respects as hereinbefore directed; or in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not produce such certificate on demand thereof as hereinbefore directed, the owner or owners of every such vessel employed as aforesaid shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable; and the owner or owners of any such fishing vessel or harbour craft shall be subject to a fine of 10 rupees; which fines may be recovered on conviction before any magistrate, justice of the peace, or person exercising the powers of a magistrate having jurisdiction within the said territories, by sale of such vessel, fishing vessel, or harbour craft, her furniture, ammunition, tackle, and apparel; and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall make such default as aforesaid, provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

XIV. And it is hereby enacted, that the Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing vessel, or harbour craft, guns, furniture, tackle, ammunition, and apparel, as last mentioned, to be made out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner, and in such shares or proportions as to the said Governor in Council shall seem meet.

XV. And

XV. And it is hereby enacted, that from the 1st day of November 1838 a certificate from the marine paymaster at Bombay, or from the boat-master at Bombay, shall not be required in order to enable any person or persons to obtain a port clearance for any vessel at the Custom-house of Bombay. ACTS of 1838.

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This is to certify that [here insert the names, occupation, and residence of the owners], having declared, that [he or they] are sole owner or owners of the vessel [fishing vessel or harbour craft] called [the name], which is of the burthen of [number of Bombay candies], and that the said vessel [fishing vessel or harbour craft] was [where and when built], the said vessel [fishing vessel or harbour craft] has been duly registered at the port of [name of port].

Certified under my hand.

[Signature of officer.]

ACT No. XX. OF 1838.

Passed by the Honourable the President of the Council of India in Council on the 27th August 1838.

I. IT is hereby enacted, that from the 1st day of October next, section VIII. Act XVII. 1837, be repealed.

II. And it is hereby enacted, that when there is no bhangee post established on any line of road, letters and packets exceeding in weight 12 tolas, and not exceeding 40 tolas, shall be received by postmasters for transmission by the letter post under the rules which follow.

First.—If the letter or packet received for dispatch be of the description specified in heads Nos. 1, 2, and 3 of the Schedule (A.) annexed to Act XVII. of 1837, the postage duty thereon shall be levied by rateable increase, as declared and provided in the said heads of the said Schedule, and the postmasters shall forward every such letter or packet on the same terms, the postage charge being rateably increased, as is provided in the said Act for letters and packets not exceeding 12 tolas in weight.

Second.—If any packets exceeding 12 tolas in weight, and not exceeding 40 tolas, when so brought for dispatch along a road where there is no regular bhangee post established, be certified by attestation written on the cover not to contain any of the things specified as subject to rateable postage duty under heads Nos. 1, 2, and 3 of the said Schedule; and further, if it be so certified that such packets do not contain any writing in contravention of sections IX. and X. Act XVII. of 1837, every such packet shall in like manner be forwarded by the letter post being charged with duty as specified and prescribed in Table 4, Schedule (A.) for bhangee parcels: provided, however, that it shall be in the power of the postmaster at the place of delivery to proceed for the discovery of any fraud or contravention of the law in respect of all packets so conveyed by the letter post at bhangee postage rates, in the manner prescribed in section XXX. Act XVII. 1837: provided also, that government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the postmaster for conveyance by virtue of this Act, and that no person employed by the government in the post-office department shall be responsible for any such loss or damage unless such person has caused such loss or damage maliciously or fraudulently.

III. And it is hereby enacted, that if packets exceeding 40 tolas in weight be brought for dispatch by the letter post at bhangee rates, the same may be forwarded under the rules and restrictions prescribed in the preceding section of this Act: provided, however, that the transmission of such over-weight packets shall always be discretionary with the postmaster, to whom they may be brought for dispatch, to forward them at such times and in such manner as may be convenient.

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IV. And it is hereby enacted, that no packet brought for dispatch by bhangee post shall be returned from any post-office on the ground that the bhangee post has not been laid for the whole distance to the place of delivery.

V. And it is hereby enacted, that, except as hereinafter is mentioned, if any person wilfully certify or cause to be certified by writing on any letter, cover, or packet delivered at any post-office for conveyance by post, what is not true in respect of such letter or packet, or in respect of its contents, for the purpose of defrauding the post-office revenue, every such person shall, on conviction, be subject to a fine of 50 rupees for every such offence.

VI. And it is hereby enacted, that whoever shall send, or cause to be sent, by the government post any packet, under the provisions of this Act, of the description mentioned in Table 2 of Schedule (A.) Act No. XVII. A. D. 1837, which shall contain any writing whatever other than writing which is necessarily part of the documents which such packet is stated to contain by attestation on the cover of such packet, knowing that it contains any writing not necessarily part of the documents which such packet is stated to contain by attestation on the cover, shall be punished with a fine of 50 rupees.

VII. And it is hereby enacted, that whoever shall send, or cause to be sent by the government post, under the provisions of this Act, any packet of the description mentioned in Table 3 of Schedule (A.) Act No. XVII. A. D. 1837, which shall contain any writing whatsoever, except the direction on the cover, knowing that it contains any writing other than the direction on the cover, shall be punished with a fine of 50 rupees.

VIII. And it is hereby enacted, that all fines incurred on account of letters or packets sent by the letter post, or by the bhangee post in contravention of the provisions of sections IX. and X. of Act XVII. of 1837, as well as all fines by this Act authorized to be imposed, shall be demanded from the parties liable thereto by notice in writing from the postmaster-general, or from any postmaster; and if not paid upon such demand, the same shall, upon conviction of the offender before any magistrate for the place where the party charged may be residing, be levied, together with the costs attending the information and conviction, by distress and sale of the goods and chattels of the party or parties offending, by warrant under the hand of such magistrate; and if upon the return of such warrant it shall appear that no sufficient distress can be had thereon, then it shall be lawful for any such magistrate, by warrant under his hand and seal, to cause such offender or offenders to be committed to prison, there to remain for the space of two calendar months, unless such fines and all reasonable charges attending the same shall be sooner paid and satisfied.

IX. And it is hereby enacted, that it shall be lawful for the postmaster to detain any letter or packet in respect of which any party shall become liable to fine for a contravention of sections IX. and X. of Act XVII. 1837, or of any of the provisions of this Act, until the fine and all reasonable charges attending the same shall have been duly paid.

