

Dhananjayrao Gadgil Library



GIPE-PUNE-014276

SELECTION OF PAPERS

FROM THE

RECORDS

AT

THE EAST-INDIA HOUSE.

VOL. III.

SELECTION OF PAPERS

FROM THE

RECORDS AT THE EAST-INDIA HOUSE,

RELATING TO THE

REVENUE, POLICE,

AND

CIVIL AND CRIMINAL JUSTICE,

UNDER THE

COMPANY'S GOVERNMENTS IN INDIA.

VOL. III.

LONDON:

PRINTED BY ORDER OF THE COURT OF DIRECTORS,

BY J. L. COX, 75, GREAT QUEEN STREET, LINCOLN'S-INN FIELDS.

1826.

Z2.M49

A850

14276

EAST INDIA.

ACTS passed by the Right Honourable the GOVERNOR-GENERAL of INDIA in Council, and the Honourable the PRESIDENT of the COUNCIL of INDIA in Council, in 1847, 1848, and 1849; with INDEXES.—(Pursuant to Act.)

Ordered, by The House of Commons, to be Printed, 7 February 1851.

ACTS of the Government of India. 1847.

ACT No. I. OF 1847.

ACTS of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 30th of January 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for the Establishment and Maintenance of Boundary Marks in the North Western Provinces of Bengal.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the Public Revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields or estates :

I. It is hereby enacted, that it shall be lawful within the territories subject to the Government of the North Western Provinces of Bengal, for collectors of land revenue, or persons exercising the powers of collector, or such revenue officers as the Lieutenant-governor may entrust with that authority, to fix the boundaries of fields or estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such officers sufficient for distinguishing the limits of those fields or estates whenever they may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

II. And it is hereby enacted, that notices shall be served on the persons owning or occupying the conterminous fields or estates requiring them to form or repair the said boundary marks within 10 days from the date of the notice, and, in the event of these persons not being found in the village, that the said requisition shall be posted at the village chowree or chopal, or other conspicuous place in the village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

III. And it is hereby enacted, that, in default of the owners or occupants of the fields or estates complying with the requisition, the said revenue officers shall give directions for the erection and repair of such boundary marks, the cost of which shall be equitably apportioned on the fields or estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields or estates, and shall be realized in the same manner as arrears of land revenue.

ACTS of 1847.

IV. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing or injuring such boundary marks, shall be liable to a fine not exceeding 50 rupees for each mark so erased, removed or injured; one-half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark; whenever it may not be possible to detect the person who erased, removed or injured the boundary marks as aforesaid, the marks shall be re-erected or repaired at the charge of one or both parties, as the collector or other officer authorized to make the demarcation may consider just and equitable.

V. And it is hereby enacted, that disputed boundaries shall be fixed by revenue officers under the powers and in the manner prescribed in Regulations VII. 1822, and IX. of 1833, and shall be similarly open to appeal.

VI. And it is hereby enacted, that magistrates are prohibited from taking cognizance under Act. IV. of 1840 of boundary disputes of the nature for which provision is here made; but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the collector of land revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.

ACT No. II. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 13th of February 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to declare the Meaning and Extent of certain Words in Act V. of 1840.

WHEREAS by section 4 of Act V. of 1840, it was, amongst other things, provided, that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's courts of justice; and doubts have arisen whether the words "Her Majesty's Courts of Justice" mean and extend to the courts of the Justices of the Peace:

It is hereby declared and enacted, that the words "Her Majesty's Courts of Justice" in the said Act shall be deemed not to have meant nor extended to, and not to mean nor extend to, the courts of the Justices of the Peace.

ACT No. III. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 19th of February 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to provide for the Appointment of Constables and Peace Officers at the Settlements in the Straits.

WHEREAS by the Letters Patent for the establishing Her Majesty's Court of Judicature at Prince of Wales' Island, Singapore and Malacca, his late Majesty King George the Fourth, amongst other things, authorized and empowered the said Court, at their General and Quarter Sessions, from time to time to nominate and appoint such persons as the said Court should see fit, to be and act as constables, or to perform the duties performed by constables and subordinate peace officers in that part of his United Kingdom called England, as nearly as the different religious customs and manners of the different inhabitants of the said settlements and places should require or would admit, and his said late Majesty authorized and empowered the said Court to direct that the said constables and other subordinate peace-officers should have and exercise their authority in and over any particular district or districts, or any particular class or classes,

classes, tribe or tribes of the inhabitants of the said settlements of Prince of Wales' Island, Singapore and Malacca, and places aforesaid, as the said Court should see fit; and his said late Majesty authorized and empowered the said Court to compel all and every such persons to serve the said offices to which they should be appointed, in like manner as persons may be compelled to serve the office of constable within that part of his United Kingdom called England, so far as the religions, customs and manners of such persons would admit, and that before they should enter upon their respective offices they should respectively take before the said Court the oath of allegiance, and an oath well and faithfully to execute the same, without favour or partiality, malice or hatred:

And whereas it is expedient that all constables and subordinate peace officers and other persons appointed to perform the duties of police, should receive pay in remuneration for the performance of their duties:

And whereas by the 13th Section of Act XII. of 1839, it was enacted, that out of the funds collected from the assessment and taxes leviabie under that Act, provision should be made in conformity with such instructions as might from time to time be issued by the Governor of Bengal for the efficient watching, cleansing, lighting and repairing of the streets and thoroughfares in the towns of Georgetown, Singapore and Malacca, and for the making and repairing of roads and bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated settlement therein aforesaid:

And whereas it is expedient that all constables and subordinate peace officers and other persons appointed to perform duties of police should be appointed by the authorities from whom they receive their pay, and by no other:

I. It is therefore hereby enacted, that from and after the 19th day of March 1847, no constable or subordinate peace officer, or other person appointed to perform duties of police, shall be appointed by the said Court at their general and quarter sessions, or otherwise.

II. And it is hereby enacted, that the deputy superintendent of police, and every constable and subordinate peace officer and other person appointed to perform duties of police, except the superintendent of police, shall be appointed by the Governor of Prince of Wales' Island, Singapore and Malacca, and that the superintendent of police shall continue to be appointed as heretofore by the Governor of Bengal.

ACT No. IV. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 10th of April 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to authorize the Governor in Council of Fort St. George to appoint any Military Officer a Magistrate.

It is hereby enacted, that from and after the 1st day of May 1847, it shall be competent to the Governor in Council of Fort St. George 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, any law or regulation to the contrary notwithstanding.

ACTS of 1847.

ACT No. V. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 10th April 1847, with the Assent of the Right Honourable the Governor General of India.

AN ACT to facilitate the Execution of the Sentences of Courts established by the Authority of the Governor-general in Council, for the Administration of Criminal Justice in States or Territories administered by Officers acting under the Authority of the East India Company.

I. It is hereby enacted, that within the territories subject to the Government of the East India Company, and without the local limits of the jurisdiction of Her Majesty's Courts of Judicature, the several officers in charge of gaols shall be competent to give effect to any sentence that may be passed by any Court established, or that may be established by the authority of the Governor-general of India in Council, for the administration of criminal justice in states or territories administered by officers acting under the authority of the East India Company, although such states or territories are not subject to the Government of any one of the Presidencies of Fort William in Bengal, Fort St. George or Bombay, or are not subject to the operation of the General Regulations.

II. And it is hereby enacted, that a warrant under the official seal and signature of the officer or officers exercising criminal jurisdiction within such states or territories as aforesaid, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond sea, or for inflicting any other punishment prescribed therein.

III. And it is hereby enacted, that if any officer in charge of a gaol shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose official seal and signature may be affixed thereto, to pass the sentence and issue such warrant, such officer shall refer the matter to the Government to which he is subject, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner, and that, pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said gaols, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act, as in the case of other prisoners confined therein.

 ACT No. VI. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 1st May 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for establishing a Copper Currency in the Settlements of Penang, Singapore and Malacca.

I. It is hereby enacted, that from and after the date of the passing of this Act, the provisions of Acts XXI. of 1835, and XXII. of 1844, shall not be deemed to apply to Copper Currency of the Settlements of Penang, Singapore and Malacca.

II. And it is hereby enacted, that from and after the 1st day of January 1848, the

the following copper coins only shall be received at or issued from any Government Treasury within the said settlements.

ACTS of 1847.

1. A cent. weighing 144 grains troy.
2. A half cent. weighing 72 grains.
3. A quarter cent., weighing 36 grains.

III. And it is hereby enacted, that from and after the date of the passing of this Act the said cent shall be legal tender throughout the said settlements for $\frac{1}{100}$ of a dollar, and the said half cent for $\frac{1}{200}$ of a dollar, and the said quarter cent for $\frac{1}{400}$ of a dollar.

IV. Provided always, and it is hereby enacted, that none of the said coins shall be legal tender, except for fractions of a dollar.

V. And it is hereby enacted, that after the 1st day of January 1848, no other copper coins or tokens than those specified in section 2 of this Act shall be legal tender of payment for the fractional parts of a dollar within the said settlements.

VI. And it is hereby enacted, that, with the exception of the copper coins specified in section 2 of this Act, the circulation in the said settlements after the said day of all copper coins or tokens not being the authorized legal coinage of any British or Foreign Government is prohibited.

VII. And it is hereby enacted, that after the said day any person who shall circulate, or attempt to circulate, in the said settlements, any copper coins or tokens other than those specified in section 2 of this Act, and not being the authorized legal coinage of any British or Foreign Government, shall, on summary conviction before a magistrate, be liable to a fine not exceeding 10 rupees, and in default of payment, any person so convicted shall be subject to imprisonment for a term not exceeding one month.

VIII. And it is hereby enacted, that it shall be competent to the Governor-general in Council in his executive capacity to direct the coining and issuing, and to prescribe the devices and inscriptions of the coins to be issued under the authority of this Act.

ACT No. VII. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 1st May 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to regulate Distresses for Small Rents in Calcutta.

I. It is hereby enacted, that it shall be lawful for the Commissioners of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal, to appoint four or more persons to be bailiffs and appraisers for the purposes of this Act, and to fix such remuneration for the services of the said officers as shall appear to the said Commissioners expedient, and that such persons shall be duly sworn before the said Commissioners, and shall also give security, to be approved by the said Commissioners, faithfully to discharge the duties of their office, and that the said Commissioners shall have power to suspend or remove such persons so appointed; provided that it shall be lawful for the said Commissioners to appoint the bailiffs who may be attached from time to time to the said Court to the office of distraining bailiffs and appraisers for the purposes of this Act, and to award to the said officers such remuneration in addition to their respective salaries drawn from the said Court, as to the said Commissioners shall appear expedient.

II. And it is hereby enacted, that it shall be lawful for any Commissioner of the said Court, upon the affidavit in the form contained in the Schedule to this Act annexed (marked D.) of any party claiming to be entitled to arrears of rent of any house or premises situate in Calcutta, not exceeding the amount of 100 rupees, or in case of absence of such party from Calcutta, or in case of respectable females who do not appear in public, upon the affidavit of the constituted

ACTS of 1847.

tuted attorney of such party, stating the amount of such arrears, and for what time and at what rate the same became due, to issue a warrant under his hand and seal in the form contained in the Schedule to this Act annexed (marked A.) addressed to any one of such officers, directing him to levy the amount of such rent, together with the costs of the said distress in the manner therein mentioned, provided that it shall be lawful for any of the said Commissioners, upon personal examination of the party applying for such warrant, to grant or withhold the same at the discretion of the said Commissioner.

III. And it is hereby enacted, that by virtue of such warrant it shall be lawful for such officer to seize the whole or such part of the goods and chattels upon the said premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and that he shall thereupon make an inventory of the goods and chattels so seized, and shall give a notice in writing in the form in the Schedule to this Act annexed (marked B.) to the party from whom such rent is claimed to be due, or to any other person upon behalf of such party upon the said premises that the said goods and chattels will be appraised and sold in manner therein mentioned; and that the said officer shall file in the said Court true copies of the said inventory and notice, provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure, to apply to any Commissioner of the said Court to discharge or suspend such warrant, and it shall be lawful for such Commissioner to discharge or suspend such warrant accordingly, with or without costs: provided always that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

IV. And it is hereby enacted, that, in default of such application, it shall be lawful for any two of such officers, at the expiration of five days from such seizure, to appraise the goods and chattels so seized, and to give notice in writing in the form in the Schedule to this Act annexed (marked E.) of the sale thereof at such time and place as they shall direct, after an interval of not less than two days, and that they shall file in the said Court a true copy of the said notice, and that the same shall be sold accordingly, and that the said officers shall forthwith, after realization of the produce of the said sale, pay over the amount thereof to the chief clerk of the said Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and that the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due; provided that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

V. And it is hereby enacted, that no costs shall be taken or demanded for such distress except those contained in the Schedule to this Act annexed (marked C.), and that it shall be lawful for the said Commissioners to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs and appraisers as shall appear to the said Commissioners expedient, and that the chief clerk of the said Court shall keep a book in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said bailiffs and appraisers, and all contingent charges incurred in respect of such distresses, shall be duly entered, and that the chief clerk of the said Court shall also enter in the said book all sums realized by sale of the goods and chattels distrained and paid over to the landlords under the provisions of this Act.

VI. And it is hereby enacted, that after the passing of this Act no distress shall be levied for arrears of rent amounting to 100 rupees, or less, except under the provisions of this Act, and that any person, except such officer as appointed, levying or attempting to levy any such distress, shall be guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for the same in addition to any other liability he may have incurred by such trespass.

VII. And it is hereby enacted, that this Act shall not extend to any arrears of rent exceeding 100 rupees, nor in respect of any house or premises situate out of Calcutta, nor to any rent due to Government, nor to any seizure, except on the premises in respect of which such rent is claimed.

A.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

FORM OF WARRANT.

I hereby direct you to distrain the goods and chattels on the premises of A. B., situate in _____ in the town of Calcutta, for the sum of _____ rupees, being the amount of _____ months' rent due to C. D. for the same, on the _____ day of _____ last, according to the provisions of the Act No. VII. of 1847. Dated 1st day of May.

(signed and sealed)

To E. F., Sworn Bailiff and Appraiser.

B.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

Form of Inventory and Notice.

[State particulars of Goods seized].

Take notice, that I have this day seized the goods and chattels contained in the above inventory for the sum of _____ rupees, being the amount of _____ months' rent due to C. D., at _____ last, and that unless you pay the amount thereof, together with the costs of this distress, within five days from the date hereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold, pursuant to the provisions of the Act No. VII. of 1847.

To A. B.

(signed) E. F.,
Sworn Bailiff and Appraiser.

C.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

Scale of Fees to be levied in Distraints for House Rent.

| Sums sued for. | Affidavit and Warrant to Distrain. | Order to Sell. | Commission. | TOTAL. | REMARKS. |
|---------------------------|------------------------------------|----------------|-------------|----------|----------|
| 1 and under 5 Rs. - - - | 4 Annas | 8 Annas | 8 Annas | Rs. 1 4 | |
| 5 and under 10 Rs. - - - | 8 Annas | 8 Annas | Rs. 1. 0. | Rs. 2 0 | |
| 10 and under 15 Rs. - - - | 8 Annas | 8 Annas | Rs. 1. 8. | Rs. 2 8 | |
| 15 and under 20 Rs. - - - | 8 Annas | 1 Rupee | Rs. 2. 0. | Rs. 3 8 | |
| 20 and under 25 Rs. - - - | 12 Annas | 1 Rupee | Rs. 2. 8. | Rs. 4 4 | |
| 25 and under 30 Rs. - - - | 1 Rupee | 1 Rupee | Rs. 3. 0. | Rs. 5 0 | |
| 30 and under 35 Rs. - - - | 1 Rupee | 1 Rupee | Rs. 3. 8. | Rs. 5 8 | |
| 35 and under 40 Rs. - - - | 1 Rupee | Rs. 1. 8. | Rs. 4. 0. | Rs. 6 8 | |
| 40 and under 45 Rs. - - - | Rs. 1. 4. | Rs. 2. 0. | Rs. 4. 8. | Rs. 7 12 | |
| 45 and under 50 Rs. - - - | Rs. 1. 8. | Rs. 2. 0. | Rs. 5. 0. | Rs. 8 8 | |
| 50 and under 60 Rs. - - - | Rs. 2. 0. | Rs. 2. 0. | Rs. 6. 0. | Rs. 10 0 | |
| 60 and under 80 Rs. - - - | Rs. 2. 8. | Rs. 2. 8. | Rs. 6. 8. | Rs. 11 8 | |
| 80 to 100 Rs. - - - | Rs. 3. 0. | Rs. 3. 0. | Rs. 7. 0. | Rs. 13 0 | |

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpoenaed, in which

ACTS of 1847.

which case, each subpœna for sums under 40 rupees must be paid for at 4 annas each, and 12 annas above that amount; and also where peons were kept in charge of property distrained, 4 annas per day must be paid per man.