ACT No. XXI. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 27th August 1833.

I. IT is hereby enacted, that it shall be lawful for the Governor-General of India in Council, in his executive capacity, to direct the coinage, and issuing of any silver coins, of a value represented in even annas or sixteenths of the Company's rupee, provided they be of the same standard as that prescribed for such rupee by the Act No. XVII. of 1835, and of proportionate weight.

II. And it is hereby enacted, that the provisions of Act No. XVII. of 1835 and of Act No. XXXI. of 1837, applicable to the devices, inscriptions, and embellishments of the coins coined and issued by virtue of the Act No. XVII. of 1835, shall be applicable to the coins which may be coined and issued by virtue of this Act.

ACT No. XXII. OF 1838.

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Passed by the Honourable the President of the Council of India in Council
on the 10th September 1838.

I. IT is hereby enacted, that from the 1st day of October 1838, it shall be competent to the zillah and city judges, in the territories subject to the presidency of Fort William in Bengal, to receive a summary appeal from the orders or decrees of the moonsiffs subordinate to them, in cases in which such moonsiffs may have refused to admit any suit regularly cognizable by them, or may have dismissed, on the ground of delay, informality, or other default, without an investigation of the merits of the case, any such suit which they may have admitted, or any suit regularly referred to them.

II. And it is hereby enacted, that the provisions contained in the 5th and 6th following clauses of section III. Regulation XXVI. of 1814, and section II. Regulation XII. of 1833, and section VII. Regulation IX. of 1831 of the Bengal code, shall apply to the summary appeals preferred under the authority of this Act.

ACT No. XXIII. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 17th September 1838.

IT is hereby enacted, that so much of section III. Regulation IV. of 1831 of the Madras code, as saves and excepts the liability to attachment or sequestration in certain cases of the grants mentioned in section II. of the said Regulation, be repealed; and that such grants shall not be liable to attachment or sequestration in satisfaction of any decree or order of court whatever.

ACT No. XXIV. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 24th September 1838.

I. IT is hereby enacted, that section III. of Act XIX. of 1836, together with any other provisions of that Act which prescribe or imply that the capital stock of the Bank of Bengal shall not exceed 75 lakhs of rupees, shall from this day be repealed.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, whenever he shall see fit, from time to time, by an order to be notified in the Calcutta Gazette, to authorize the capital stock of the said bank to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice to the proprietors of the said bank for the time being, and allowing to them a period of not less than 18 months to fill up such subscription.

III. And it is hereby enacted, that whenever such increase of capital stock of the Bank of Bengal shall be ordered by the Governor-General of India in Council, the proprietors entitled to share therein shall not be debarred of the right to subscribe for the new stock, in the proportion of the shares they may be legally holding, by reason of any limit to the quantity of stock which a single proprietor may hold that may be imposed by the provisions of the charter of the bank, or by any clause or provision contained in Act No. XIX. of 1836.

IV. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, when he shall direct an increase to be made of the capital stock of the Bank of Bengal, to prescribe, that the subscriptions shall be made upon each share respectively, in any given proportion to the amount of stock represented by such share, and after subscription made at any time within the

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period of notice prescribed in section II. of this Act, to permit the amount subscribed on account of any share or shares to be paid up and annexed to the capital stock of the Bank in such manner and at such dates as may be deemed most convenient and proper, and likewise to prescribe that the amount of new capital that may not be subscribed for by proprietors within the period of 18 months so specified, shall be sold by auction by an officer of the bank, for the benefit of the said bank, on some early date after the close of such period, and that the proceeds of such sale shall be at the disposal of the proprietors of the bank by resolution duly passed at their general meetings, anything in the existing charter of the said bank regarding the method of taking the subscriptions of new capital to the contrary notwithstanding.

V. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council, at the time of ordering any increase of the capital stock of the Bank of Bengal, to reserve the portion of such increase that may belong to government by reason of its share of the capital of the said bank, and to fix any date within the period of 18 months above specified, as that before which it shall be finally declared whether the government will take the share of new stock to which it is so entitled, or will refuse the same; and in case of refusal by government to take its share of new stock, such stock shall not be sold on account of the proprietors at large, as above provided for stock not subscribed for by other proprietors, but the amount to which the government may be so entitled shall not be raised, and if the government shall determine to subscribe for the share of new capital to which it is entitled, it shall be lawful for the Governor-General of India in Council either to retain the same or to order the sale of such new stock, or any portion thereof on account of government, in such manner and at such times as to him may seem fit.

ACT No. XXV. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 8th October 1838.

I. IT is hereby enacted, that the words and expressions hereinafter mentioned shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows: (that is to say) the word "will" shall extend to a testament and to a codicil, and to an appointment by will, or by writing, in the nature of a will in exercise of a power, and also to a disposition by will and testament of devise of the custody and tuition of any child, by virtue of an Act passed in the 12th year of the reign of King Charles 2d, intituled "An Act for taking away the Court of Wards and Liveries, and Tenures *in capite*, and by Knight's Service and Purveyance, and for settling a Revenue upon His Majesty in lieu thereof," or by virtue of an Act passed in the Parliament of Ireland in the 14th and 15th years of the reign of King Charles 2d, intituled "An Act for taking away the Court of Wards and Liveries, and Tenures *in capite*, and by Knight's Service, and to any other testamentary disposition; and the words "real estate" shall extend to messuages, lands, rents, and hereditaments, whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and the words "personal estate" shall extend to leasehold estates and other chattels real, and also to monies, shares of government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever, which by law devolves upon the executor or administrator, and to any share or interest therein: and every word importing the singular number only shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And it is hereby enacted, that an Act passed in the 32d year of the reign of King Henry 8th, intituled "The Act of Wills, Wards, and Primer Seisins, whereby a Man may devise Two parts of his Land;" and also an Act passed in the 34th and 35th years of the reign of the said King Henry 8th, intituled "The
Bill

Bill concerning the explanation of Wills;" and also an Act passed in the Parliament of Ireland in the 10th year of the reign of King Charles 1st, intituled "An Act how Lands, Tenements, &c. may be disposed by Will or otherwise, and concerning Wards and Primer Seisins;" and also so much of an Act passed in the 29th year of the reign of King Charles 2d, intituled "An Act for prevention of Frauds and Perjuries;" and of an Act passed in the Parliament of Ireland in the 7th year of the reign of King William 3d, intituled "An Act for prevention of Frauds and Perjuries, as relates to Devises or Bequests of Lands or Tenements, or to the revocation or alteration of any Devise in Writing of any Lands, Tenements or Hereditaments, or any Clause thereof, or to the Devise of any Estate *pur autre vie*, or to any such Estate being Assets or to Nuncupative Wills, or to the repeal, altering, or changing of any Will in writing concerning any Goods or Chattels, or Personal Estate, or any Clause, Devise, or Bequest therein;" and also so much of an Act passed in the 4th and 5th years of the reign of Queen Anne, intituled "An Act for the amendment of the Law, and the better advancement of Justice;" and of an Act passed in the Parliament of Ireland in the 6th year of the reign of Queen Anne, intituled "An Act for the amendment of the Law, and the better advancement of Justice," as relates to witnesses to nuncupative wills; and so far as the following Acts may be construed to have any operation within the territories of the East India Company, so much of an Act passed in the 14th year of the reign of King George 2d, intituled "An Act to amend the Law concerning Common Recoveries;" and to explain and amend an Act made in the 29th year of the reign of King Charles 2d, intituled "An Act for prevention of Frauds and Perjuries," as relates to estates *pur autre vie*; and also an Act passed in the 25th year of the reign of King George 2d, intituled "An Act for avoiding and putting an end to certain Doubts and Questions relating to the Attestation of Wills and Codicils, concerning real Estates, in that part of Great Britain called England, and in His Majesty's Colonies and Plantations in America," except so far as relates to His Majesty's colonies and plantations in America; and also an Act passed in the Parliament of Ireland in the same 25th year of the reign of King George 2d, intituled "An Act for the avoiding and putting an end to certain Doubts and Questions relating to the Attestations of Wills and Codicils, concerning Real Estates," shall, from the passing of this Act, cease to have effect in the territories of the East India Company, except so far as the same Acts, or any of them respectively, relate to any wills or estates *pur autre vie*, to which this Act does not extend.

III. And it is hereby enacted, that this Act shall only extend to the wills of persons whose personal property cannot, by the law of England, pass to their representatives without probate or letters of administration obtained in one of Her Majesty's supreme courts of judicature; and that the statutes, and parts of statutes aforesaid, are only repealed as far as they relate to the succession to the property of such persons.

IV. And it is hereby enacted, that it shall be lawful for every person to devise, bequeath, or dispose of by his will, executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon the heir at law of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator; and that the power hereby given shall extend to all estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or an incorporeal hereditament, and whether the same shall be freehold or of any other tenure, and also to all contingent, executory, or other future interests, in any real or personal estate, whether the testator may or may not be ascertained as the person, or one of the persons, in whom the same respectively may become vested, and whether he may be entitled thereto, under the instrument by which the same respectively were created, or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken, and other rights of entry; and also to such of the same estates, interests, and rights respectively, and other real and personal estate, as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

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V. And it is hereby enacted, that no will made by any person under the age of 21 years shall be valid.

VI. Provided also, and it is hereby enacted, that no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

VII. And it is hereby enacted, that no will shall be valid unless it shall be in writing, and executed in manner hereinafter mentioned (that is to say); it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator in the presence of two or more witnesses present at the same time, and such witnesses shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

VIII. And it is hereby enacted, that no appointment made by will in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required; and every will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding that it shall have been expressly required that a will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

IX. And it is hereby enacted, that every will executed in manner hereinbefore required shall be valid without any other publication thereof.

X. And it is hereby enacted, that if any person who shall attest the execution of a will, shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

XI. And it is hereby enacted, that if any person shall attest the execution of any will, to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as a witness to prove the execution, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will.

XII. And it is hereby enacted, that in case by any will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor, whose debt is so charged shall attest the execution of such will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

XIII. And it is hereby enacted, that no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or invalidity thereof.

XIV. And it is hereby enacted, that every will made by a man or woman shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions).

XV. And it is hereby enacted, that no will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

XVI. And it is hereby enacted, that no will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same

same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same. ACTS of 1838.

XVII. And it is hereby enacted, that no obliteration, interlineation, or other alteration made in any will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or some other part of the will opposite or near to such alteration, or at the foot or end of or opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

XVIII. And it is hereby enacted, that no will or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in a manner hereinbefore required, and showing an intention to revive the same; and when any will or codicil which shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary be shown.

XIX. And it is hereby enacted, that no conveyance or other act made or done subsequently to the execution of a will of, or relating to any real or personal estate therein comprised, except an act by which such will shall be revoked as aforesaid, shall prevent the operation of the will with respect to such estate or interest in such real or personal estate, as the testator shall have power to dispose of by will at the time of his death.

XX. And it is hereby enacted, that every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

XXI. And it is hereby enacted, that unless a contrary intention shall appear by the will, such real estate and interest therein as shall be comprised or intended to be comprised in any devise in such will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

XXII. And it is hereby enacted, that a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

XXIII. And it is hereby enacted, that where any real estate shall be devised to any person without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a contrary intention shall appear by the will.

XXIV. And it is hereby enacted, that in any devise or bequest of real or personal estate the words "die without issue," or "die without leaving issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the lifetime

ACTS of 1838. or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift being, without any implication arising from such words, a limitation of an estate tail to such person or issue or otherwise; provided that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

XXV. And it is hereby enacted, that where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by will in such real estate, unless a definite term of years, absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication.

XXVI. And it is hereby enacted, that where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

XXVII. And it is hereby enacted, that where any person to whom any real estate shall be devised for an estate tail, or an estate in quasi entail, shall die in the lifetime of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXVIII. And it is hereby enacted, that where any person being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXIX. And it is hereby enacted, that notwithstanding anything in this Act contained, any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

XXX. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions of Act No. XX. of 1837, whereby immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca, transmitted by the last will of any person having a beneficial interest in the same, is taken to be and to have been of the nature of chattels real and not of freehold as regards such transmission, provided that such will shall be executed and construed as a will of chattels real is to be executed and construed by virtue of this Act.