D.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

A. B. (Plaintiff), *versus* C. D. (Defendant).

A. B., inhabitant of _____ in the town of Calcutta,
maketh oath, and saith, that C. D., _____ who is also an inhabitant of the
town of Calcutta, is justly indebted to _____ in the sum of Co.s Rs.
for arrears of rent of the house and premises No. _____ situated
at _____ in the town of Calcutta, due for _____ month, to wit, from
to _____ at the rate of Co.'s Rs. _____ per mensem.

Sworn before me the _____ day of _____ 184 .
Commissioner.

E.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William, in Bengal.

Take notice, that we have appraised the goods and chattels seized on the
_____ under the provisions of the Act No. VII. of 1847, of which a
notice and inventory had been duly served upon you, under date the _____
and that the said goods and chattels will be sold on the _____
at _____ pursuant to the provisions of the said Act.

(signed) E. F.
G. H.

To A. B.

Sworn Bailiffs and Appraisers.

ACT No. VIII. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 8th May 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for rendering lawful the Emigration of Labourers from the Port of Madras, in the Presidency of Fort St. George, to Mauritius.

It is hereby enacted, that from and after the passing of this Act, emigration to Mauritius may lawfully take place under the Provisions of the Act No. XV. of 1842, from the Port of Madras, as well as from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George to nominate a proper person to act as protector of emigrants at Madras, and that no emigrant shall be permitted to embark without a certificate from the agent appointed by the Government of Mauritius, countersigned by the protector, to the effect that such person has been engaged by him as an emigrant to that island on the part of the said Government.

ACT No. IX. OF 1847.

ACTS of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 8th of May 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT regarding the Assessment of Lands gained from the Sea, or from Rivers, by Alluvion or Dereliction within the Provinces of Bengal, Behar and Orissa.

I. It is hereby enacted, that such parts of the Regulations of the Bengal Code as establish tribunals, and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea, or from rivers, by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall, from the date of the passing of this Act, cease to have effect within the provinces of Bengal, Behar and Orissa; and that all such investigations pending before the collectors and deputy collectors in the said provinces at the said date, shall forthwith be discontinued; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof, except under the provisions of this Act.

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act, shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

III. And it is hereby enacted, that within the said provinces it shall be lawful for the Government of Bengal, in all districts or parts of districts of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the under-mentioned days; viz.

Of the district of Chittagong, on the 6th day of September 1842.

Of the district of Behar, on the 9th day of November 1844.

Of the district of Patna, on the 22d day of June 1844.

Of the district of Shahabad, on the 28th day of November 1846.

Of the district of Sarun, on the 18th day of February 1847.

Of pergunnah Furkyah, in the district of Monghyr, on the 19th day of September 1839.

Of the northern division of the Province of Cuttack, on the 24th day of October 1842.

Of the central division of the Province of Cuttack, on the 22d day of February 1843.

Of the southern division of the Province of Cuttack, on the 19th day of October 1842.

Of the district of Midnapoor, except Hidgellee and Tumlook, on the 12th day of September 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the 5th day of October 1842.

Of the district of Cachar, on the 5th day of February 1844.

Of Jynteeah and the pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrun, in the district of Sylhet, on the 5th day of February 1844.

Of the district of Gwalparah, on the 24th day of December 1842.

Of the district of Luckimpore, on the 10th day of November 1845.

Of the district of Seebpoor, on the 8th day of May 1843.

And that the approval of the revenue surveys of districts or parts of districts which may be hereafter surveyed, shall be deemed to have taken place on such

ACTS of 1847.

day as may be specified as the day of such approval in the "Calcutta Government Gazette."

V. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the local revenue authorities that land has been washed away from, or lost to any estate paying revenue directly to Government, they shall, without loss of time, make a deduction from the sudder jumma of the said estate equal to so much of the whole sudder jumma of the estate as bears to the whole the same proportion as the mofussil jumma of the land lost bears to the mofussil jumma of the whole estate; but if the mofussil jumma of the whole estate or of the land lost cannot be ascertained to the satisfaction of the local revenue authorities, then the said local revenue authorities shall make a deduction from the sudder jumma of the estate equal to so much of the whole sudder jumma of the estate as bears to the whole the same proportion as the land lost bears to the whole estate: and this deduction, with the reasons thereof, shall be forthwith reported by the local revenue authorities for the information and orders of the Sudder Board of Revenue, whose orders thereupon shall be final.

VI. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the local revenue authorities that land has been added to any estate paying revenue directly to Government, they shall without delay assess the same with a revenue payable to Government according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the Sudder Board of Revenue, whose orders thereupon shall be final.

VII. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the local revenue authorities that an island has been thrown up in a large and navigable river liable to be taken possession of by Government under clause 3, section 4, Regulation XI. 1825, of the Bengal Code, the said local revenue authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Sudder Board of Revenue, whose orders thereupon in regard to the assessment shall be final: Provided, however, that any party aggrieved by the act of the revenue authorities in taking possession of any island as aforesaid, shall be at liberty to contest the same by a regular suit in the civil court.

VIII. And it is hereby enacted, that nothing in this Act contained shall affect suits for the assessment or for establishing the right of Government to the ownership of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are at the date of the passing of this Act open to appeal to the Court of the Special Commissioners according to the laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

IX. And it is hereby enacted, that except as regards the proprietary right to islands, no suit or action in any court of justice shall lie against the Government or any of its officers, on account of any thing done in good faith in the exercise of the powers conferred by this Act.

ACT No. X. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 19th of June 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for amending Act XXX. of 1836.

It is hereby enacted, that within the territories subject to the government of the East India Company, whenever any Court not included under the provisions of Act XIV. of 1844, shall sentence any offender to imprisonment for life under the provisions of Act XXX. of 1836, it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

ACT No. XI of 1847.

ACTS of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 7th of August 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT to authorize the reception of Convicts transported from Her Majesty's Settlement of Hong Kong.

It is hereby enacted, that it shall be lawful for the Governor-general of India, in Council, in his executive capacity, to authorize the Governor of Prince of Wales' Island, Singapore and Malacca, to receive in the said settlements, and the resident Councillors of Prince of Wales' Island, Singapore and Malacca, to receive in each of the said settlements respectively, convicts who have been duly sentenced to transportation by any competent Court in Her Majesty's settlement of Hong Kong, and that every such convict, when so received at any such place, shall be liable to all such and the same laws, rules and regulations as are or shall be in force in any such place with respect to convicts transported from any place within the territories subject to the government of the East India Company.

ACT No. XII. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 21st of August 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for repealing the Law which authorizes the imposition of Fines on Moonsiffs and Sudder Ameens.

WHEREAS it was enacted by clause 3, section 9, Regulation XXIII. of 1814, of the Bengal Code, that in cases of misconduct and neglect of duty which might not be of a nature to require the suspension or dismissal of a Moonsiff from his office, the judge should be authorized to impose on the Moonsiff a fine not exceeding 20 rupees in amount, and that the order of the judge in such case should be final :

And whereas by section 67 of the said Regulation the provision above recited, was declared amongst other things to be applicable to the office of Sudder Ameens, as well as to that of Moonsiffs :

And whereas the provision above recited, is no longer adapted to Moonsiffs and Sudder Ameens, in the more elevated judicial position which they now occupy :

It is therefore hereby enacted, that clause 3, section 9, Regulation XXIII. of 1814, and section 67 of the said Regulation, so far as it declares the said clause to be applicable to Sudder Ameens, are repealed.

ACT No. XIII. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 21st of August 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for repealing Act XIV. of 1839, so far as it relates to the Emigration of Natives of India to the Island of Ceylon.

I. WHEREAS by Act XIV. of 1839, it was enacted, that every person who should make with any native of India any contract for labour to be performed in any British or Foreign colony without the territories of the East India Company, or who should knowingly abet or aid any native of India in emigrating from the said territories for the purpose of being employed as a labourer, should be liable on conviction before a magistrate or justice of the peace, to a fine not exceeding 200 rupees for every native so contracted with, aided or abetted, and in default of payment of such fine, should be liable to be imprisoned for a term not exceeding three months :

Provided always, that nothing in that Act contained should be taken to apply to any native seaman who should of his own free will contract to navigate any

ACTS of 1847.

vessel, or who should embark on board such vessel in pursuance of such contract, or to any person who should contract to serve as a menial servant only, or who should embark as such menial servant :

And whereas the island of Ceylon geographically, historically and socially considered, is analogous to the countries subject to the government of the East India Company :

It is hereby enacted, that Act XIV. of 1839, in so far as it makes liable to penalties every person who shall make with any native of India any contract for labour to be performed in the said island, or who shall knowingly aid or abet any native of India in emigrating from the territories subject to the government of the East India Company to the said island, is repealed.

II. But whereas the said island is not subject to the legislative power of the Governor-general of India in Council, so that the said Governor-general in Council is unable to make laws for the protection of such natives of India as may emigrate to the said island, against the evils which might attend the emigration of such natives of India from the said island to any British or Foreign colony :

It is therefore hereby enacted, that this Act shall not come into operation until the Governor-general of India in Council shall be duly certified that the legislature of the said island has made such laws as the said Governor-general in Council shall think sufficient, for the protection of such natives of India so emigrating to the said island against the evils aforesaid, and shall notify in the Gazette that he has been so certified.

ACT No. XIV. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 28th of August 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for repealing parts of Section 3, Regulation IV. 1793, and Section 3, Regulation III. 1803, of the Bengal Code.

It is hereby enacted, that so much of section 3, Regulation IV. 1793, and of the corresponding part of section 3, Regulation III. 1803, of the Bengal Code, as requires the transcription of complaints, be repealed.

ACT No. XV. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 11th day of September 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for the Survey of Lands in the Town of Calcutta, within the Local Limits of the Jurisdiction of Her Majesty's Supreme Court of Judicature.

WHEREAS it is expedient that a correct survey should be made of all lands in the town of Calcutta, within the local limits of Her Majesty's Supreme Court of Judicature :

It is therefore hereby enacted, that it shall be lawful for the Governor of Bengal to appoint an officer to survey the lands situate within the said local limits, and such officer shall proceed to survey the same, and to register the names of the owners and occupiers thereof, as far as they can be ascertained; and such officer shall, by public notification, invite all persons owning or occupying lands and tenements within the said local limits, to appear before him in person, or by duly constituted attorney, at whatever place, within the said limits, his office may be held, and to bring with him all pottahs, ground-rent bills, bills of sale, or other writings requisite for the ascertainment of the past and present boundaries of such lands.

II. And

II. And it is hereby enacted, that the said officer shall, for the purposes of this Act, have full power and authority, at all reasonable hours in the day-time, to enter or to direct his subordinate officers to enter into and upon any land or tenement within the said local limits, and in and upon the land on which any house, building or other erection is built or building, or intended to be built, and into and upon any buildings, or any part thereof, without being liable to any action at law or suit in equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry into, or of any thing done or to be done in any part thereof, in pursuance of this Act; provided, that such officer or subordinate officers shall not enter upon any lands or tenements which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so; provided also, that if any action shall be commenced in the Supreme Court against any such officer or subordinate officer, for any entry made, or other thing done under the authority of, or in pursuance of this Act, it shall be lawful for him or them to plead the general issue, and to give the special matter in evidence.

III. And it is hereby enacted, that if any person at any time shall obstruct or molest the said officer, or any of his subordinate officers, in the performance and execution of his or their duty, or any thing which they are required to do, by, or by virtue, or in consequence of this Act, every such person so offending shall be guilty of a misdemeanor, and shall on conviction before a magistrate for the town of Calcutta, forfeit and pay for every such offence any sum not exceeding 200 rupees.

IV. And whereas such notification as is directed by section 1. of this Act, may not in all cases be effectual, it is therefore hereby enacted, that it shall be lawful for the surveying officer to cause any person owning or occupying lands or tenements within the said local limits, or his agents or representatives, to be served with a special notice under his official seal and signature, stating the purpose for which the attendance of such person is required, and any document essential for the purposes of this Act which such person is to bring with him, and the period within which such person is to attend, and if such person cannot be found, the notice shall be affixed to his usual place of residence, if that be within the said local limits, or if not, then on the premises to be surveyed: Provided always, that no person shall be required to produce any title-deed which such person may object to produce.

V. And it is hereby enacted, that for any investigation connected with the purposes of this Act, it shall be lawful for the surveying officer, by writing under his hand, to summon any person whatsoever to attend as a witness, at a time and place to be specified in such summons, and that every witness so duly summoned to attend as aforesaid, who shall not attend, or who attending shall refuse to give evidence on oath, or solemn affirmation or declaration, or to answer all such questions as the surveying officer may legally demand, shall be liable to be attached in the Supreme Court, upon complaint made, in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

VI. And it is hereby enacted, that any witness examined before such surveying officer, shall be examined upon oath, which such surveying officer is hereby authorized to administer: Provided always, that in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said surveying officer shall substitute such solemn declaration or affirmation for an oath.

VII. And it is hereby enacted, that any witness wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation before such surveying officer, shall be deemed guilty of wilful and corrupt perjury.

ACT No. XVI. OF 1847.

Passed by the Honourable the President of the Council of India in Council, on the 23^d of October 1847, with the Assent of the Right Honourable the Governor-General of India.

For constituting Commissioners for the Improvement of the Town of Calcutta, partly by Appointment of the Government, and partly by Election of the Rate-payers.

WHEREAS by the 158th section of the 52^d chapter of the statute 33 Geo. 3, certain powers and duties in regard to the collection and disbursement of the assessment thereby authorized to be made by the justices of the peace within or for the Presidency of Fort William, were conferred and imposed upon the said justices: And whereas by Act No. XXIV. of 1840, certain changes were made in the law relating to the said assessment.

And whereas it is apparent that the sewerage and drainage of the town of Calcutta, and the supply of water for the domestic use of the inhabitants thereof, and the due cleansing of drains therein, and the means of providing for the due ventilation of the town, and the repairing, cleansing and lighting the roads and streets, and the making convenient lines of communication by spacious streets, and the preventing and removing of nuisances, and the due provision of adequate means for the relief of the sick poor in the said town, are very defective, all which cause excessive disease and great mortality: And whereas the laws and regulations now in force, and the pecuniary means applicable to the said objects are wholly insufficient for the remedy of so great a mischief; and whereas it is expedient that remedy should be had herein.

I. It is hereby enacted, that Act No. XXIV. of 1840, intituled an Act for amending the law with respect to rates for municipal purposes within the town of Calcutta, is repealed.

II. And it is hereby enacted, that all the said powers and duties in regard to the collection and disbursement of the said assessments shall, from and after the first day of January 1848, cease to be exercised and performed by the said justices for the town of Calcutta, and shall be exercised and performed by a Board of seven Commissioners, to be called the Commissioners for the Improvement of the town of Calcutta, of whom three shall be appointed by the Governor of Bengal, and four shall be elected by the rate-payers of the town of Calcutta; that is to say, one by the rate-payers of each of the following divisions, viz.

1st or Upper North Division, bounded

- A. North by Maharattah Ditch.
South by Cotton Street and Meerbhur's Ghaut Street.
East by Chitpore Road.
West by River Hooghly.
- B. North by the Maharattah Ditch.
South by Mutchoa Bazar.
West by Chitpore Road.
East by Central Road.
- C. North and East by Circular Road.
South by Mutchoa Bazar Road.
West by Central Road.

2^d or Lower North Division, bounded

- A. North by Cotton Street and Meerbhur's Ghaut Street.
South by the Police Ghaut, Hare Street, North side of Tank Square and Loll Bazar.
East by Chitpore Road.
West by the River Hooghly.
- B. North by Mutchoa Bazar.
South by Bow Bazar Street.
East by Central Road.
West by Chitpore Road.

C. North

- C. North by Mutchoa Bazar.
South by Bow Bazar Street.
East by Circular Road.
West by Central Road.

3d or Upper South Division, bounded

- A. North by Police Ghaut, Hare Street, North side of Tank Square, and Loll Bazar.
South by East and West Esplanade Row.
East by Cossitollah Street.
West by the River Hooghly.
- B. North by Bow Bazar Street.
South by Dhurumtollah.
West by Cossitollah.
East by Central Road.
- C. North by Boitakhanna Street.
South by Dhurumtollah Street.
East by Circular Road.
West by Central Road.