XXXI. And it is hereby enacted, that this Act shall not extend to any will made before the 1st day of February, in the year of our Lord 1839, and that every will re-executed or re-published or revived by any codicil shall for the purposes of this Act be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the 1st day of February in the year of our Lord 1839.

ACT No. XXVI. of 1838.

ACTS of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 8th October 1838.

I. IT is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the presidency of Fort St. George to direct that all or any persons committed by the principal sudder ameen of Sursee for trial before the court of circuit for the western division of the territories subject to that presidency, shall be tried at the sessions of gaol delivery to be held at Honore.

II. And it is hereby enacted, that it shall henceforth be lawful for the Governor in Council of the presidency of Fort St. George, to direct that all or any persons committed by any principal sudder ameen for trial before the court of circuit shall be tried at any sessions of gaol delivery to be held at any station within the zillah to which the court of such principal sudder ameen may be attached.

ACT No. XXVII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 22d October 1838.

I. IT is hereby enacted, that so much of clause 1, section XVIII. Regulation V. of 1831 of the Bengal code, as provides that no suit be referred to a principal sudder ameen, in which the vakeels or officers of his court shall be a party, is hereby repealed.

II. And it is hereby enacted, that in cases where, by reason of the above clause, a suit cannot be referred to a sudder ameen, because he himself or his relatives or dependents are a party to the suit, and where the zillah and city judges cannot refer such suit to be tried by any other competent authority, it shall be lawful for each of the courts of Sudder Dewanny Adawlut within the territories subject to the presidency of Fort William in Bengal to direct, by an order authenticated by the official signature of their register, that the cognizance of such suit shall be transferred to any other zillah or city court subordinate to the same court of Sudder Dewanny Adawlut; and the judge of such other zillah or city court may thereupon refer such suit in the same manner as if the same had been originally instituted in the court of such other zillah or city.

ACT No. XXVIII. of 1838.

Passed by the Honourable the President of the Council of India in Council
on the 5th November 1838.

IT is hereby enacted, that where any person or persons shall be convicted at any sessions of oyer and terminer or gaol delivery, that shall be holden for any of the presidencies of Fort William, Fort St. George, the presidency or island of Bombay, or for Prince of Wales' Island, Singapore, or Malacca, of the crime of perjury, it shall be lawful for the court before which any person shall be so convicted, to order and adjudge such person to be transported to such place as the court shall direct for life or for any term of years, or to be imprisoned for any term not exceeding four years, with or without hard labour, and with solitary confinement, for such portion or portions of the said term as such court shall think fit, not exceeding one month at a time, or three months within the period of one year: Provided, that it shall not be lawful for any such court to order the transportation of any person, being a native of the East Indies and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

ACTS of 1838.

ACT No. XXIX. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 12th November 1838.

IT is hereby enacted, that from the 1st day of December 1838, sections LIX. LX. and LXI. Regulation X. 1819, of the Bengal code, shall be repealed.

II. And it is hereby enacted, that when information shall be given to any salt agent or superintendent of salt chokies that contraband salt is stored in any warehouse, dwelling house, or other place situated in the tract of country in Bengal or Orissa within which the transportation of salt without ruwana is not lawful, and such salt agent or superintendent of salt chokies shall deem the information credible, and desire to act thereupon, he shall require the same to be given to him in writing, or shall take the deposition of the informant, as may be most convenient, so that the following particulars shall be placed on record in his office. First, the name, profession and place of residence of the informant. Second, the place, that is, the name of the town or village, and description of the house, warehouse or other place where the salt may be stated to be in store. Thirdly, the name of the person to whom the house, warehouse, or other place belongs, or on account of, or by whom the salt is there stored. Fourthly, the quantity and description of the salt, and the grounds for believing the same to be contraband.

III. And it is hereby enacted, that if the contraband salt so stated to be in store exceed in quantity one maund or Indian mun, it shall be liable to seizure in manner following, that is to say, the salt agent or superintendent of chokies, having before him the written statement or deposition of an informer, given in or taken down as above prescribed, shall, provided the place of such store be not too distant, proceed in person, together with the informant, summoning by written notice the nearest police darogha or other officer in charge of the police thana or station to attend likewise, and witness the proceeding.

IV. And it is hereby enacted, that for the purpose of making seizure of salt in store so informed against, it shall be competent to any salt agent or superintendent, having a police officer in company, to break open the door of the house, warehouse or other place in which the salt may be stated to be stored, if, upon requisition duly made, the door be not immediately opened by the owner or occupant thereof.

V. And it is hereby enacted, that if the salt agent or superintendent shall not be able to proceed in person to make a seizure of salt, in manner above provided, he shall send along with the informer one or more confidential officers of his public establishment, not being under the rank of a jemadar or peons, giving to such officer or officers his warrant ordering and authorising the seizure, and sending notice as above prescribed for the police darogha or other police officer to attend, and the officer so deputed shall have power to act in like manner as is provided for the agent or superintendent in person; provided that the door of no house, warehouse or other place, shall be broken open to make a seizure of salt except in the presence of a salt agent or superintendent of chokies, or of an officer so specially deputed, and of an officer of police.

VI. And it is hereby enacted, that it shall be competent to the head officer of any salt chokee or auring for the manufacture of salt, and for any assistant to a salt agent or superintendent, to receive information of salt exceeding one maund in quantity being in store in a house, warehouse, or other place in the manner prescribed in section II., and to act thereupon as provided in sections III. and IV. of this Act for the salt agent and superintendent, provided that the place of store described in such information be situated at a distance of more than three kos from the station of a salt agent or superintendent of chokies, or from the place where the salt agent or superintendent may be.