4th or Lower South Division, bounded

- A. North by Dhurumtollah Street.
South by Park Street.
East by Circular Road.
West by Chowringhee Road.
- B. South and East by Circular Road.
North by Park Street.
West by Chowringhee Road;

or of such other divisions as the Governor of Bengal may from time to time appoint; or in default of election shall be appointed by the said Governor of Bengal, and any vacancies which may from time to time occur in the situations of any of the Commissioners who shall have been appointed by the said Governor, shall be filled up by the appointment of the said Governor.

III. And it is hereby enacted, that the said Commissioners shall severally receive such salaries as may from time to time be fixed by the Governor of Bengal, with the concurrence of the Governor-general in Council, and that for the exercise and performance of all the powers and duties hereinbefore or hereinafter conferred and imposed upon the said Commissioners, five shall be a quorum: Provided always, and it is hereby enacted, that it shall be lawful for any one of the said Commissioners to issue a warrant of distress for the recovery of any arrears of any rates or taxes accruing under the said 158th section of the said statute or under this Act.

IV. And it is hereby enacted, that the time and place and manner of the elections of the said elective Commissioners in each of the said divisions, shall be according to such scheme as shall be agreed upon by a general meeting of the owners and occupiers of assessed houses, buildings and grounds in the said town, consisting of not less than 100 of the said owners and occupiers, and presented on behalf of such meeting to the Governor of Bengal, and approved by him; but so as such elections shall take place annually.

Provided always, and it is hereby enacted, that if no such general meeting shall be held within one month from the passing of this Act, or if no such scheme shall be presented on behalf of such meeting to the Governor of Bengal within one month after such meeting shall have been held, it shall then be lawful for the said Governor of Bengal to appoint the whole of the said Commissioners.

Provided also, and it is hereby enacted, that the scheme shall be laid by the Governor of Bengal before the Governor-general in Council, for his approbation and

ACTS of 1847.

and shall not be in force until such approbation shall have been signified in writing.

V. And it is hereby enacted, that the said Commissioners shall, from and after the said day, have power within the said town to levy upon the owners or users of the several kinds of carriages, carts and horses mentioned in the Schedule to this Act annexed, taxes according to the rates mentioned in the said Schedule, and that the said Commissioners shall have power and discretion to compound with livery stable-keepers and other persons keeping carriages and horses for hire, for an annual rate of tax to be assessed upon the carriages and horses in their establishments, in lieu of taxes, according to the rates mentioned in the said Schedule.

VI. And it is hereby enacted, that the said taxes, according to the rates mentioned in the said Schedule, shall be levied quarterly, and that every person who has been the owner or user of a carriage or horse within the said town, during 30 days in any one quarter, shall be liable for the taxes of that entire quarter: Provided always, that no person who has not been the owner or user of a carriage or horse within the said town, during 30 days in any one quarter, shall be liable to any tax in respect of any carriage or horse; provided also, that no such tax shall be levied in respect of any horse, carriage or cart in the employment of Government.

VII. And it is hereby enacted, that the assessments and rates made under the authority of the Statute 33 Geo. 3, c. 52, section 158, and of section 2 of this Act, shall be of such amount as, together with the amount of the taxes to be levied by the Commissioners under section 5 of this Act, and together with such other funds as may be placed at the disposal of the said Commissioners by the Government of Bengal, shall appear to the said Commissioners expedient for completely effecting the purposes specified in this Act, any thing in the said 158th section of the said statute notwithstanding: Provided always, that no rate shall be made exceeding 5 per cent. on the assessed value of property, without the sanction of the Governor of Bengal.

VIII. And it is hereby enacted, that for the assessment and collection of the rates and taxes to be levied by the said Commissioners, it shall be lawful for the said Commissioners to appoint such assessor or assessors, collector or collectors, to make such union of the offices of assessor and collector, and to prescribe such rules and take such securities for the due execution of the duties of such assessors and collectors, as the said Commissioners shall deem expedient, and such assessors and collectors shall receive such salaries as the Government of Bengal may see fit to sanction.

IX. And it is hereby enacted, that it shall not be necessary in any assessment, rate or warrant of distress under the said statute, and this Act, to specify the names of the owners or occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified, and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

X. And it is hereby enacted, that the goods and chattels of the owners of any houses, buildings or grounds rated under the said statute, and this Act, shall be seizable any where (except goods and chattels concealed as hereinafter mentioned) for deficiency in the payment of rates, and that all goods and chattels which shall be found upon any premises rated, shall be seizable for any arrears which may be due for a period of one year immediately preceding such seizure, and in the case of the seizure of the goods and chattels of a tenant under such circumstances, such tenant may deduct the amount of the levy from the next payment of his rent.

XI. And it is hereby enacted, that when there is ground to suspect that goods and chattels liable to distress under the said Statute, and this Act, are concealed in any zenana, the officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow, as closely as is practicable, the rules for the seizure of goods and chattels in like cases adopted by Her Majesty's Supreme Court.

XII. And it is hereby enacted, that it shall be lawful for the said Commissioners, and they are hereby required to make rules, and as occasion may require to

to add to, revoke or alter the same, for the regulation of the time and manner of assessing and levying the said taxes, and for compelling persons to give any information which may be necessary for that purpose, and for imposing penalties upon persons not performing any duty cast upon them by the said rules for the said purpose, and upon persons obstructing any persons acting under the said Commissioners in that behalf, so as that such penalty shall not in any case exceed 100 rupees.

XIII. And it is hereby enacted, that such rules shall be laid before the Governor of Bengal and approved by him, and shall then be laid by the said Governor of Bengal before the Governor-general in Council, and when approved by him shall have the force of law: Provided always, and it is hereby enacted, that the said taxes shall not be leviable until such rules have been so made and approved.

XIV. And it is hereby enacted, that it shall be lawful for the said Commissioners to levy the arrears of the said taxes and any penalties which may be incurred under the said rules, by the same process of distress as is hereinbefore provided for the levying of the aforesaid rates on houses, buildings and grounds.

XV. And it is hereby enacted, that the whole proceeds of the said rates and taxes, after paying all salaries, establishments and incidental expenses of the said Commissioners, shall, together with such monies as the Government of Bengal, with the sanction of the Governor-general in Council, may direct to be paid over to the said Commissioners, be applied by them to the following purposes, viz.

1. Formation of tanks and aqueducts for the conveyance of water to all parts of the town.
2. Opening of streets and squares in crowded parts of the town.
3. Filling up stagnant pools of water and removing obstructions to the free circulation of air.
4. Lighting and watering the roads and streets.
5. Cleansing and repairing the same, and the drains of the said town.
6. And in improving and embellishing the said town generally.

SCHEDULE.

| | | |
|--|---------|----------|
| For every four-wheeled carriage on springs, drawn by two horses, | 32 Rs. | per ann. |
| For every four-wheeled ditto ditto, by one horse | - 7 | „ |
| For every two-wheeled ditto ditto, by one horse or two horses | - 16 | „ |
| For every karanchee, hackery or cart | - 5 | „ |
| For every riding horse or pony | - 18 | „ |
| For every draught horse | - 2 | „ |
| For every draught pony or tattoo | - 1 | „ |
| For every draught or burthen bullock | - 8 As. | „ |

ACT No. XVII. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 6th November 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for remedying a Defect in the Law regarding undiscovered Defaults in the Prosecution of Suits.

WHEREAS inconvenience has resulted from the rule that the discovery of defaults in the prosecution of suits and appeals brought in any Court of the East India Company, within the territories subject to the Presidencies of Bengal and Madras, invalidates all proceedings in such suits and appeals, which may have been had since the occurrence of such default:

It is hereby enacted, that in the said Courts every default of a plaintiff or appellant, in all suits or appeals now pending or hereafter to be brought, and in

ACTS of 1847.

all suits which have been decided but are still open to appeal shall be held to be cured whenever the opposite party, passing over the default, shall have taken any step in the suit or appeal, and whenever the Court shall have passed judgment in the suit or appeal, whether such opposite party shall or shall not have taken any such step.

ACT No. XVIII. of 1847.

Passed by the Honourable the President of the Council of India in Council, on the 27th November 1847, with the Assent of the Right Honourable the Governor-General of India.

AN ACT for curing the invalidity in the Registration of Deeds arising from the fact of having been registered by persons not duly appointed or on other than Court Days.

WHEREAS instances have occurred of persons exercising the office of Register of deeds who have not been duly appointed, and whereas in some cases registration of deeds has been made on other than Court days, that is, on days other than those on which the Zillah or City Court has been open for business, and doubts may therefore arise as to whether the registration of any deed registered by such persons not duly appointed, or registered on other than a Court day, is valid in law :

I. It is therefore hereby enacted, that acts which may have been done in that capacity in any zillah, subject to the Presidency of Bengal, by persons who have had charge of the office of Register of Deeds without being duly appointed to the said office, shall be and shall be taken to have always been as valid in law as such acts would have been if the said persons had been duly appointed to have charge of the said office.

II. And it is enacted, that all acts which may have been done on other than Court days by the Register of Deeds, or by the person having charge of the office without being duly appointed, in any zillah subject to the Presidency of Bengal, shall be and shall be taken to have always been as valid in law as such acts would have been if they had been done on a Court day.

ACT No. XIX. of 1847.

Passed by the Governor-General of India in Council, on the 18th of December 1847.

AN ACT to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

WHEREAS it is expedient to make certain amendments in the Articles of War provided by Act XX. of 1845, for the government of the native officers and soldiers in the military service of the East India Company, and for the administration of justice by Courts Martial to be holden on such officers and soldiers :

I. It is therefore hereby enacted, that from and after the first day of March 1848, the Articles of War provided by Act XX. of 1845, are repealed.

II. And it is enacted, that the following Articles of War shall from and after the said day be the Articles of War for the government of the said native officers and soldiers in the military service of the said Company, and for the administration of justice by Courts Martial to be holden on such officers and soldiers. Provided always, that all crimes and offences committed against the Articles of War provided by Act XX. of 1845 aforesaid, may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided, and that every warrant for holding any Court Martial under the Articles of War provided by the Act XX. of 1845 aforesaid shall remain in full force notwithstanding the repeal of such Articles; and that all proceedings of any Court Martial upon any trial begun under such Articles, shall not be discontinued by the repeal of the same.

ARTICLES OF WAR.

SECTION I.—*Of Enlisting and Discharges.*

Article 1.—Every recruit, prior to being enrolled in his regiment, shall have the first four Articles of the second section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such declaration as is now used, if any, in the respective Presidencies, shall be made to him by the officer commanding, in front of the regiment or corps, in presence of the Native officers and soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* Article 2.—No commissioned officer shall be dismissed except by the sentence of a General Court Martial. No non-commissioned officer or soldier shall be discharged as a punishment except by the sentence of a Court Martial, or by order of the Commander-in-chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor-general in Council in his executive capacity, and the Governor in Council of any Presidency to which a commissioned or non-commissioned officer or soldier may belong, shall have power to order his dismissal or discharge.

Article 3.—All non-commissioned officers and soldiers discharged the service, shall be furnished by the commanding officer of the regiment with a discharge certificate, made out in the vernacular language of the individual discharged, with an English translation, expressing the authority for, and cause of, such discharge, and the period of his entire service in the army.

* Article 4.—No non-commissioned officer or soldier shall enlist himself in any other regiment without a regular discharge from his former regiment, under the penalty of being reputed a deserter, and suffering accordingly.

SECTION II.—*Crimes and Punishment.**Crimes punishable with Death, Transportation, Corporal Punishment, Imprisonment or Dismissal.*

Article 5.—Any officer or soldier, who shall begin, excite, cause or join in any mutiny or sedition in the regiment or corps to which he belongs, or in any other corps or regiment whatsoever, on any pretence whatever, or who, being present at any mutiny or sedition, shall not use his utmost endeavours to suppress it, or who, coming to the knowledge of any mutiny, intended mutiny, or concealed combination against the State, shall not without delay give information thereof to his commanding officer ;—or

Article 6.—Who shall strike his superior officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence against him ; whether on or off duty, and under all circumstances in which his superior officer may be distinguishable as such in any manner ;—or

Article 7.—Who shall disobey any lawful command of his superior officer ;—or

Article 8.—Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same ;)—or

Article 9.—Who, being a sentry, in time of war or alarm, shall sleep upon his post, or shall leave it before regularly relieved, or without leave ; or shall plunder or injure the property placed under his charge ;—or

Article 10.—Who shall shamefully abandon or deliver up any garrison, fortress, post or guard, committed to his charge, or which it was his duty to defend ; or who shall use means to induce any other officer or soldier so to abandon or deliver up any such garrison, fortress, post or guard ;—or

Article 11.—Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War ;—or

Article 12.—Who shall hold correspondence with or give intelligence to the enemy, or any person in arms against the State, either directly or indirectly ; or

ACTS of 1847.

who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the commanding officer ;—or

Article 13.—Who shall directly or indirectly assist or relieve the enemy, or persons in arms against the State, with money, victuals or ammunition ; or shall knowingly harbour or protect any enemy or person in arms against the State ;—or

Article 14.—Who shall treacherously release, wilfully aid, or connive at the escape of any enemy or person in arms against the State, placed as a prisoner under his charge ;—or

Article 15.—Who shall misbehave himself before the enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave ;—or

Article 16.—Who shall in presence of an enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition ;—or

Article 17.—Who shall leave his commanding officer, or his post or colours, or party, in time of action, to go in search of plunder ;—or

Article 18.—Who, in time of war, shall do violence to any person bringing provisions or other necessaries to the camp or quarters of the forces ; or shall force a safeguard ; or break into any house, or other place for plunder ; or plunder fields or gardens, or other property ;—or

Article 19.—Who, in time of war, shall, by discharging fire-arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in action, camp, garrison or quarters ;—or

Article 20.—Who shall, without proper authority, release any State prisoner, or through carelessness or neglect shall suffer any such prisoner to escape ; or shall connive at the plunder or injury of property in time of war, or the plunder or injury of treasure, or of a magazine or dock-yard, by the sentry or guard in whose charge such property or treasure, or magazine or dock-yard is placed ;—or

Article 21.—Who, being a sentry placed over any State prisoner, or over treasure, or over a magazine or dock-yard, shall quit his post without being regularly relieved, or without leave ; or shall sleep upon his post ; or shall plunder or injure the property placed under his charge ;

Shall, if an officer, on conviction, suffer death or transportation for life, or be dismissed the service ;

And, if a soldier, shall, on conviction, suffer death or transportation for life ; or imprisonment, with or without hard labour, for life or for any term of years ; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding 28 days at a time, nor 84 days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement ; or shall suffer corporal punishment ; or dismissal from the service ; as by a General Court Martial shall be awarded. Provided that no soldier shall be kept in solitary confinement more than 84 days in any one year, whether by the sentence of one or more Courts Martial, or by order of his commanding officer.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment, with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Article 22.—Any officer or soldier who shall in operations in the field, spread reports by words or letters calculated to create unnecessary alarm in the troops, or in the vicinity, or in the rear of the army ;—or

Article 23.—Who shall, in action or previously to going into action, use words tending to create alarm or despondency ;—or

Article 24.—Who shall be drunk when on, or for duty, or on parade, or on the line of march ;—or

Article 25.—Who shall strike or force any sentry ;—or

Article

Article 26.—Any soldier who shall be grossly insubordinate or insolent to his superior officer in the execution of his office; or grossly insubordinate and violent in the presence of a Court Martial;—or

Article 27.—Who, being on actual service, shall refuse to assist in making field works;

Shall, if an officer, on conviction, be sentenced to be dismissed the service, or to be suspended from rank and pay and allowances;

And, if a soldier, shall, on conviction before a General or District or Garrison Court Martial, be sentenced to suffer such punishment as a General or District or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such offender shall not be sentenced to death or transportation, or imprisonment with hard labour.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial, with Dismissal, Reduction, Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Article 28.—Any officer who shall behave in a manner unbecoming the character of an officer; (the fact or facts whereon the charge is grounded being clearly specified therein);—or

Article 29.—Any officer or soldier who shall advise or persuade any other officer or soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any deserter, and shall not immediately on discovery give notice to his superior officer; or shall not cause such deserter to be apprehended by the civil power;—or

Article 30.—Who shall obtain or attempt to obtain for himself, or for any officer or soldier, or for any other person whatsoever, any pension or allowance, by any false statement, certificate or document, or by the omission of the true statement, or certificate or document;—or

Article 31.—Who shall knowingly make a false return or report, to any his superior officer authorized to call for a return or report of the state of the men under his command, or of arms, ammunition, clothing or other stores thereunto belonging, or of which he may have charge;—or

Article 32.—Who, at any post, or on the march, shall illegally, and against the will of the parties, extort money or property of any description, as fees or duties, or on any pretence whatever; or shall, without authority, exact from villagers or others, carriage, portage or provisions;—or

Article 33.—Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons;

Shall, if an officer, on conviction, be sentenced to be dismissed the service, or to be suspended from rank and pay and allowances;

And if a soldier, shall, on conviction before a General, District or Garrison Court Martial, be sentenced to suffer such punishment as a General or District or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such offender shall not be sentenced to death, or transportation or corporal punishment.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers; or by any Court Martial with Dismissal, Reduction, Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Article 34.—Any officer or soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority;—or

Article 35.—Who shall malingering, feign, or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity;—or

ACTS of 1847.