VII. And it is hereby enacted, that if the darogha or person in charge of any police thana or station, receiving notice to attend at a seizure of salt in store as is above prescribed, shall not attend, or attending shall refuse to act in aid of the seizure, or shall in any way wilfully frustrate the object of the search and seizure,

seizure, such darogha or other officer shall, on representation of the facts by the officers of the salt department, and on conviction of the same before the magistrate of the district, besides being dismissed from office, be liable to a fine equal to the amount of fine that would have been leviable on the owners of the salt, if it had been seized according to the information laid.

VIII. And it is hereby enacted, that whenever it shall be necessary to break open any house, warehouse, or other place, to effect a seizure of salt, the rules and precautions prescribed in Regulation XX. of 1817, and section X. Regulation VII. of 1779 of the Bengal code, for breaking into a house for execution of process of distraint, shall always be observed by the police officers in attendance; provided however that the responsibility for the act, and the determination whether to require the door to be broken open or not, shall rest with the officers of the salt department only.

IX. And it is hereby enacted, that whenever a seizure of salt in store in any house, warehouse, or other place shall be made by a salt agent or superintendent of chokies, the circumstances which attended the seizure shall be recorded in an official proceeding, to be placed on record in the office.

X. And it is hereby enacted, that if the seizure be made by an officer of the salt department, other than an agent or superintendent of chokies, such officer shall report the circumstances within 24 hours to his official superior; and the police officer in attendance shall likewise report the occurrences at the time of seizure to his official superior.

XI. And it is hereby enacted, that no salt found in store in any house or warehouse shall be deemed to be contraband, or shall be liable to seizure, unless when the search is made there shall be found more thereof than one maund or Indian mun, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being in his possession.

XII. And it is hereby enacted, that whenever salt shall be seized as contraband, because unaccompanied by any ruwana or other protecting document, the person or persons conveying, or having in charge the same, shall be apprehended; and all officers who are empowered to seize salt under the provisions of Regulation X. 1819 of the Bengal code, shall likewise be competent to arrest the parties found with or having the salt in possession.

XIII. And it is hereby enacted, that it shall be lawful for the salt agents and superintendents of chokies and other officers who may be duly empowered to seize salt, to stop and search any boats or vessels of a build adapted for sea navigation, that may be found within the limits described in section XXXIII. of this Act; and if salt shall be found thereon not accompanied by the necessary ruwana or other protecting document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an officer empowered to adjudicate cases of contravention of the salt law.

XIV. And it is hereby enacted, in modification of section XXXVI. Regulation X. of 1819, of the Bengal code, that if any person shall be found in the act of conveying salt without ruwana, or other protecting document, exceeding in quantity five seers, of 80 tolahs to the seer, within the tract of country in Bengal or Orissa, wherein the transportation of salt is prohibited unless so protected, or if several persons be found carrying salt so unprotected, in gangs or companies, which salt shall exceed in the whole quantity five seers for each person in such gang or company, every such person shall be subject to the penalties prescribed by Regulation X. of 1819 aforesaid, and by this Act, for the illegal possession and transportation of salt.

XV. And it is hereby enacted, in modification of section CXXI. of Regulation X. 1819 aforesaid, that any person or persons who may be convicted of smuggling salt without ruwana singly or in gang, and sentenced to pay a fine to government on account of salt so smuggled, or attempted to be smuggled, shall, if the fine be not paid, be liable to imprisonment in the criminal or foudjaree gaol, for a period not exceeding six months, in commutation of such fine.

XVI. And it is hereby enacted, in further modification of section CXXI. of Regulation X. 1819 aforesaid, that any person who may be sentenced under

ACTS of 1838. sections XXXI. LXVIII. and LXX. of the said Regulation, to imprisonment in addition to fine, for the offences described in those sections respectively, shall in like manner be liable as above provided for persons convicted of gang smuggling, to undergo such punishment in the foudaree gaol: and cases of the kind described in the said sections shall be adjudicated in like manner as cases in which fine only is adjudged: and the warrant of the officer adjudicating any case under this or the preceding section of this Act, shall be authority for the magistrate or other person in charge of the foudaree gaol, to hold the person described therein in confinement in such gaol, as may be specified and required in the said warrant.

XVII. And it is hereby enacted, that when any person shall be convicted of gang smuggling, or of any of the offences described in sections XXXI. and LXX. of Regulation X. of 1819 aforesaid, after having been previously convicted of a like offence, he shall be sentenced, in addition to the penalty attaching to such offence, to imprisonment in the foudaree gaol for a period of six months, and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XVIII. And it is hereby enacted, that it shall be lawful for any salt agent to proceed for the recovery of any balance that may be due to government within the year, upon any contract made for the manufacture of salt in the limits of his agency, by the process of distraint; and for the demand and levy of the same, to exercise the powers vested by the Regulations and Acts of the government in zemindars and sudder farmers, being subject to like restrictions, and with the like remedies to any parties aggrieved thereby.

XIX. And it is hereby enacted, that if any person shall by threats or by violence prevent the lawful arrest of any person by an officer duly authorized to seize salt, or shall procure his release after arrest, or if the party found with the salt in possession, or any other persons resist any such officers, they shall severally and respectively be liable to the punishment prescribed in section LVI. of Regulation X. 1819 of the Bengal code.

XX. And it is hereby enacted, that if any officer making an arrest upon account of salt smuggling shall neglect to carry the person arrested to the proper officer of the salt department, or shall delay to report the arrest to his superior, or shall release or connive at the escape of the person arrested, every such officer shall, on conviction of any one of the above offences, besides dismissal from office, be liable to be sentenced for the same to a fine not exceeding 200 rupees, and to imprisonment not exceeding three months; and the sentence may be adjudged by any officer competent to adjudicate a forfeiture of contraband salt; and, in case of non-payment of the fine, to a further imprisonment not exceeding three months, at the discretion of the officer deciding the case.

XXI. And it is hereby enacted, that whenever any person may be arrested by an officer of the salt department, or by any other officer of other departments duly empowered to make a seizure of salt, the person making the arrest shall be bound to carry the party arrested direct to the officer of the salt department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brought to judgment in the manner provided by law.

XXII. And it is hereby enacted, that if any officer of the salt department be convicted before the magistrate of any district, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for salt, or of having vexatiously and unnecessarily arrested any person, or of having stopped and detained any boat unnecessarily and without authority, or of having detained any boat longer than is necessary for the purpose of search, every such officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

XXIII. And it is hereby enacted, in modification of section CXXII. Regulation X. of 1819 aforesaid, that if any person shall wilfully and maliciously give false information in respect to there being illicit salt in store in any house or warehouse, and so procured that such house or warehouse shall be searched

searched to the injury or vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, on conviction of the offence before any magistrate, be liable to imprisonment for two years, and to fine not exceeding 500 rupees, at the discretion of any magistrate by whom the case may be tried; and in case of the non-payment of the fine, to imprisonment for a further period of six months. ACTS of 1839.

XXIV. And it is hereby enacted, that when parties shall be convicted of the illegal possession or transportation of salt, and shall be liable to the penalty of five rupees per maund, as prescribed in section XXXVI. Regulation X. of 1819 of the Bengal code, the fine shall be at the said rate according to the quantity of salt seized, whether less or more than one maund, and each one of the smugglers in company, or parties to the fraud on the revenue, shall be liable to the whole fine.

XXV. And it is hereby enacted, that it shall be competent to the Governor or Deputy-Governor of Bengal to vest with the power of adjudicating cases of contravention of the laws for protection of the revenue derived from salt, any assistant to a salt agent, or uncovenanted superintendent of salt chokies, who may seem to him qualified; and such officers, when invested with such powers, shall exercise them, subject to the same rules and restrictions as covenanted salt agents and superintendents of chokies; provided that no officer adjudicating cases of contravention of the salt revenue laws shall receive any part of the rewards that may be decreed, or otherwise benefit directly by the adjudication of such cases.

XXVI. And it is hereby enacted, that cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. of 1819 of the Bengal code for other cases of contravention of the laws for the protection of the revenue derived from salt; and the officer adjudicating the case shall be guided by the provisions of sections C. to CXVI. of that Regulation; and the judge of the city or zillah shall be bound to proceed in respect to persons sentenced to any fine or other penalty under the provisions of this Act, in the same manner, subject to the modifications and additions hereinafter provided, as is prescribed in respect to persons convicted of the offences and tried before the authorities specified and provided by the said Regulation.

XXVII. And it is hereby enacted, in modification of clauses XXXII. and XXXIII. of Regulation X. 1819 of the Bengal code, that it shall be the duty of every party under direct engagements with government for the land revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands upon whose zemindaree, farm, or lakhiraj estate there shall be any works producing salt otherwise than under contract with a salt agent or on account of government, to give notice of the same in writing to the nearest public officer of police or land revenue or of the salt department, within 10 days from the date on which the works were first prepared; and in like manner it shall be the duty of every person employed in the collection of the land revenue of any muhal on the part of government, or of the court of wards, or of joint proprietors, to give like notice in respect to salt manufactured on the lands under their management; and every such proprietor, farmer, proprietor of lakhiraj estate or manager, who shall knowingly omit to give such notice, shall be liable, on conviction before the judge of any zillah or city, to a fine of 500 rupees, for every khalaree or salt work established on his lands; and such knowledge shall not be required to be established by direct proof, but may be inferred from circumstances, at the discretion of the judge deciding the case; and any fine that may be adjudged under this section shall be recoverable by distress and sale of the goods and chattels of the offender, or by process of execution taken out by any salt agent or superintendent of chokies in the manner provided for decrees of the civil courts.

XXVIII. And it is hereby enacted, in modification of section LXIV. Regulation X. of 1819 aforesaid, and in addition thereto, that when there may be no direct proof of the unauthorized removal of salt from any golah or place of government store, sufficient to convict the parties concerned therein of theft within the provisions of the said section, the officer or officers who may have been entrusted with the charge of such golah, or place of government store, shall nevertheless be liable for the offence of embezzling the salt of any store in their custody, the out-tura

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of which shall, according to the accounts kept of receipts and deliveries, exhibit a deficiency for which he or they may not duly account; and the officer in charge of any golah or salt store shall in like manner be deemed guilty of embezzlement if he has made away with, or shall not produce the true account of such store; and any person against whom the offence of embezzlement shall be established under this section, shall be liable, on conviction before the magistrate of the city or district, to be punished by fine and imprisonment, under the general powers vested in the zillah and city magistrates.

XXIX. And it is hereby enacted, in addition to the rules contained in sections CXI. CXII. and CXIII. of Regulation X. 1819 of the Bengal code, for the adjudication of cases of contravention of the laws enacted for the protection of the revenue derived from salt, that if the attendance of the parties charged with such offences cannot be obtained by reason of their failure to attend in person or by vakeel, after being served with a summons, or by reason of their evading process, the officer adjudicating any such case shall issue notice for the attendance of the parties accused in the manner prescribed in section CII. of the said Regulation; and if the parties do not attend in person or by vakeel within the time fixed by such notice, the officer adjudicating the case shall pass judgment thereon, under the said last-mentioned section, in like manner as if the parties accused were present; and the officer so adjudicating any case *ex parte*, may, at any time after such judgment, issue his warrant for the apprehension of the persons convicted, for execution of the sentence, in the manner provided in Regulation X. of 1819 of the Bengal code, and in this Act, for cases in which the parties were present; and further, may at any time sue out process for levying the amount of fine adjudged, from any civil court competent to execute its own decrees in the manner and form prescribed for the execution of the decrees of such civil court under section XXX. of this Act.

XXX. And it is hereby enacted, that when the officer holding proceeding in any case *ex parte*, as above provided, shall refer the case to the judge of any city or zillah, in consequence of the amount of fine being such as the said officer is not competent finally to adjudge, the judge of the city or zillah to whom such case may be referred, shall issue such orders and institute such proceedings as are authorized by sections CXI. to CXIII. of Regulation X. of 1819, of the Bengal code, in like manner as if the offenders were sent over with the case, or were present to be heard in their defence; and whenever any fine may be adjudged by the zillah or city judge, the same may be levied on the application of the salt agent or superintendent of salt chokies under the rules in force for the execution of the decrees of civil courts.