Article 36.—Who shall, without orders, commit any waste, or spoil or plunder, or shall injure or destroy any property;—or

Article 37.—Any soldier who shall, contrary to orders, when off duty, appear in or about camp or cantonments, or, on occasion of visiting towns or bazaars, carrying a sword, bludgeon or other weapon;—or

Article 38.—Who shall sell, pawn, or designedly or through neglect, lose or injure his horse, arms, clothes, accoutrements or regimental necessaries; or any of the above articles entrusted or belonging to any other soldier;

Shall, on conviction before a General, District or Garrison or Regimental Court Martial, be sentenced to suffer such punishment as such Courts Martial respectively are by these Articles of War empowered to award.

Provided, that such offender shall not be sentenced to death, or transportation or corporal punishment.

Embezzlement; punishable by General Court Martial with Dismissal, Fine and Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, of Officers and Soldiers.

Article 39.—Any officer or soldier who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any military purpose; or any provisions, forage, arms, clothing, ammunition or military stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;

Shall, on conviction before a General Court Martial, be dismissed the service and fined to the extent of his arrears of pay and allowances; and be further liable to suffer imprisonment, with or without hard labour, for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid).

Disgraceful Conduct; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment, with or without Hard Labour and Solitary Confinement, and in addition with forfeiture of additional Pay and of Pension on Discharge, and Stoppages, of Non-Commissioned Officers and Soldiers.

Article 40.—Any soldier who shall be guilty of disgraceful conduct;

In wilfully maiming or injuring himself or any other soldier, at the instance of such soldier, with intent to render himself or such soldier unfit for the service, or with intent to take his own life;—or

Article 41.—In purloining or selling Government stores;—or

Article 42.—In stealing money or goods, the property of a soldier or of a military officer, or of any military mess, or of any person or persons belonging to, or serving with or attached to the army;—or

Article 43.—In plundering or injuring property placed under his charge as sentry, or in charge of his guard, or in conniving at the plunder or injury of such property;—or

Article 44.—In embezzling or fraudulently misapplying public money entrusted to him for any military purpose;—or

Article 45.—In committing any petty offence of a fraudulent or dishonest nature, to the injury of, or with intent to injure the Government, or any person, civil or military;—or

Article 46.—Who shall be guilty of any other disgraceful conduct, being of a cruel, indecent or unnatural kind;

Shall, on conviction before a General or District or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for disgraceful conduct.

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly pay and allowances;

allowances, until the amount be made good of any loss or damage arising out of his misconduct.

ACTS of 1847.

And if such offender shall be dismissed the service, he shall further be sentenced to forfeit his arrears of pay and allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction or Simple Imprisonment, with or without Solitary Confinement, or Loss of Standing on the Roll of Non-Commissioned Officers and Soldiers.

Article 47.—Any officer or non-commissioned officer who shall strike or otherwise illtreat any soldier;—or

Article 48.—Any sentry who, in time of peace, shall sleep upon his post, or shall leave it before regularly relieved or without leave;—or

Article 49.—Any officer or soldier who shall knowingly enlist a deserter or connive at his enlistment;—or

Article 50.—Who, directly or indirectly, shall require or accept a bribe, present or gratification, on the pretence of, or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any officer or soldier;—or

Article 51.—Who, being in command at any post, or on the march, on complaint made to him of any person under his command beating or otherwise illtreating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his superior officer;—or

Article 52.—Who being in command of a guard, shall refuse to receive any prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape;—or

Article 53.—Who shall quit his guard or picquet, in time of peace, without being regularly relieved or without leave;—or

Article 54.—Who shall impede the Provost Marshal or his assistants, or any other officer or person legally exercising authority; or refuse to assist him when requiring his aid in the execution of his duty;—or

Article 55.—Who, being on leave of absence, shall have received information from the head-quarters of his regiment, or from other competent authority, that his regiment has been ordered on service, and shall not rejoin without delay;—or

Article 56.—Who, in time of peace, shall, by discharging fire-arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in camp, garrison or cantonments;—or

Article 57.—Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause;—or

Article 58.—Who shall, without urgent necessity, or without leave of his superior officer, quit his company or troop, or the parade;—or

Article 59.—Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him;—or

Article 60.—Any soldier who shall be found two miles from the camp contrary to orders;—or

Article 61.—Who shall, contrary to orders, be absent from his cantonment after tattoo, or from camp after retreat beating;—or

Article 62.—Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him;

ACTS of 1847.

Shall, if an officer, on conviction, be sentenced to suspension from rank and pay and allowances; or to be reprimanded in such manner as the Commander-in-chief may direct;

And, if a soldier shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award;

Provided, that such offender shall not be liable to be sentenced to suffer corporal punishment, or imprisonment with hard labour.

Article 63.—All crimes not capital, and all disorders or neglects which officers or soldiers may be guilty of, to the prejudice of good order and military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a soldier shall not for any such offences be liable to be sentenced to suffer corporal punishment, or imprisonment with hard labour.

Crimes incident to Courts Martial; punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or Simple Imprisonment of Soldiers.

Article 64.—Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the sentence of the same or another Court Martial, with dismissal, or suspension from rank and pay and allowances, if a commissioned officer; with dismissal or reduction to the ranks, if a non-commissioned officer; or with dismissal, or imprisonment, if a soldier;

Provided, that such person, being a commissioned officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer imprisonment with hard labour, or corporal punishment.

Article 65.—Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend, or who, attending, shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or shall give such testimony as, if given in a criminal court, would render him guilty of perjury; or who shall induce any other person so to offend;

Shall be delivered to a magistrate to be proceeded against according to law.

Article 66.—Any person using menacing or disrespectful words, signs or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to corporal punishment, or to imprisonment with hard labour; and if not amenable to these Articles of War, the offender shall be delivered over to a magistrate to be proceeded against according to law.

Perjury; punishable by General or District Court Martial with Dismissal, and in addition with Fine or simple Imprisonment of Officers and Soldiers.

Article 67.—Any officer or soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;

Shall be dismissed the service, and shall be further subject to fine, to the amount of his arrears of pay and allowances, or to imprisonment, which may extend to three years; according to the sentence of a General or District or Garrison Court Martial.

Crimes admitting of less serious notice.

Article 68.—Whereas it may be advisable that some of the offences which by the foregoing articles are directed to be tried by a General or District or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District or Garrison or Regimental Courts Martial; in such cases the officer commanding the regiment or corps to which the offender belongs may, if he thinks it expedient and for the good of the service, order the offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District or Garrison Court Martial; making however a report in every such case, for the information of the general officer commanding the division of the reasons of his having so proceeded; or such commanding officer may lay a particular statement of the case before the general or other officer having authority to convene General or District or Garrison Courts Martial, under whose command such offender may be serving, with an application for permission to try the offender by District or Garrison or Regimental Court Martial; and such general or other officer will exercise his discretion in complying or not with such application; but the permission of such general or other officer so to proceed, shall be entered upon the proceedings at the trial of such offender;

Provided, that Mutiny shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated “Disgraceful Conduct” in these Articles of War, and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term “Disgraceful Conduct” shall be omitted in the charge; and the offender shall, on conviction, be liable to suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

Offences on the Line of March or on board Vessels.

Article 69.—For offences committed on the line of march, or on board any ship or other vessel, the officer in command of the troops is hereby authorized to try any soldier by a Regimental or Detachment Court Martial, and to confirm and execute the sentence on the spot;

Provided, that such sentence shall in no case exceed that which a Regimental Court Martial is competent to award; and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-chief.

SECTION III.—*Administration of Justice.*

Article 70.—Whenever any officer or soldier shall commit a crime deserving punishment by Court Martial, he shall, by his commanding officer, be put under arrest, if an officer or non-commissioned officer; or if a soldier, be confined, until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no officer or soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable; but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

Article 71.—No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed more than three years previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

Article 72.—Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ACTS of 1847.

Article 73.—The Commander-in-chief at the Presidencies of Fort William, Fort St. George and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm and mitigate, or commute or remit the sentences of such Courts; and may issue his warrant to any general or other officer having the command of a body of troops in the service of Her Majesty or of the East India Company, empowering such officer to appoint General or District or Garrison Courts Martial, as occasion may require, for the trial of offences committed by any of the officers or soldiers or followers in the service of the said Company, being natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm and mitigate, or commute or remit the sentences of such Courts Martial.

Article 74.—A General Court Martial shall not consist of less than 13 commissioned officers, unless it be held out of the East India Company's territories, where such Court Martial may consist of seven commissioned officers, if a greater number cannot be conveniently assembled; and no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

*Article 75.—A General Court Martial may sentence any officer or soldier to death or transportation, for any crimes which are by these Articles of War expressly made liable to sentence of death or transportation, and for such crimes only.

And when a commissioned officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such officer to be dismissed the service; or to be suspended from rank and pay and allowances, for a stated period; or to be placed lower on the list of his rank, by an alteration of the date of his commission, thereby losing the corresponding benefit of length of service; and the Court shall in every such sentence specify the extent or degree of suspension or reduction which they shall so adjudge; or the Court may sentence such officer to be reprimanded in such manner as the Commander-in-chief may direct.

And a General Court Martial may sentence any non-commissioned officer to be reduced to the ranks; or may sentence any non-commissioned officer or soldier to be dismissed the service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing); or may sentence any soldier to suffer corporal punishment not exceeding fifty lashes; or imprisonment with or without hard labour not exceeding two years; and to be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his commanding officer.

And a General Court Martial may, in addition either to corporal punishment, or to imprisonment, as aforesaid, sentence a soldier to forfeiture of all advantage as to additional pay and to pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for disgraceful conduct.

And a General Court Martial may, in addition to the punishment of dismissal, sentence any officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct; and, in addition to any punishment not involving dismissal from the service, may sentence any officer or soldier to be put under stoppages, not exceeding two-thirds of his pay and allowances in the case of an officer, and not exceeding half of his pay and allowances in the case of a non-commissioned officer or soldier, until the amount of such loss or damage be made good.

Confirmation

Confirmation and Commutation of Sentence by the Commander-in-Chief.

Article 76.—In cases wherein a sentence of death shall have been awarded by a General Court Martial, for any offence against discipline for which sentence of death is awardable under these Articles of War, the Commander-in-Chief may confirm such sentence and cause it to be carried into effect, or may, instead of causing such sentence to be carried into effect, order the offender, if an officer, to be transported for life, or to be imprisoned for any term of years, or to be dismissed; and, if a soldier, to be transported for life, or to be imprisoned, with or without hard labour, either for life, or for a certain term of years, and with or without solitary confinement, (to be regulated as aforesaid,) as to the Commander-in-Chief may seem meet.

In cases of commissioned officers sentenced to transportation, the Commander-in-Chief may in lieu thereof order the offender to be imprisoned for any term of years, or to be dismissed. And in cases of commissioned officers sentenced to be dismissed from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be suspended from rank and pay and allowances for a certain period, to be distinctly specified by the Commander-in-Chief.

And the Commander-in-Chief may commute a sentence of transportation passed on a soldier to imprisonment, with or without hard labour, and with or without solitary confinement (to be regulated as aforesaid); and such imprisonment may be either for the same period for which transportation shall have been awarded, or for any lesser period.

And the Commander-in-Chief may commute a sentence of corporal punishment to dismissal from the service; or in the case of a non-commissioned officer may mitigate such sentence to reduction to the ranks; or in the case of a non-commissioned officer or soldier may commute such sentence to imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period not exceeding two years.

In cases of non-commissioned officers sentenced to be dismissed from the service, the Commander-in-Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage except that of standing).

And in cases of offenders sentenced to imprisonment with hard labour, the Commander-in-Chief may mitigate such sentence by causing the offender to be reduced to the ranks, in the case of a non-commissioned officer; or in the case of a non-commissioned officer or soldier by directing that he be dismissed from the service; or suffer imprisonment without hard labour, and with or without solitary confinement, (to be regulated as aforesaid), for any period not exceeding that for which he shall have been sentenced to such imprisonment with hard labour.

Article 77.—A District or Garrison Court Martial shall consist of not less than seven commissioned officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than five commissioned officers. And such District or Garrison Court Martial may be composed of officers of the same regiment, and shall be assembled in conformity with the orders of the Commander-in-Chief.

And the sentence of a District or Garrison Court Martial shall be confirmed by the Commander-in-Chief, or by some officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander-in-Chief is empowered to remit, or mitigate, or commute the sentences of such Courts Martial, in the same manner as the sentences of General Courts Martial; and to delegate to or withhold from commanding officers the power of convening such Courts Martial, and of confirming, remitting, mitigating, or commuting the sentences of such Courts (not including forfeiture of pay or pension or other advantage), as the Commander-in-Chief may deem to be most expedient.

And in case of any sentence, including forfeiture of additional pay or of pension on discharge, or of any prospective advantage, such sentence shall not be

ACTS of 1847.

carried into effect until confirmed by the Commander-in-Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

*Article 78.—A District or Garrison Court Martial may sentence any non-commissioned officer to be reduced to the ranks, or may sentence any non-commissioned officer or soldier to be dismissed from the service, or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing); or may sentence any soldier to suffer corporal punishment not exceeding 50 lashes, or imprisonment with or without hard labour not exceeding one year, and to be kept in solitary confinement (to be regulated as aforesaid).

And such Court Martial may, in addition either to corporal punishment or to imprisonment as aforesaid, sentence a soldier to forfeiture of all advantage as to additional pay, and to pension on discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for disgraceful conduct.

And such Court Martial may, in addition to the punishment of dismissal, sentence any non-commissioned officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and, in addition to any punishment not involving dismissal from the service, may sentence any non-commissioned officer or soldier to be put under stoppages not exceeding half of his pay and allowances, until the amount of such loss or damage be made good.

Article 79.—A Regimental Court Martial shall consist of not less than five commissioned officers, (unless it be found impracticable to assemble that number, when three may be sufficient), and shall be assembled by order of the officer commanding the regiment; and no sentence of a Regimental Court Martial shall be of force until the commanding officer shall have confirmed the same; provided that such commanding officer shall have power to remit all sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such commanding officer shall have power to confirm and carry into effect or to mitigate all sentences whatever passed by such Court; and to commute a sentence of corporal punishment to imprisonment without hard labour, and with or without solitary confinement (to be regulated as aforesaid), for any period for which such Court is competent to sentence an offender to suffer imprisonment and in the same manner; and to mitigate a sentence of dismissal in the case of a non-commissioned officer, to reduction to the ranks; and to commute a sentence of imprisonment with hard labour, to dismissal; or to mitigate such sentence to reduction to the ranks, or to imprisonment without hard labour.

Powers of a Regimental Court Martial.

*Article 80.—A Regimental Court Martial may sentence any non-commissioned officer to be reduced to the ranks; or may sentence any non-commissioned officer or soldier to be dismissed from the service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing), or may sentence any soldier to suffer corporal punishment not exceeding 100 lashes; or imprisonment, with or without hard labour, for any period not exceeding six calendar months; and to be kept in solitary confinement (to be regulated as aforesaid).

Any such Court Martial may, in addition to the punishment of dismissal, sentence any non-commissioned officer or soldier to forfeit his arrears of pay and allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition

addition to any punishment not involving dismissal from the service, may sentence any non-commissioned officer or soldier to be put under stoppages, not exceeding half of his pay and allowances, until the amount of such loss or damage be made good.

Article 81.—An officer commanding any detachment of his own regiment may assemble Regimental Detachment Courts Martial; and an officer commanding a detachment consisting of men of different corps, may assemble Detachment or Line Courts Martial; and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in regiments shall be taken to apply to Courts Martial held in detachments, in all practicable cases :

Provided that no officer on detached command of less than four troops or companies, or of detachments numerically equal to four troops or companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the sentence shall have been confirmed by the officer commanding the regiment to which the offender belongs, or by the nearest superior officer holding a command of not less than a regiment (who is hereby authorized to confirm the same, in like manner as an officer commanding a regiment is empowered to do), except in detached situations beyond sea or out of the British territories, or when on service in the field, or in cases where an immediate example is necessary and reference cannot be made to such commanding or superior officer without detriment to the service; when the officer commanding such detachment may exercise the powers which are vested in an officer commanding a regiment.

Article 82.—At all Courts Martial, it shall be competent to the officer convening the Court to instruct the Court, that should the prisoner be found guilty, and imprisonment form a part of the sentence, no portion of the imprisonment should be solitary; or, should corporal punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

Article 83.—In every sentence of death awarded by a General Court Martial, the Court shall specify that the offender shall “suffer death by being hanged by the neck until he be dead,” or “by being shot to death,” as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

Article 84.—Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the Court under the authority of the Commander-in-Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with hard labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every judge, magistrate, sheriff or other officer in charge of a gaol, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the officer commanding the station or regiment or detachment, within which the trial is held.

Article 85.—Whenever any soldier shall be sentenced to imprisonment for life, or a sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander-in-Chief to order such offender to be transported beyond sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander-in-Chief to think such prisoner not a proper subject for transportation.

ACTS of 1847.

Article 86.—Persons sentenced to imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander-in-Chief shall from time to time direct.

Article 87.—Every soldier sentenced to imprisonment with hard labour, shall, previous to undergoing such punishment, be struck off the strength of his corps from the date of confirmation of such sentence; and no soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

Article 88.—Offenders sentenced to dismissal for disgraceful conduct;

And offenders subject to corporal punishment, or to imprisonment with hard labour for disgraceful conduct, shall, on any such sentence being confirmed, be dismissed with ignominy.

Article 89.—In every case wherein a fine, or forfeiture of arrears of pay, or stoppages shall be adjudged by a Court Martial, any pay or public money due to the offender, or that may become due to him, shall be available, with the sanction of the Commander-in-Chief, for the payment of the amount so adjudged.

And no soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his pay and allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his pay and allowances.

Forms of Proceeding.

Article 90.—Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

Article 91.—At General Courts Martial a Judge Advocate, or an European officer of not less than 10 years' service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European officer of not less than four years' standing in the service, except in cases where no officer of that standing may be available, or the adjutant of the regiment, shall be appointed to conduct the proceedings.

Article 92.—An interpreter shall be appointed to all Courts Martial, and any interpreter or other competent person available at the station where the Court Martial may sit, shall be appointed, as occasion may require, by the officer commanding at such station, on application from the Judge Advocate or superintending officer at such Court Martial; but in situations where the services of an interpreter or other competent person are not available, the superintending officer at the Court Martial shall perform the duty of interpreter.

Article 93.—At all Courts Martial the senior officer shall sit as President, without being so appointed by warrant; provided that all subadar majors are to take precedence according to the dates of their commissions, and above all native officers holding the rank of subadar or jemadar; and that sirdar bahadoors and bahadoors shall rank only according to their respective commissions of subadar major, subadar or jemadar. Rissaldars and rissaidars will take rank with subadars, and naib rissaldars with jemadars, according to the dates of their respective commissions.

In case of the death or unavoidable absence of the President, the next senior member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of members of which such Court is directed to consist by these Articles of War.

Article 94.—No finding or sentence of a Court Martial shall be revised more than once, and no evidence shall be received on such revision. For the purpose of such revision, the President and all the members shall be convened if possible; but if any of them should be unavoidably absent, the remaining members may proceed

proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same members do not meet, the circumstances are to be duly certified on the face of the proceedings.

ACTS of 1847-

Manner of Voting.

Article 95.—All the members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of members present, provided the number of members present be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favour of the prisoner; the President at a Court Martial shall vote with the other members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the finding and the sentence, the President shall have a casting vote.

Article 96.—No sentence of death shall be given against any offender by a Court Martial, unless two-thirds of the members present concur therein, or four where the Court consist of five members, or five where the Court consist of seven.

Affirmations.

Article 97.—On the assembly of a Court Martial, the Judge Advocate or superintending European officer shall administer to the interpreter the following solemn affirmation:

“I, A. B., solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice or Court Martial in due course of law.”

In case of the unavoidable absence of an interpreter, the European superintending officer of a Court Martial inferior to General, shall make the solemn affirmation prescribed for the interpreter.

The Judge Advocate or superintending officer shall then cause the following solemn affirmation to be made by each member:

“I, A. B., solemnly affirm in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favour or affection, and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further, that I will not disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law.”

The following solemn affirmation shall then be administered by the interpreter to the Judge Advocate or superintending officer:

“I, A. B., solemnly affirm in the presence of Almighty God, that I will not upon any account whatsoever disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice, or a Court Martial in due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court, until it shall be published by authority.”

Provided, that it shall be necessary to re-administer these solemn affirmations on the commencement of fresh trials before the same Court.

Article 98.—All persons who give evidence at a Court Martial are to be examined on oath according to the forms of their respective religions or on affirmation, and persons of the Hindoo or Mahomedan persuasion and other persons making affirmation, shall make affirmation to the following effect:

“I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

ACTS of 1847.

And if any person making such affirmation as aforesaid shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

Article 99.—In all cases where persons required as witnesses before a Court Martial may not be amenable to military law, the Judge Advocate or commanding officer shall transmit to the magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

Article 100.—For the prompt and instant repression of all irregularities and crimes which may be committed by troops in the field and on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief, and their powers shall be regulated according to the established usages of war and rules of the service. Their duties are to take charge of prisoners confined for offences of a general description; to preserve good order and discipline; to prevent breaches of both, by soldiers and followers of the army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing breaches of good order and military discipline; provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the field, and that whatever may be the crime, the Provost Marshal or his assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a report shall be made to the Commander of the Army in the field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good order and military discipline. The duties of Provost Marshals being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General commanding the Forces in the field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the discipline of the East India Company's army and the public service.

Trials by European Courts Martial.

Article 101.—At any Presidency where the Native troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European officers; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European commissioned officers, and the number of members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor-general of India in Council by a General Order to authorize the Native troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.—*Effects of the Dead.*

*Article 102.—When any officer or soldier, or any person receiving public pay drawn by any officer in charge of a public department belonging to the army, may die, or be killed in the service, the commanding officer of the regiment or party, or officer in charge of the department, shall, if no heir or executor be present, secure his effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the adjutant, or officer in charge of the department.

*Article 103.—If there be no heir or executor on the spot, the effects are to be publicly sold; the commanding officer of the regiment or party, or officer in charge of the department, after discharging the debts of the deceased, viz. the expense of funeral ceremonies, his debts in camp or quarters, and regimental debts of every description, shall account for the residue to the heir or heirs declared by will, whether written or verbal, or nominated in the regimental register, or in failure of such to the legal representative of the deceased; and in the event of no executor, heir, or other representative of the deceased attending and establishing his claim within 12 months from the date of the casualty, the amount in the hands of the officer having charge of the estate is to be remitted to the general treasury at the Presidency.

SECTION V.—*Miscellaneous.*

Article 104.—The effects of deserters are to be publicly sold, and the proceeds, after payment of regimental debts, remitted by the officer commanding the corps to which the deserter belongs, to the general treasury at the Presidency, or appropriated according to the rules obtaining at such Presidency.

Article 105.—All powers and provisions contained in these Articles relating to the Commander-in-Chief, shall be construed to extend to the Commander-in-Chief at any Presidency, and to the officer commanding the forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to soldiers, shall be construed to extend to non-commissioned officers, unless when otherwise provided.

Article 106.—When any portion of the troops belonging to one Presidency shall be serving within the limits of another Presidency, such troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief, or commanding officer of the forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always, that it shall be lawful for the Governor-general in Council, in his executive capacity, to direct that the troops, or any part thereof, of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-in-Chief or commanding officer of the forces of the Presidency to which they belong, for all purposes of these Articles.

Article 107.—Any officer commanding any portion of the East India Company's troops which may at any time be serving in any place out of Her Majesty's dominions, or of the possessions or territories which are, or may be under the Government of the said Company, or of the territories of those states in alliance with the said Company in which the said Company's forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's army, being under the immediate command of any such officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three officers, for the purpose of trying any such person, notwithstanding any such officer shall not have received any warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial shall be executed until the General Commanding in Chief the Army to which the division, brigade, detachment or party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District or Garrison Court Martial, in which case the officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate or remit the same; reporting the proceedings to the said General Commanding in Chief.

ACTS of 1847.

Article 108.—General Courts Martial only shall have the power to try commissioned officers; or to pass sentence of death or transportation on any offenders.

Article 109.—No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such soldier before a Court Martial or a Court of Justice, and shall inquire into the general character of such soldier, for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such soldier had, previously to his trial, received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all soldiers previous to trial.

*Article 110.—No non-commissioned officer shall be reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander-in-Chief of the Presidency to which the offender shall belong. Provided that no non-commissioned officer shall be reduced to the ranks for any limited period; nor suspended from his rank; nor reduced from a higher to a lower grade of non-commissioned officer; nor sentenced to suffer corporal punishment or imprisonment, without being first reduced to the ranks.

*Article 111.—Any officer or soldier thinking himself wronged by his superior or other officer, is to complain thereof to the commanding officer of his troop or company, by whom, if the grievance be not redressed, such officer, non-commissioned officer or soldier, may complain to the commanding officer of his regiment, who is hereby required to examine into such complaint, or remit it to his superior authority, as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial, in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to dismissal, nor to suffer corporal punishment or imprisonment with hard labour.

Article 112.—In case of light offences, a commanding officer may, without the intervention of a Court Martial, award extra drill, with or without pack, for a period not exceeding 15 days; restriction to barrack limits not exceeding 15 days; confinement in the Quarter Guard or Defaulter's Room, not exceeding seven days; removal from staff situations or acting appointments; or may order soldiers to be employed in piling and unpling shot, and in cleaning accoutrements of men in hospital; but none of these descriptions of punishment shall be awardable by sentence of a Court Martial. And a commanding officer may award solitary confinement not exceeding seven days.

Provided that soldiers in confinement shall be liable to be ordered to attend ordinary drill.

Article 113.—Any officer or soldier who shall be taken prisoner by the enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander-in Chief. And every officer or soldier in imprisonment under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his pay proper, according to the rates of pay granted to officers and soldiers of the Bengal army.

SECTION VI.—*Mode of dealing with Offences not Military.*

Article 114.—In all places within the jurisdiction of any civil judicature, established by appointment of Her Majesty or of the said Company, officers and soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such civil judicature, shall be delivered over to a magistrate to be proceeded against according to law.

And all officers and soldiers are hereby required to assist the officers of justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal Tribunals exist.

Article 115.—In any place within the limits of the Charter of the East India Company, whether in or out of the British territories, where there may be no civil judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by civil tribunals, such offences, when committed by officers or soldiers, shall be cognizable by Courts Martial.

Article 116.—General Courts Martial shall have cognizance ordinarily of offences punishable with death ;

Transportation for life ;

Imprisonment for life ;

Imprisonment for a period which may extend to 14 years ;

Imprisonment for a period which may extend to seven years.

Article 117.—District or Garrison Courts Martial shall have cognizance ordinarily of offences punishable with imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of death or transportation, with power to sentence persons convicted of such offences to imprisonment for any period not exceeding three years.

Article 118.—Regimental, Detachment or Line Courts Martial, shall have cognizance ordinarily of offences punishable with imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by District or Garrison Courts Martial, with power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

GENERAL COURTS MARTIAL.

Punishment of Death.

Article 119.—Any officer or soldier who shall be convicted by a General Court Martial of the crime of "murder" shall be sentenced to suffer death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

Article 120.—Any officer or soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other corporal injury to any person, endangering the life of such person ; that is to say,

1st.—Breaking or attempting to break, by day or night, into any dwelling-house, tent, boat or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal ;

ACTS of 1847.

2d.—Robbery or attempt to rob ;

3d.—Stealing or attempting to steal in a house, or from the person ;

Shall be sentenced by such General Court Martial to imprisonment, with or without hard labour, and transportation for life.

Offences punishable by Imprisonment which may extend to Fourteen Years.

Article 121.—Any officer or soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other corporal injury to any person, not endangering the life of such person ;—or,

Article 122.—Of wounding, or administering poison with intent to murder, whether the person wounded or to whom poison is administered be the person whom the offender intended to murder or another ;—or,

Article 123.—Of robbery by open violence, or dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house or place of habitation, or any place in which property may be kept, for the purpose of robbery ;—or,

Article 124.—Of breaking or attempting to break into any dwelling-house, tent, boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal ;—or,

Article 125.—Of breaking into any such place or habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed 100 Company's rupees ;—or,

Article 126.—Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery, by open violence, or by theft or robbery, aggravated as described in Article 120 or Article 121 ;

Shall be sentenced by such General Court Martial to imprisonment, with or without hard labour, for a period not exceeding 14 years.

Offences punishable by Imprisonment not exceeding Seven Years.

Article 127.—Any officer or soldier who shall be convicted by a General Court Martial of culpable homicide, not amounting to wilful murder ;—or,

Article 128.—Of premeditated affray, attended with homicide, or severe wounding, or other aggravating circumstance ;—or,

Article 129.—Of intentionally wounding, maiming or otherwise doing corporal injury to any person ;—or,

Article 130.—Of accidentally wounding, maiming or otherwise doing corporal injury to any person, with the intention of doing such injury to another person ;—or,

Article 131.—Of breaking into any dwelling-house, tent, boat or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein ;—or,

Article 132.—Of stealing from any habit ation, or from ay person, any property exceeding 300 Company's rupees in value ;—or,

Article 133.—Of having purchased any property so stolen exceeding in value 300 Company's rupees, knowing it to have been stolen ;—or,

Article 134.—Of arson ;—or,

Article 135.—Of an unnatural crime ;—or,

Article 136.—Of rape ;—or,

Article 137.—Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of 15 years ;—or,

Article

Article 138.—Of stealing a child under the age of eight years ;—or,

Article 139.—Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper of any description ; or any counterfeit seal or signature thereto ; or the illicit imitation of any public stamp or stamped paper, established by Government ; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries ; or of using, selling or disposing of such stamped paper, knowing the same to be counterfeit ;—or,

Article 140.—Of forging or procuring to be forged any counterfeit coin, in imitation of any of the gold, silver or copper coin of the British Government in India ; or of any coin usually received as money in the British territories ; or of clipping, filing, drilling or defacing any such coin ; or of paying or tendering in payment counterfeit coin, bank notes or other securities for money, knowing the same to be counterfeit, although such notes or securities shall be incomplete ;

Shall be sentenced by such General Court Martial to suffer imprisonment, with or without hard labour, for any period not exceeding seven years.

DISTRICT OR GARRISON COURTS MARTIAL.

Offences punishable by Imprisonment not exceeding Three Years.

Article 141.—It shall be competent to the Commander-in-Chief, and to any officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being commissioned officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of death or imprisonment or transportation for life is not provided therein, to be tried for such offences before a District or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to imprisonment, with or without hard labour, for any period not exceeding three years.

Article 142.—Any officer or soldier who shall be convicted by a General, District or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding 300 Company's rupees, but exceeding 50 Company's rupees ;—or,

Article 143.—Of having purchased or received any stolen property of value not exceeding 300 Company's rupees, knowing it to have been stolen, but not under aggravating circumstances ;—or,

Article 144.—Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen ;

Shall be sentenced by such Court to suffer imprisonment, with or without hard labour, for any period not exceeding three years.

REGIMENTAL, DETACHMENT, OR LINE COURTS MARTIAL.

Offences punishable by Imprisonment not exceeding Six Months.

Article 145.—It shall be competent to any officer having authority to convene a Court Martial, to cause offenders, not being commissioned officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding imprisonment with hard labour for three years is therein provided, to be tried before Regimental or Detachment or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer imprisonment, with or without hard labour, for any period not exceeding six calendar months.

Offences punishable by Imprisonment from Six Months to One Year, according to the description of the Court.