XXXI. And it is hereby enacted, in modification of the rules contained in sections CIX. and CXII. of Regulation X. of 1819 of the Bengal code, whereby the power of final adjudication by salt agents or superintendents of chokies, in cases of the contravention of the laws enacted for the protection of the salt revenue, is restricted to cases in which the quantity of salt proposed to be confiscated shall not exceed 20 maunds, or the fine adjudicated shall not exceed 50 rupees, that the judgment of any salt agent or superintendent of chokies, or of any other officer vested by government with like jurisdiction in such cases, shall be final in all cases wherein the salt adjudged to be confiscated shall not exceed 80 maunds, and the fine imposed upon the defendant, or any one of several defendants, shall not exceed 400 rupees; provided, however, that every such judgment may, under section CXVII. of the said Regulation, be brought by petition before the Board of Customs, Salt and Opium, and be reversed or amended by that authority.

XXXII. And it is hereby enacted, in modification of section CXIV. Regulation X. 1819 of the Bengal code, that the zillah and city judges shall pass final judgment in all cases referred to them for adjudication when the quantity of salt to be confiscated shall exceed 80 maunds, or the fine imposed shall exceed 400 rupees; provided, however, that there shall in all such cases be an appeal open to the Sudder Dewanny Adawlut, under the rules for the admission of special appeals in that court, upon any point of law which may be ruled by a zillah or city judge in any such judgment.

XXXIII. And it is hereby enacted, that the penalties of this Act shall take effect only within the tract of country guarded by salt chokies in the manner prescribed in section XXXVI. of Regulation X. 1819 of the Bengal code, and within

within which the transportation of salt, not belonging to government, without a ruwana, or special pass from the Board of Customs, Salt, and Opium, is not lawful; and it is hereby declared that such tract shall not extend, within the Delta of the Ganges and Megna rivers, beyond the line of the reach of the tides in the rivers communicating with the Bay of Bengal as taken at spring tides in the dry season; nor eastward of the Megna, north of the river Goomtee; nor westward of the river Hooghly, beyond a line drawn from a point on that river distant one mile from the northern end of the town of Nyasurai, and to the north thereof, to a like point distant one mile to the north of the town of Gut-taul, and thence to a like point distant one mile to the north of the town of Midnapore, and thence to a like point distant one mile to the north of Huldipookur in Singbhoom, so as to include each of those towns respectively.

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 ACT No. XXX. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 19th November 1838.

I. IT is hereby enacted, that sections II. and XIV. Regulation XXXVI. 1793, the provisions of which were extended by Regulation XXVIII. of 1795, Regulation XVII. of 1803, section XVII. Regulation VIII. of 1805, and section XXXII. Regulation XII. of 1805, section IV. and clauses 2 and 3, section VI. Regulation XX. 1812, and section II. Regulation IV. of 1824, of the Bengal code, be modified.

II. And it is hereby enacted, that in addition to the offices to which those sections relate, offices for the registry of deeds may be established at any civil stations, and may be placed by the orders of government under the superintendence of any officers resident at such stations whom government may nominate for that purpose.

III. And it is hereby enacted, that the registration of deeds at any office of registry authorised by this Act shall be subject to the payment of the same fees as are prescribed in section XIV. Regulation XXXVI. 1793, for deeds registered at an office established at the station of a zillah or city court.

IV. And it is hereby enacted, that section XV. Regulation XXXVI. 1793, and clauses 2 and 3, section VI. Regulation XX. 1812, of the Bengal code, shall not be held applicable to offices and persons established and appointed for the registry of deeds under this Act.

V. And it is hereby enacted, that persons desirous of registering deeds written in any European language at any office of registry in the territories subject to the presidency of Bengal, shall be required to pay for transcribing the same according to the established rates of section writing, in addition to the fees prescribed by section XIV. Regulation XXXVI. 1793.

VI. And it is hereby enacted, that in case of the death or absence on leave of any person appointed by government to register deeds under this Act, it shall be lawful for the zillah judge or other officer specially authorized by government, to appoint any person whom he may think proper to take temporary charge of the office and to register deeds in the same manner as if such person had been appointed to the office by the orders of government.

 ACT No. XXXI. of 1838.

Passed by the Honourable the President of the Council of India in Council on the 3d December 1838.

I. IT is hereby enacted, that so much of a statute made and passed in the 9th year of the reign of His late Majesty King George the Fourth, intituled "An Act for improving the Administration of Criminal Justice in the East Indies," as relates to any person who unlawfully and maliciously shall administer or attempt

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to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to murder such person; and so much of the said Act as relates to any person who shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices, for any offence for which he or they may respectively be liable by law to be apprehended or detained; and so much of the said Act as relates to any person who, with intent to procure the miscarriage of any woman, then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her any poison or other noxious thing, or shall use any instrument or other means whatsoever with the like intent; and who, with intent to procure the miscarriage of any woman, not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent; and so much of the said Act as relates to any person who shall rob any other person of any chattel, money, or valuable security; and so much of the said Act as relates to any person who shall accuse or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat extort or gain from him any chattel, money or valuable security; and so much of the said Act as relates to any person who shall steal from the person of another, or shall assault any other person with intent to rob him, or shall by menaces or by force demand property of any other person with intent to steal the same; and so much of the said Act as relates to any person who shall be convicted of burglary; and so much of the said Act as relates to any person who shall break and enter any dwelling-house and steal therein any chattel, money or valuable security to any value whatever, or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear, or shall steal in any dwelling-house any chattel, money or valuable security to the value in the whole of fifty Company's rupees or more; and so much of the said Act as relates to any person who shall plunder and steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to, or in any wise destroy, any ship or vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to destroy such cargo or ship, and with intent thereby to prejudice any owner or part owner of such ship or vessel, or any owner or part owner of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the said Act as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede
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any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain or pulse, or sugar cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing; and so much of the said Act as relates to the punishment of principals in the second degree, and of accessaries before and after, the fact respectively to such of the felonies punishable under those Acts as are hereinbefore referred to, shall, from the time of passing this Act, cease to have effect within the territories of the East India Company, except as to offences committed before or upon the day of passing this Act, which shall be dealt with and punished as if this Act had not been passed.