Article 146.—Any officer or soldier who shall be convicted of stealing property to the value of 50 Company's rupees, or of less value ;— or,

ACTS of 1847.

Article 147.—Of assault or affray, unattended with homicide, severe wounding, or aggravating circumstances ;

Shall be sentenced to suffer imprisonment, with or without hard labour, for any period not exceeding one year, by the award of a General or District or Garrison Court Martial ; or, for any period not exceeding six calendar months, by the award of a Regimental or Detachment or Line Court Martial.

Offences punishable by Imprisonment from Six Months to Two Years, according to the description of the Court.

Article 148.—Any officer or soldier who shall be convicted of resisting the process of a magistrate or police officer ;—or,

Article 149.—Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War ;

Shall be sentenced to suffer imprisonment for any period not exceeding two years, by the award of a General Court Martial ; not exceeding one year, by the award of a District or Garrison Court Martial ; and not exceeding six calendar months, by the award of a Regimental or Detachment or Line Court Martial.

Article 150.—Any officer or soldier who shall be convicted by a General or District or Garrison or Regimental Court Martial of having been present, aiding and abetting, or of having caused, instigated or procured the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for such offence, and awardable by General or District or Garrison or Regimental Courts Martial respectively.

Article 151.—No sentence of death shall be carried into effect until confirmed by the Commander-in-Chief, nor, if the trial shall have been held within the British territories forming part of either of the Presidencies of Fort William, Fort St. George and Bombay respectively, until such confirmation shall have been concurred in by the government of the Presidency where such trial shall have been held.

Article 152.—The Commander-in-Chief is authorized, at his discretion, to confirm any sentence of death, or to remit such sentence, or to commute it into imprisonment, with hard labour, and transportation for life, or into imprisonment, with hard labour, for any term of years.

Article 153.—No sentence of transportation shall be carried into effect until confirmed by the Commander-in-Chief, and the Commander-in-Chief is authorized, at his discretion, to confirm any such sentence, or to commute it into imprisonment, with or without hard labour, for any period of time.

Article 154.—It shall be competent to any officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labour, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

Article 155.—A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by cashiering or dismissal from the service.

Article 156.—The regulations at present in force at any Presidency, by which the office and powers of commissariat officers, or officers in charge of the police, or superintendents of bazars, are defined and controlled ; or by which punchayets are constituted and guided ; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around cantonments ; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.—*Application of the Articles.*

Article 157.—All officers and soldiers; all drivers, farriers, trumpeters and drummers; all unattested recruits; all hospital attendants, sub-assistant surgeons, native doctors and dressers; all artificers and labourers, suttlers, followers, public and private, or others attached to or serving with any part of the army, are to be governed by these Articles, and subject to trial by Courts Martial.

Provided, that persons of European descent (whether on the side of their father or mother), professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article (and not being Her Majesty's natural-born subjects born in Europe, or the children of such subjects), shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the European officers and soldiers in the service of the East India Company.

Promulgation of the Articles.

Article 158.—These Articles are to be translated into the several languages of the different Presidencies, and the parts following; viz. the second section, together with the following Articles in other sections which are marked with an * (asterisk); viz., 2, 4, 75, 78, 80, 102, 103, 110 and 111, are to be read once every three months at the head of every regiment, troop or company mustered in the service, and to every recruit at the period of his attestation.

ACT No. XX. of 1847.

Passed by the Right Honourable the Governor-General of India in Council,
on the 18th of December 1847.

AN ACT for the encouragement of Learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called Copyright therein.

WHEREAS doubts may exist whether the right called copyright can be enforced by the common law of England in those parts of the territories subject to the Government of the East India Company into which the common law of England has been introduced:

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the territories subject to the Government of the East India Company:

And whereas, for the encouragement of learning, it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable of easy enforcement in every part of the said territories:

And whereas it is doubtful whether the Act of Parliament 5 & 6 Vict., c. 45, intituled, "An Act to amend the Law of Copyright," although such Act extend to every part of the British dominions, has made appropriate and sufficient provision for the enforcement in every part of the said territories subject to the Government of the East India Company of the said right by proprietors thereof, and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any persons not being subject to the jurisdiction of the courts established by Her Majesty's Charter:

I. It is therefore hereby enacted, that the copyright in every book published in the lifetime of its author within the said territories, after the passing of the Act of Parliament 3 & 4 Will. 4, c. 85, intituled, "An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the 30th day of April 1854," shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire

ACTS of 1847.

before the end of 42 years from the publication of such book, the copyright shall in that case endure for such period of 42 years; and that the copyright in every book published after the death of its author, and after the passing of the Act of Parliament last aforesaid, shall endure for the term of 42 years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript, from which such book shall be first published, and his assigns.

II. And whereas it is expedient to provide against the suppression of books of importance to the public: it is enacted, that it shall be lawful for the Governor-general in Council, on complaint made to them that the proprietor of the copyright in any book published after the passing of this Act within the said territories has, after the death of its author, refused to re-publish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a license to such complainant to publish such book in such manner and subject to such conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such license.

III. And it is hereby enacted, that a book of registry, wherein may be registered, as hereinafter enacted, the proprietorship in the copyright of books and assignments thereof, and licenses affecting such copyright, shall be kept in the office of the Secretary to the Government of India for the Home Department, and shall at all convenient times be opened to the inspection of any person on payment of eight annas for every entry which shall be searched for or inspected in the said book; and that such officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, to any person requiring the same, on payment to him of the sum of two rupees; and such copies so certified shall be received in evidence in all courts and in all summary proceedings, and shall be *prima facie* proof of the proprietorship or assignment of copyright or license as therein expressed, but subject to be rebutted by other evidence.

IV. And it is enacted, that if any person shall wilfully make or cause to be made any false entry in the registry book aforesaid, or shall wilfully produce, or cause to be tendered in evidence, any paper falsely purporting to be a copy of any entry in the said book, he shall be guilty of a misdemeanor, and shall be punished with imprisonment, with or without hard labour, for a term not exceeding three years.

V. And it is enacted, that after the passing of this Act, it shall be lawful for the proprietor of copyright in any book published after the passing of the said Act of Parliament 3 & 4 Will. 4, c. 85, to make entry in the registry book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the copyright of the said book, or of any portion of such copyright, in the form in that behalf given in the Schedule to this Act annexed, upon payment of the sum of two rupees to the said Secretary; and that it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein, by making entry in the said book of registry of such assignment, and of the name and place of abode of the assignee thereof, in the form given in that behalf in the said Schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by deed.

VI. And it is enacted, that if any person shall deem himself aggrieved by any entry made under colour of this Act in the said book of registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or if the Court shall not be then sitting, to any judge of such Court sitting in chambers, for an order that such entry may be expunged or varied, and that upon any such application to the said Court, or to a judge as aforesaid, such Court or judge shall make such order for expunging, varying or confirming such entry, either with or without costs, as to such Court or judge shall seem just; and the said Secretary shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same according to the requisitions of such order.

VII. And it is enacted, that if any person shall after the passing of this Act print or cause to be printed, either for sale or exportation, any book in which there shall

shall be subsisting copyright, without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire any such book so unlawfully printed without such consent as aforesaid, such offender, if he shall have so offended within the local limits of the jurisdiction of any of the courts of judicature established by Her Majesty's Charter, shall be liable to a special action on the case in such court, and if he shall have so offended in any other part of the territories subject to the Government of the East India Company, to a suit in the zillah court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there; and if he shall have so offended in any such last-mentioned part of the territories subject to the Government of the East India Company in which there is no zillah court, to a suit in the highest local court exercising original civil jurisdiction in such part of the said territories.

VIII. And it is hereby enacted, that after the passing of this Act in any suit or action brought in any of the courts of judicature established by Her Majesty's Charter, under the provisions of this Act, against any person for printing any such book for sale, hire or exportation, or for selling, publishing or exposing to sale or hire, or causing to be sold, published or exposed to sale or hire, or for having in his possession for sale or hire any such book so unlawfully printed, the defendant, on pleading thereto, shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim copyright, or is not the proprietor of the copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the copyright therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book or the proprietor of the copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the defendant in such action shall not, at the trial or hearing of such action, be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such copyright as aforesaid, or that he was not the proprietor of the copyright therein, and at such trial or hearing, no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the copyright therein, than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time and place of publication, with the title, time and place specified in such notice.

IX. And it is hereby enacted, that after the passing of this Act, in any such suit or action as last aforesaid brought in any zillah court or other local court as aforesaid, the defendant shall state in his answer all such matters as he means to rely on, and which, by the last preceding section, the defendant in any suit or action brought in any of the courts of judicature established by Her Majesty's Charter is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer as a defendant is made subject to by the last preceding section for any omission in his notice.

X. And it is hereby enacted, that when any publisher or other person shall, within the said territories, before or at the time of the passing of this Act, but after the passing of the said Act of Parliament 3 & 4 Will. 4, c. 85, have projected, conducted and carried on, or shall hereafter project, conduct or carry on, or be the proprietor of any encyclopædia, review, magazine, periodical work, or work published in a series of books or parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any volumes, parts, essays, articles or portions thereof for publication in or as part of the same, and such work, volumes, parts, essays, articles or portions shall have been or shall hereafter be composed under such employment, on the terms that copyright therein shall belong to such proprietor, projector, publisher or conductor, and paid for by such proprietor, projector, publisher or conductor, the copyright in every such encyclopædia, review, magazine, periodical work and work published

ACTS of 1847.

lished in a series of books or parts, and in every volume, part, essay, article and portion so composed and paid for, shall be the property of such proprietor, projector, publisher or conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of copyright therein as is given to the authors of books by this Act, except only that in the case of essays, articles or portions forming part of and first published in reviews, magazines or other periodical works of a like nature, after the term of 28 years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act: Provided always, that during the term of 28 years, the said proprietor, projector, publisher or conductor shall not publish any such essay, article or portion separately or singly, without the consent previously obtained of the author thereof or his assigns: Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid, to publish any such his composition in a separate form, who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right, but every author reserving, retaining or having such right shall be entitled to the copyright in such composition, when published in a separate form, according to this Act, without prejudice to the right of such proprietor, projector, publisher or conductor as aforesaid.

XI. And it is hereby enacted, that the proprietor of the copyright in any encyclopædia, review, magazine, periodical work or other work published in a series of books or parts, shall be entitled to all the benefits of the registration in the office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said book of registry the title of such encyclopædia, review, periodical work or other work published in a series of books or parts, the time of the first publication of the first volume, number or part thereof, or of the first volume, number or part first published after the passing of this Act, in any such work which shall have been published heretofore, and after the passing of the said Act of Parliament 3 & 4 Will. 4, c. 85, and the name and place of abode of the proprietor thereof, and of the publisher thereof, when such publisher shall not also be the proprietor thereof.

XII. And it is enacted, that all copies of any book wherein there shall be copyright, and of which entry shall have been made in the said registry book, and which shall have been unlawfully printed without the consent of the registered proprietor of such copyright in writing under his hand first obtained, shall be deemed to be the property of the proprietor of such copyright, and who shall be registered as such, and such registered proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same, or damages for the detention thereof.

XIII. And it is enacted, that if the case be within the jurisdiction of any of the courts of judicature established by Her Majesty's Charter, such registered proprietor shall be entitled to sue for and recover such copies, or damages for the detention thereof, in an action of detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of trover, and that if the case be within the jurisdiction of any zillah court or other local court as aforesaid, the registered proprietor shall be entitled to sue for and recover such copies, or damages for the detention or conversion thereof, in such form as is in use in the said zillah or other local courts for the recovery of specific personal property, or damages for the detention or conversion thereof.

XIV. And it is enacted, that no proprietor of copyright in any book first published after the passing of the said Act of Parliament 3 & 4 Will. 4, c. 85, shall maintain under the provisions of this Act any action or suit at law or in equity, or any summary proceeding in respect of any infringement of such copyright, unless he shall, before commencing such action, suit or proceeding, have caused an entry to be made in the book of registry at the office of the said Secretary of such book pursuant to this Act: Provided always, that the omission to make such entry shall not affect the copyright in any book, nor the right to sue or proceed in respect of the infringement thereof, except the right to sue or proceed in respect of the infringement thereof under the provisions of this Act.

XV. And it is enacted, that if any action or suit shall be commenced or brought in any of the courts of judicature established by Her Majesty's Charter against

against any person or persons whomsoever, for doing or causing to be done anything in pursuance of this Act, the defendant or defendants in such action may plead the general issue and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become nonsuited or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath in the said last-mentioned Courts.

XVI. And it is enacted, that all actions, suits, bills, indictments, informations and other criminal proceedings for any offence which shall be committed against this Act shall be brought, sued and commenced within 12 calendar months next after such offence committed, or else the same shall be void and of none effect.

XVII. Provided always, and it is enacted, that nothing in this Act contained shall affect, alter or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts, agreements and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, anything herein contained to the contrary notwithstanding.

SCHEDULE

No. 1.

Original Entry of Proprietorship of Copyright of a Book.

| Time of making the Entry. | Title of Book. | Name of the Publisher and Place of Publication. | Name and Place of Abode of the Proprietor of the Copyright. | Date of First Publication. |
|---------------------------|----------------|---|---|----------------------------|
| | | | | |

No. 2.

Form of Entry of Assignment of Copyright in any Book previously registered.

| Date of Entry. | Title of Book. | Assigner of the Copyright. | Assignee of the Copyright. |
|----------------|---|----------------------------|----------------------------|
| | (Set out the Title of the Book, and refer to the page of the Registry Book in which the original Entry of the Copyright thereof is made.) | | |

ACTS of 1847.

ACT No. XXI. OF 1847.

Passed by the Right Honourable the Governor-General of India in Council on the 18th of December 1847.

AN ACT for the Improvement of the Administration of Justice and Despatch of Business in the Supreme Court of Judicature at Bombay.

I. It is hereby enacted, that from and after the passing of this Act it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court, for the despatch of the criminal business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the law, to all intents and purposes, as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the charter of the said Court.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Bombay may or shall have power to transact in term, it shall, in like manner, have power to transact out of term, and that all proceedings whatever before the said Court out of term shall be as good, valid and effectual in the law, to all intents and purposes, as fully as if the said proceedings were had in term; and that all rules and orders of the said Court as to all judgments, executions or other proceedings in term, shall be applicable and shall be applied to all judgments, executions or other proceedings given, issued or had out of term, as near as the same can be made applicable thereto, and the said Court shall issue such new rules and orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

ACT No. XXII. OF 1847.

Passed by the Right Honourable the Governor-General of India in Council on the 18th of December 1847.

To enable the Commissioners who may be appointed under Act XVI. of 1847 to purchase and hold Real or Personal Property for the Improvement of the Town of Calcutta.

WHEREAS by Act XVI. of 1847, entitled, "An Act for constituting Commissioners for the Improvement of the Town of Calcutta, partly by Appointment of the Government, and partly by Election of the Rate-payers," provision was made for the appointment and election of such Commissioners, or, in default of election, for the appointment of the whole of such Commissioners :

And whereas it is expedient that provision should be made to enable such Commissioners to purchase and hold real or personal property for the purposes aforesaid in manner hereinafter mentioned :

And whereas it is probable that benevolent and public-spirited individuals, with the view of contributing to the improvement and adornment of the said town, may be desirous of settling real or personal property by deed or will upon such Commissioners :

I. It is therefore enacted, that the said Commissioners shall be trustees for and on behalf of the Government of Fort William in Bengal, and of the inhabitants of Calcutta ; and shall sue and be sued at law and in equity, in Her Majesty's Supreme Court of Judicature at Fort William, by the name of the Commissioners for the Improvement of the Town of Calcutta, and shall have a common seal, and shall have power to take, purchase and hold lands, tenements, hereditaments, goods, chattels and other property, as such trustees for the purposes aforesaid.

II. And

II. And it is enacted, that whenever it shall appear to the said Commissioners, or a majority of them, that it is necessary they should purchase any houses, buildings or grounds for the purposes aforesaid, the said Commissioners shall represent the same to the Governor of Bengal, and if he shall consent thereto, but not otherwise, shall enter into treaties for the purchase of such houses, buildings or grounds with the owners thereof, and in case they shall not be able to come to agreement with such owners, or the amount of compensation shall not be settled by arbitration, as hereinafter provided, then the said Commissioners shall apply to the sheriff of Calcutta to summon a jury, and the said sheriff shall forthwith summon a jury in manner hereinafter mentioned, to assess the price which the said Commissioners shall pay to the said owner or owners for the purchase of such houses, buildings and grounds, with all appurtenances, as aforesaid.

III. And whereas it is expedient to make provision for those cases in which the said Commissioners may be able to purchase lands, buildings or tenements by agreement; it is enacted, that it shall and may be lawful for the said Commissioners to agree with the owners of any lands, buildings or tenements by this Act authorized to be taken, and which shall be required for the purposes of this Act, and with all parties having any estate or interest in such lands, buildings or tenements, or by this Act or by any other authority or power enabled to sell and convey the same, for the absolute purchase of any such lands, buildings or tenements, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

IV. And it is enacted, that it shall and may be lawful for all parties being seised, possessed of, or entitled to any such lands, buildings or tenements, or any estate or interest therein, to sell and convey or release the same to the said Commissioners, and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seised, possessed or entitled as aforesaid, so to sell, convey or release (that is to say) all corporations, tenants in tail or for life, married women seised in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life or for lives, or for years, or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties not only on behalf of themselves and their respective heirs, executors, administrators and successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them, or in defeasance of the estates of such parties, and as to such married women whether they be of full age or not as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committee on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability; and as to such trustees, executors and administrators on behalf of their cestui que trusts, whether infants, issue unborn, lunatics femmes covert or other persons, and that to the same extent as such cestui que trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

V. And it is enacted, that the purchase money, consideration or compensation to be paid or given for any lands, buildings or tenements to be purchased or taken from any party under any disability or incapacity, and not having any power to sell or convey such lands except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any such lands, buildings or tenements, shall in all cases be determined by the verdict of a jury to be summoned as hereinafter provided.

VI. And it is enacted, that it shall be lawful for any person seised in fee or entitled absolutely for his own benefit to any lands, buildings or tenements authorized to be purchased for the purposes of this Act, to sell and convey such lands, buildings or tenements, or any part thereof, unto the said Commissioners, in consideration of an annual rent-charge payable by the said Commissioners; but, except as aforesaid, the consideration to be paid for the purchase of any such lands, buildings or tenements, or for any damage done thereto, shall be in a gross sum.

VII. And it is enacted, that the yearly rent reserved by any conveyance of lands, buildings or tenements purchased by the said Commissioners for the purposes

ACTS of 1847.

poses of this Act shall be charged on the rates hereinafter authorized to be raised and levied, and shall be paid by the said Commissioners as such rents become payable; and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable may recover the same from the said Commissioners, with costs of suit, by action of debt in the said Supreme Court.

VIII. And it is enacted, that when the said Commissioners shall require to purchase or take any of the lands, buildings or tenements which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the said Commissioners, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof, and every such notice shall state the particulars of the lands so required, and that the said Commissioners are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

IX. And it is enacted, that all notices required to be served by the said Commissioners upon the parties interested in or entitled to sell any such lands, buildings or tenements shall either be served personally on such parties, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such parties shall be absent from the said town, or cannot be found, after diligent inquiry, such notices shall be left with the occupier of such lands, or if there be no such occupier shall be affixed upon some conspicuous part of such lands.

X. And it is enacted, that if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the said Commissioners before they have issued their warrant to the sheriff to summon a jury in respect of such lands under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled by arbitration accordingly; but unless the party claiming compensation shall as aforesaid signify his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or the umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury, as hereinafter provided.

XI. And it is enacted, that when any question of disputed compensation by this Act authorized or required to be settled by arbitration shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator, to which two arbitrators such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the said Commissioners under the hands of two of the said Commissioners, or of their clerk duly authorized by such two Commissioners, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate, under the common seal of such corporation, and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made, and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail within fourteen days after such service to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

XII. And it is enacted, that if, before the matters so referred shall be determined, any arbitrator appointed by either party shall die or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing

writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he shall fail to do so, the remaining or other arbitrator may proceed to hear and determine the matters which shall be in dispute, and every arbitrator who shall be so substituted as aforesaid shall have the same power and authorities as were vested in the former arbitrator at the time of such his death or disability aforesaid.

XIII. And it is enacted, that where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this Act, and if such umpire shall die or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

XIV. And it is enacted, that if in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, any two of the magistrates of Calcutta shall on the application of either party to such arbitration appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this Act, shall be final.

XV. And it is enacted, that when a single arbitrator shall have been appointed as hereinbefore provided, and such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitrators under the provisions of this Act, in the same manner as if such arbitrator had not been appointed.

XVI. And it is enacted, that if, where more than one arbitrator shall have been appointed, either of the arbitrators refuse, or for seven days after the day of his appointment shall neglect to act, the other arbitrator may proceed to hear and determine the matters in dispute, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

XVII. And it is enacted, that if where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, but such arbitrators shall fail to make their award within 21 days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XVIII. And it is enacted, that the said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath or solemn affirmation, and administer the oaths and solemn affirmation necessary for that purpose.

XIX. And it is enacted, that before any such arbitrator or umpire as aforesaid shall enter into the consideration of any matters referred to him, he shall, in the presence of a magistrate of Calcutta, make and subscribe the following declaration, that is to say,—

I, A. B., do solemnly and sincerely declare that I will faithfully and honestly to the best of my skill and ability hear and determine the matters referred to me under the provisions of the Act XXII. of 1847.

A. B.

Made and subscribed
in the presence of

C. D.

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire having made such declaration, shall wilfully act contrary thereto, he shall be deemed guilty of a misdemeanor.

XX. And it is enacted, that all the costs of any such arbitration and incident thereto shall be settled by the said arbitrators and shall be borne by the said Commissioners, unless the arbitrators shall award the same or a less sum than shall have been offered by the said Commissioners, in which case each party shall

ACTS of 1847.

bear their own costs incident to the said arbitration, and the costs of the said arbitrators shall be borne by the parties in equal proportions.

XXI. And it is enacted, that the said arbitrators or the said umpire, as the case may be, shall deliver their award in writing to the said Commissioners, and the said Commissioners shall retain the same, and, on demand made at the office of their clerk, shall forthwith at their own expense furnish a copy thereof to the other party to the arbitration, and shall at all reasonable times when thereunto required produce the said award, and allow the same to be inspected or examined at the office of their said clerk by such party or any person appointed by him for that purpose.

XXII. And it is enacted, that the submission to any such arbitration as aforesaid may be made a rule of the said Supreme Court on the application of either or any party thereto, and may be enforced against all necessary parties by any rule, order or decree of the said Court, notwithstanding that any or either of the said parties are not otherwise subject to the jurisdiction of the said Court.

XXIII. And it is enacted, that no award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

XXIV. And it is enacted, that in every case in which a dispute or difference shall arise between the said Commissioners and any person or persons whose property they may intend or desire to purchase for the purposes of this Act, as to the amount of compensation to be paid for the said property, which difference and dispute either of the said parties shall refuse to settle by arbitration, the said Commissioners shall issue a warrant in writing, signed by any one of them, and sealed with their common seal, to the sheriff of Calcutta, requiring him to summon a jury for the purpose of settling the said difference or dispute; and if such sheriff be interested in the matter in dispute, such warrant shall be addressed and sent to the coroner of Calcutta, and if the said sheriff and the said coroner be both of them interested in the said matter, then the said warrant shall be addressed and sent to the last person who shall have filled the office of sheriff of Calcutta who is not interested in the said matter, and who is at the time of the issuing the said warrant an inhabitant of the said town of Calcutta, and every such sheriff, coroner, or ex-sheriff shall have power if he think fit to appoint a deputy or assessor.

XXV. And it is enacted, that throughout the enactments contained in this Act relative to a reference to a jury, where the term "sheriff" is used, the provisions applicable thereto shall be held to apply to every coroner or other person lawfully acting in the place of the sheriff, and in every case in which any such warrant as aforesaid shall have been directed to any other person than the said sheriff of Calcutta, such sheriff shall, immediately on receiving notice of the delivery of the warrant, on application being made to him for that purpose, deliver over to the person to whom the said warrant shall have been directed, or to any other fit and proper person appointed by him to receive the same, the jurors' book and special jurors' list for the town of Calcutta.

XXVI. And it is enacted, that upon the receipt of such warrant as aforesaid, the sheriff shall summon a jury of 10 indifferent persons duly qualified to act as common jurymen in Her Majesty's Supreme Court of Judicature aforesaid, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than 14 nor more than 21 days after the receipt of such warrant, and such place not being more than two miles from the lands, buildings or tenements concerning and relating to which the said difference or dispute shall have arisen, unless by consent of the parties interested some other time and place be agreed upon and settled, and the said sheriff shall forthwith give notice to the said Commissioners of the time and place so appointed by him.

XXVII. And it is enacted, that out of and from the number of jurors appearing upon such summons as aforesaid, a jury of five persons shall be drawn by the said sheriff in such manner and form as juries for trials of offences before the said Supreme Court are by the rules and orders of the said Court required to be drawn; and if a sufficient number of the jurymen so summoned as aforesaid do not appear in obedience to such summons as aforesaid, the sheriff shall return
other

other indifferent men, duly qualified as aforesaid, of the bye-standers, or others that can speedily be procured to make up the jury to the said number of five persons; and the said Commissioners and all other parties interested in the said lands, buildings or tenements may have and make their challenges against any of the said jurymen, according to the course and practice of the said Supreme Court, but neither the said Commissioners nor any of the said parties interested as aforesaid shall challenge the array.

XXVIII. And it is enacted, that in every such inquiry as aforesaid the said sheriff shall preside, and the party or parties claiming compensation from the said Commissioners shall be deemed the plaintiff or plaintiffs, as the case may be, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law in the Court of Queen's Bench at Westminster; and if the said Commissioners, or any persons interested in the said lands, buildings or tenements so request in writing, the said sheriff shall summon before him any person who shall by the said Commissioners, or any person interested as aforesaid, be considered necessary to be examined as a witness touching the matters in question, and on the like request the said sheriff shall order the said jury to view the place or matter in controversy, in like manner as views may be had in the trial of actions at law in the Court of Queen's Bench at Westminster.

XXIX. And it is enacted, that if the said sheriff make default in any matter hereinbefore required to be done by him in relation to any such trial or inquiry as aforesaid, he shall forfeit and pay the sum of 500 rupees for every such offence, and such penalty shall be recoverable by the said Commissioners by an action of debt or on the case in the said Supreme Court; and if any person summoned or returned upon any jury under this Act, whether common or special, do not appear, or if appearing do refuse to make such lawful oath or affirmation as the said sheriff may require, or in any other manner wilfully neglect his duty, he shall, unless he show reasonable excuse for the said default or neglect to the satisfaction of the said sheriff, forfeit a sum not exceeding 100 rupees; and every such penalty as aforesaid payable by a sheriff or jurymen as aforesaid shall be applied in satisfaction of the costs of the said inquiry, so far as the same will extend; and in addition to the penalty hereby imposed as aforesaid, every such jurymen shall in all respects be subject to the same regulations, pains and penalties as if such jury were returned for a trial in the said Supreme Court.

XXX. And it is enacted, that if any person who shall have been duly summoned to give evidence upon any such inquiry, and to whom a tender of his reasonable expenses shall have been made, fail to appear at the time and place specified in the summons without sufficient cause, or if any person, whether summoned or not, who shall appear as a witness on any such inquiry, refuse to be examined on oath or affirmation touching the subject-matter in dispute, every person so offending shall forfeit and pay to the party aggrieved thereby a sum not exceeding 100 rupees; and that any person examined on oath or affirmation touching the subject-matter in dispute who shall wilfully and falsely state any matter which, if wilfully and falsely stated by such person in any court of justice in which such subject-matter might be in dispute, would amount to wilful and corrupt perjury, shall be guilty of wilful and corrupt perjury.

XXXI. And it is enacted, that the said Commissioners shall give to all parties interested in any lands, buildings or tenements, concerning or relating to which any inquiry hath been appointed to be held by the said sheriff, notice of the time and place of such inquiry, not less than 10 days before the same is to be held; and the said notice shall be in writing, and shall be served on each of the said parties personally, or left at his last known place of abode in the said town, or if he have no such place of abode, then the said notice of every such person shall be twice publicly advertised in one or more of the newspapers published within the said town.

XXXII. And it is enacted, that if at any such inquiry any party claiming compensation shall fail to appear in person, or by his counsel or agent, such inquiry shall not be proceeded with, so far as concerns the compensation claimed by such absent party; but the compensation to be paid by the said Commissioners to such absent party shall be settled and determined by a surveyor, to be named and appointed by any two of the magistrates of Calcutta, without prejudice to

ACTS of 1847.

such inquiry then and there proceeding before such sheriff, so far as concerns any compensation claimed by any other party or parties interested in such compensation in respect of the same premises who shall so appear.

XXXIII. And it is enacted, that before any jury shall proceed on any such inquiry as aforesaid, to inquire of and assess compensation or damages in respect of which their verdict is to be given, they shall make oath, or if they object to make oath, they shall make a solemn affirmation, that they will truly and faithfully inquire of and assess such compensation or damages; and the said sheriff shall administer such oaths and affirmations, as well as the oaths and affirmations of all persons called upon to give evidence.

XXXIV. And it is enacted, that where such inquiry as aforesaid shall relate to the value of any lands, buildings or tenements to be purchased, and also to compensation claimed for injury done or to be done to any other lands, buildings or tenements held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands, buildings or tenements required by the said Commissioners, or of any interest therein, belonging to the party or parties with whom the question of disputed compensation shall have arisen, or which, under the provisions herein contained, he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, sustained or to be sustained by the said party or parties by reason of the severing of the lands, buildings or tenements taken from the other lands, buildings or tenements of the said party or parties, or otherwise injuriously affecting such last-mentioned lands, buildings or tenements by the exercise of the powers conferred by this Act.

XXXV. And it is enacted, that the sheriff before whom such inquiry as aforesaid shall be held shall give judgment for the purchase-money or compensation assessed by such jury as aforesaid, and the verdict and judgment shall thereupon be signed by such sheriff, and, being so signed, shall be delivered to and kept by the keeper of the records in the said Supreme Court, among the records of the said Supreme Court; and such verdicts and judgments shall be deemed records, and the same, or true copies or exemplifications thereof, shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may have copies or exemplifications thereof, or extracts therefrom, on paying for each inspection of any such verdict and judgment the sum of eight annas, and for every 100 words copied or extracted therefrom four annas, which copies, exemplifications or extracts the said keeper of the records is hereby required to make out and sign, and certify the same to be true.

XXXVI. And it is enacted, that on every such inquiry before a jury as aforesaid, where the verdict of the jury shall be given for a greater sum than the sum previously offered by the said Commissioners, all the costs of such inquiry shall be borne by the said Commissioners; but if the verdict of the jury shall be for the same or a less sum than the sum previously offered by the said Commissioners, one-half of the costs of summoning, impanneling and returning the jury, and of taking the inquiry and of recording the verdict and judgment thereon, shall be defrayed by the parties claiming the said compensation or purchase-money, and the other half by the said Commissioners, and each party shall bear his own costs, other than as aforesaid, incident to such inquiry.

XXXVII. And it is enacted, that the costs of any such inquiry as aforesaid shall, in case of differences arising regarding the same, be settled by the taxing officer of the said Supreme Court on the application of either party; and such costs shall include all reasonable costs, charges and expenses incurred in summoning, returning and impanneling the jury taking the inquiry, the attendance of witnesses, the employment of counsel and attorneys, the recording the verdict and judgment thereon, and otherwise incident to such inquiry.

XXXVIII. And it is enacted, that if any such costs shall be payable by the said Commissioners, and if within seven days after demand duly made at the office of the clerk of the said Commissioners such costs be not paid to the party entitled to receive the same, they may and shall be recoverable by distress, and on application to any magistrate of Calcutta he shall issue his warrant accordingly; and if any such costs shall be payable by the owner of any lands, buildings or tenements, or if any interest therein, the same may be deducted and retained by the said Commissioners out of any money awarded by the jury to such owner,

or

or determined' by the valuation of a surveyor under the provision hereinafter contained; and the payment or deposit of the remainder, if any, of such money, shall be deemed payment and satisfaction of the whole thereof; or if such costs shall exceed the amount of the money so awarded or determined, the excess may and shall be recoverable by distress, and on application to any magistrate of Calcutta he shall issue his warrant accordingly.