II. And it is hereby enacted, that this Act shall extend to all persons, and over all places, over whom, or which the criminal jurisdiction of any of Her Majesty's courts of justice within the territories under the government of the East India Company extends, but not further or otherwise.

III. And it is hereby enacted, that whosoever shall administer to, or cause to be taken by any person, any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony, and being convicted thereof shall suffer death.

IV. And it is hereby enacted, that whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

V. And it is hereby enacted, that whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VI. And it is hereby enacted, that whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person any explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon, or otherwise apply to any person any corrosive fluid or other destructive matter, with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VII. And it is hereby enacted, that whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her, or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

ACTS of 1888.

VIII. And it is hereby enacted, that on the trial of any person for any of the offences hereinbefore mentioned, or for any felony whatever, where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding; and when such verdict shall be found, the court shall have power to imprison the person so found guilty of an assault, for any term not exceeding four years.

IX. And it is hereby enacted, that whosoever shall burglariously break and enter into any dwelling-house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat, or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

X. And it is hereby enacted, that whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XI. Provided always, and it is hereby enacted, that so far as the same is essential to the offence of burglary, the night shall be considered, and is hereby declared to commence at nine of the clock in the evening, and to conclude at six of the clock in the morning of the next succeeding day.

XII. And it is hereby enacted, that whosoever shall steal any property in any dwelling-house, and shall by any menace or threat put any one being therein in bodily fear, or shall steal in any dwelling-house any property to the value in the whole of 50 Company's rupees or more, or shall break and enter any dwelling-house, and steal therein any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XIII. And it is hereby enacted, that whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut, or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

XIV. And it is hereby enacted, that whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall, together with one or more person or persons, rob or assault with intent to rob any person, or shall rob any person, and at the time of or immediately before or after such robbery shall beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XV. And it is hereby enacted, that whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person, whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVI. And it is hereby enacted, that whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

XVII. And it is hereby enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the
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the court, to be transported to such place as the court shall direct, for any term not exceeding 15 years, nor less than 10 years, or to be imprisoned for any term not exceeding three years.

XXVIII. And it is hereby enacted, that whosoever shall assault any person with intent to rob, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XIX. And it is hereby enacted, that whosoever shall, with menaces or by force, demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XX. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and being convicted thereof, shall suffer death.

XXI. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, outhouse, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIII. And it is hereby enacted, that whosoever shall unlawfully exhibit any false light or signal, with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIV. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXV. And it is hereby enacted, that whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board or shall have quitted the same), shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVI. And it is hereby enacted, that whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall direct, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

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ACTS of 1838.

XXVII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall think fit, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXVIII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain, pulse, or sugar-cane, straw, hay, or wood, or to any crop of rice, corn, or other grain, or pulse or sugar cane, whether standing or cut down, or to any part of a wood, coppice, or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be transported to such place as the court shall think fit, for life or for any term of years, or to be imprisoned for any term not exceeding four years.

XXIX. And it is hereby enacted, that if any person shall steal the whole or any part of any growing tree, sapling, or shrub, or any underwood, or of any pale, post, or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, every such offender being convicted before a magistrate or justice of the peace shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding 50 rupees, as to the magistrate or justice of the peace shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for such second offence, be imprisoned with or without hard labour, for such term not exceeding six calendar months as the convicting magistrate or justice of the peace shall think fit; provided always, that nothing in this section contained concerning the stealing of any property or malicious damage, injury, or spoil to or upon any real property of a private nature, shall extend to the settlements of Prince of Wales' Island, Singapore, or Malacca.

XXX. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting magistrate or justice of the peace), shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence, and that in every case of a summary conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the magistrate or justice of the peace shall not be paid, either immediately after the conviction or within such period as the magistrate or justice of the peace shall at the time of conviction appoint, it shall be lawful for the convicting magistrate or justice of the peace to commit the offender to the common gaol or house of correction to be imprisoned only, or to be imprisoned with hard labour, according to the discretion of the magistrate or justice of the peace, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed 50 rupees, and for any term not exceeding four calendar months when the amount with costs shall not exceed 100 rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

XXXI. Provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

XXXII. And it is hereby enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, every such person shall be released from all further or other proceedings for the same cause.

XXXIII. And

XXXIII. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, shall equally apply and be enforced, whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise. ACTS of 1838.

XXXIV. And it is hereby enacted, that it shall not be necessary in any proceeding, either for theft or for malicious injury, spoil, or damage, to or upon any property dedicated to public use or ornament, to allege the same to be the property of any person.

XXXV. And it is hereby enacted, that the word "property" shall throughout this Act be deemed to include every thing included under the words "chattel, money, or valuable security" in the said statute made and passed in the ninth year of the reign of his late Majesty King George 4th aforesaid, and that the term dwelling-house shall have the same construction as in the said statute.

XXXVI. And it is hereby enacted, that in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property), shall on conviction be liable to be imprisoned for any term not exceeding two years.

XXXVII. And it is hereby enacted, that where any person shall be convicted under this Act for any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the court to sentence the offender to be imprisoned and kept to hard labour, and also to direct that the prisoner be kept in solitary confinement for such a period or periods of the imprisonment as to the court in its discretion shall seem meet, not exceeding one month at a time, or three months in any one year.

XXXVIII. And it is hereby enacted and provided, that it shall not be lawful for any court, under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the eastern coast of New South Wales, or any of the islands adjacent thereto.

ACT No. XXXII. OF 1838.

Passed by the Honourable the President of the Council of India in Council
on the 10th December 1838.

I. IT is hereby enacted and declared, that all powers whatever in criminal cases, which by virtue of any law now in force may be exercised by two justices of the peace within and for the provinces, districts, and countries of Bengal, Behar, and Orissa, and within and for the presidency of Fort William, in Bengal, and places thereto subordinate, may be exercised by one such justice.

II. And it is hereby enacted, that it shall be lawful for any one such justice to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33 Geo. 3, c. 52, and every such warrant shall have the same force as if it were under the hands and seals of two such justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and warrants issued by one such justice of the peace, shall be deemed legal and valid as if the same had been exercised or issued by two such justices.