XXXIX. And it is enacted, that if either party in such case of disputed compensation as aforesaid desire such question to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if given by the other party, be given to the said Commissioners before they have issued their warrant as aforesaid to the sheriff, and for that purpose the said Commissioners shall, by their warrant to the sheriff, require him to nominate a special jury of five jurors for such trial, and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon the said Commissioners and the said other party to appear before him, by themselves or their attorneys, at some convenient time and place to be appointed by him, for the purpose of nominating a special jury (not being less than five nor more than eight days from the service of such summons); and at the time and place so appointed, the said sheriff shall proceed to nominate and strike a special jury, in the manner in which such juries shall be required by the rules and orders of the said Supreme Court for trials in the said court, except as far as such rules may be inconsistent with the number of which the juries under this Act are to consist; and the said sheriff shall appoint a day, not later than the eighth day after the striking of such jury, for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days' notice to the said Commissioners and the said other party, and on the day so appointed the sheriff shall proceed to reduce the said special jury to the number of eight, in the manner used and accustomed in the said Supreme Court.

XL. And it is enacted, that the special jury on such inquiry as last aforesaid shall consist of five of the said eight who shall first appear on the names being called over, the said Commissioners and the said other party having respectively their lawful challenges against any of the said jurymen; and if a full jury of five do not appear, and if after such challenges a full jury of five do not remain, then, upon the application of the said Commissioners or of the said other party, the sheriff shall add to the list of such jury the names of any other disinterested persons qualified to act as special or common jurymen in the said Supreme Court who shall not have been previously struck off the aforesaid list, and who may be then in attendance before the said sheriff, or can speedily be procured, so as to complete such special jury, the said Commissioners and the said other party having respectively their lawful challenges against such persons; and the sheriff shall proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable, as hereinbefore provided in the case of a trial by a common jury.

XLI. And it is enacted, that any other inquiry than that for the trial of which such special jury, may have been struck and reduced as aforesaid may be tried by such jury, provided the said Commissioners and all the other parties interested therein respectively shall give their consent to such trial.

XLII. And it is enacted, that where the purchase-money or compensation to be paid by the said Commissioners for any lands, buildings or tenements to be purchased or used by the said Commissioners, shall be payable to any person who by reason of absence from the Presidency of Bengal is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury, as hereinafter provided, after due notice thereof given to him, such purchase-money or such compensation to be paid for any permanent injury to such lands, buildings or tenements shall be such as shall be determined by the valuation of such able practical surveyor as two of the magistrates of Calcutta aforesaid shall nominate for that purpose, as hereinafter provided.

XLIII. And it is enacted, that, upon application of the said Commissioners, two of the magistrates of Calcutta aforesaid, and upon such proof as shall be satisfactory to them that any such party is by reason of absence prevented from treating, or cannot after diligent inquiry be found, or that such party failed to

ACTS of 1847.

appear on such inquiry before a jury as aforesaid after due notice given to him for that purpose, such magistrates shall, by writing under their hands, nominate an able practical surveyor, approved by the said Commissioners, to determine the amount of such purchase-money or compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing signed by him of the correctness thereof.

XLIV. And it is enacted, that before any such surveyor shall enter upon the duty of making such valuation as aforesaid, he shall, in the presence of such magistrates, or one of them, make and subscribe the declaration following at the foot of such nomination by the said magistrates as aforesaid; that is to say,

I, A. B., do solemnly and sincerely declare, that I will faithfully, impartially and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

A. B.

Made and subscribed
in the presence of

C. D.

And if any such surveyor shall corruptly make such declaration, or, having made such declaration, shall wilfully act contrary thereto, he shall be deemed guilty of a misdemeanor.

XLV. And it is enacted, that the said nomination and declaration shall be annexed to the valuation to be made by such surveyor, and shall be preserved together therewith by the clerk to the said Commissioners, and he shall at all reasonable times produce at his office the said valuation and other documents on demand to the owner of lands, buildings or tenements comprised in such valuation, and to all other parties interested therein.

XLVI. And it is enacted, that in estimating the purchase-money or compensation to be paid by the said Commissioners in any of the cases aforesaid, regard shall be had by the magistrates, arbitrators or surveyors, as the case may be, not only to the value of the lands, buildings or tenements to be purchased by the said Commissioners, but also to the damage, if any, to be sustained by the owners of the lands, buildings or tenements by reason of the severing of the said lands, buildings or tenements taken from other lands, buildings or tenements of such owner, or otherwise injuriously affecting such other lands, buildings or tenements by the exercise of the powers of this Act.

XLVII. And it is enacted, that where the compensation payable in respect of any lands, buildings or premises, or any interest therein, shall have been ascertained by the valuation of a surveyor, and deposited as hereafter provided, by reason that the owner of or party entitled to convey such lands, buildings and tenements, or such interest therein as aforesaid, could not be found or was absent, and such owner or party shall be dissatisfied with such valuation, it shall be lawful for him, before he shall have applied, as hereinafter provided, for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the said Commissioners to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly, in the same manner as in other cases of disputed compensation hereinbefore authorized or required to be submitted to arbitration.

XLVIII. And it is enacted, that the question to be submitted to the arbitrators in the case last aforesaid, shall be whether the said sum so deposited as aforesaid by the said Commissioners was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

XLIX. And it is enacted, that if the arbitrators shall award a further sum to be paid or deposited by the said Commissioners, they shall pay or deposit, as the case may require, such further sum within 14 days after the making of such award, or in default thereof, the same may be recovered, with cost, by action or suit in the said Supreme Court.

L. And it is enacted, that if the arbitrators shall determine that the sum so paid or deposited was sufficient, the costs of and incident to such arbitration to be determined by the arbitrators shall be in the discretion of the arbitrators; but if the arbitrators shall determine that a further sum ought to be paid or deposited by the said Commissioners, all the costs of and incident to the arbitration shall be borne by the said Commissioners.

LI. And

LI. And it is enacted, that if any party shall be entitled to any compensation in respect of any lands, buildings or tenements, or of any interest therein, which shall have been taken for or injuriously affected by the execution of the works of the said Commissioners, and for which the said Commissioners shall not have made satisfaction under the provisions of this Act, such party may have the same settled either by arbitration or by the verdict of a jury, as he shall think fit; and if the said party desire to have the same settled by arbitration, it shall be lawful for him to give notice in writing to the said Commissioners of such his desire, stating in such notice the nature of the interest in such lands, buildings or tenements in respect of which he claims compensation, and the amount of the compensation so claimed therein, and unless the said Commissioners be willing to pay the amount of the compensation so claimed, and shall enter into a written agreement for that purpose within 21 days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by jury, it shall be lawful for him to give notice in writing of such his desire to the said Commissioners, stating such particulars as aforesaid, and unless the said Commissioners be willing to pay the amount of compensation so claimed, and enter into a written agreement for that purpose, they shall within 21 days after the receipt of such notice issue their warrant to the sheriff to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of the compensation so claimed, and the same may be recovered by him by action of debt or on the case in the said Supreme Court.

LII. And it is enacted, that so soon as the amount of the purchase-money or compensation to be paid by the said Commissioners in respect of any lands, houses, tenements or hereditaments, or any interest therein, shall be ascertained, fixed, awarded or settled in any of the modes sanctioned and appointed by this Act as aforesaid, if the said lands, houses, tenements or hereditaments shall have been purchased or taken by the said Commissioners from any person or persons not entitled to sell or convey the same, except under the provisions of this Act, as being tenant for life or in tail, married women, guardian, committee, trustee, executor or administrator, or person having a partial or qualified interest therein, or who shall refuse to accept such purchase-money or compensation, or neglect or fail to make out a title to such lands, houses, tenements or hereditaments, or to the interest therein claimed by him, to the satisfaction of the said Commissioners, or shall refuse to convey or release the same, or shall be absent from the Presidency of Bengal, or cannot after diligent inquiry be found, the said Commissioners are hereby empowered and required forthwith to invest the said purchase-money or amount of compensation in some of the securities or promissory notes of the East India Company, commonly called Company's paper, at the current price of the day, and to deposit the same with the Government agent at Fort William aforesaid, in the name and with the privity of the Accountant-general of the said Supreme Court, to be placed by him to the account of such Accountant-general to the credit of the parties interested, or who may be or become interested in such lands, houses, tenements or hereditaments, describing both them and the said parties so far as the said Commissioners can do pursuant to the course of proceeding in the said Court under the rules, order and regulations of the said Court regarding monies paid into the said Court in matters and causes depending before it on its equity side; and such securities shall remain so deposited, and the interest thereon shall be regularly received by the said Government agent and credited to the said account, and when and so often as the said interest so received by the said Government agent shall amount to a sufficient sum for that purpose, such interest shall be invested by the said Government agent from time to time in other such securities as aforesaid, and such monies, principal and interest, shall remain so invested and deposited until the same be applied under the authority of the said Court, upon the petition of the party who would have been entitled to the rents and profits of the lands, houses, tenements and hereditaments in respect of which such monies shall have been deposited, to some one or more of the following purposes; that is to say, in the discharge of any debt or incumbrance affecting the lands, tenements and hereditaments in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts or purposes, or in the purchase of other lands, tenements or hereditaments to be conveyed, limited and settled upon the like uses, trusts and purposes, and in the same manner as the lands, tenements or hereditaments

ACTS of 1847.

hereditaments in respect of which such money shall have been paid, stood settled; or if such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of the works in removing or replacing such buildings or substituting others in their stead, or in payment to any person who shall become absolutely entitled to such money, and until such monies can or shall be so applied, the interest, dividends and annual proceeds of such Company's paper shall and may, upon the like petition and order, be paid to the party or parties who would for the time being have been entitled to receive the rents and profits of the said lands, houses, tenements and hereditaments.

LIII. And it is enacted, that where any purchase-money or compensation paid as aforesaid under the provisions of this Act shall have been paid in respect of any lease for a life or lives, or years, or any estate in lands, tenements or hereditaments less than the whole fee-simple thereof, or in respect of any reversion dependent on any such lease or estate, it shall be lawful for the said Supreme Court, on the petition of any party interested in such money, to order that the same shall be laid out, invested, accumulated and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate or reversion in respect of which such money shall have been paid, or as near thereto as may be.

LIV. And it is enacted, that upon payment or deposit in manner hereinbefore mentioned of the purchase-money or compensation agreed or awarded to be paid in respect of any lands, tenements or hereditaments purchased or taken by the said Commissioners under the provisions of this Act, the owners of and all parties by this Act enabled to sell or convey such lands, tenements and hereditaments shall, when required so to do by the said Commissioners, duly convey such lands to the said Commissioners, or as they shall direct; and in default thereof, or if such party fail to adduce a good title to such lands, tenements and hereditaments to the satisfaction of the said Commissioners, it shall be lawful for the said Commissioners, if they think fit, to execute a deed of sale under their common seal, containing a description of the lands, tenements and hereditaments in respect of which such default shall be made, and reciting the purchase or taking thereof, and the names of the parties from whom the same were purchased or taken, and the payment made in respect thereof, and declaring the fact of such default having been made, and thereupon all the estate and interest in such lands, tenements and hereditaments of, or capable of being sold and conveyed by the party with whom the said Commissioner shall have made such agreement, or to whom such purchase-money or compensation shall have been awarded by a jury or by arbitrators, or by a surveyor appointed by any magistrate or magistrates, or as hereinbefore provided, shall vest absolutely in the said Commissioners, and as against such parties, and all parties on behalf of whom they are hereinbefore enabled to sell and convey, the said Commissioners shall be entitled to immediate possession of such lands, tenements and hereditaments.

LV. And it is enacted, that if the owner of any such lands, tenements and hereditaments purchased or taken by the said Commissioners, or of any interest therein, on tender of the purchase-money or compensation agreed or awarded to be paid in respect thereof, shall refuse to accept the same, or neglect or fail to make out a title to such lands, tenements and hereditaments, or to the interest therein claimed by him, to the satisfaction of the said Commissioners, or if he refuse to convey or release such lands, tenements and hereditaments as directed and required by the said Commissioners, or if any such owner be absent from the Presidency of Bengal, or cannot after diligent inquiry be found or fail to appear on the inquiry before a jury as hereinbefore provided, it shall be lawful for the said Commissioners to place the purchase-money or compensation payable in respect of such lands, tenements and hereditaments, or any interest therein, to the credit of the parties interested in such lands, tenements and hereditaments (the said parties being described so far as the said Commissioners can describe them), subject to the control and disposition of the said Supreme Court; and it shall be lawful for the said Commissioners, if they shall think fit, to execute a deed of sale under their common seal containing a description of the lands, tenements and hereditaments in respect whereof such purchase-money or compensation shall have been placed to credit, and declaring the circumstances under which and the names of the parties to whose credit such purchase-money or compensation shall

shall have been placed, and thereupon all the estate and interest in such lands, tenements and hereditaments of the parties for whose use and in respect whereof such purchase-money or compensation shall have been placed to credit, shall vest absolutely in the said Commissioners, and as against such parties they shall be entitled to immediate possession of such lands, tenements and hereditaments.

LVI. And it is enacted, that upon the application by petition of any party making claim to the money so placed to credit as last aforesaid, or any part thereof, or to the lands, buildings or tenements in respect whereof the same shall have been so placed to credit, or any part of such lands, buildings or tenements, or any interest in the same, the said Supreme Court on its equity side may in a summary way, as to the said Court shall seem fit, order such money to be laid out or invested in Company's paper and deposited as aforesaid with the said Government agent, and may order distribution thereof, or payment of the interest thereof, according to the respective estates, titles or interests of the parties making claim to such money, lands, buildings or tenements, or any part thereof, and may make such other order in the premises as to the said Court shall seem just.

LVII. And it is enacted, that the said Commissioners shall not be deemed necessary or competent parties to any such proceeding in the said Supreme Court, but that due notice shall be given, according to the course and practice of the said Court in matters before it by summary petition, by the party or parties petitioning to all other parties interested, to whom it shall be competent to appear in such summary suit to defend and maintain their respective right and interests.

LVIII. And it is enacted, that the said Commissioners may, with the consent of the said Governor, sell and dispose of any lands or tenements vested in them by virtue of this Act, or any part thereof, either together or in parcels, as they may find most convenient and advantageous, and the money to arise and to be produced by such sale shall be applied to such of the purposes of this Act, or Act No. XVI. of 1847, as the said Commissioners shall think fit, and the purchaser of such lands or tenements shall not be answerable or accountable for any misapplication or non-application of such purchase-money; and for the completing and carrying any such sale into effect the said Commissioners may make and execute a conveyance of the lands and tenements sold and disposed of as aforesaid unto the purchaser thereof, and such conveyance shall be under the common seal of the said Commissioners.

LIX. And it is enacted, that in every conveyance of lands to be made by the said Commissioners under this Act the word "grant" shall operate as express covenants by the said Commissioners for themselves and their successors with the respective grantees therein named, and their successors, heirs, executors, administrators or assigns, as the case may be, according to the quality and nature of such grants, and of the estate or interest therein expressed to be thereby conveyed as follows, except as far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say) a covenant that, notwithstanding any act or default done by the said Commissioners, they were at the time of the execution of such conveyance under and by virtue of the provisions of this Act possessed of the lands or premises granted thereby for an indefeasible estate of inheritance in fee-simple free from all incumbrances done or occasioned by them or otherwise for such estate or interest as therein expressed to be thereby granted free from incumbrances done or occasioned by them.

LX. And in order to raise money for defraying the expenses incurred or to be incurred by the said Commissioners in carrying into effect the provisions of this Act, or of Act No. XVI. of 1847, it is enacted, that it shall be lawful for the said Commissioners, and they are hereby authorized, subject in each case to the approval of the Governor aforesaid, to be signified in writing, to borrow and take up at interest on the credit of the rates, taxes and duties authorized to be made, levied and received by the said Commissioners from any person who shall be willing to advance the same, the sum and sums of money necessary for defraying the costs, charges and expenses incurred or to be incurred by the said Commissioners in carrying into effect with the least possible delay the provisions of this Act, or of Act No. XVI. of 1847; and for securing the repayment of such sum or sums of money, with such interest thereon as shall be agreed upon between the said Commissioners and the person or persons lending or advancing the same,

ACTS of 1847.

the said Commissioners may mortgage and assign over the said rates, taxes, tolls, and duties, or any part thereof, to the person or persons who shall advance such money, or to a trustee or trustees on his or their behalf, as security for the money so to be borrowed, together with interest upon the same; and no assessment, tax, toll or duty over which any such mortgage shall have been granted shall be repealed, in whole or in part, until such mortgage shall be paid off, unless by the consent in writing of such mortgagee.

LXI. And it is enacted, that, in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of the assessments, taxes and duties aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required yearly and every year to deduct, appropriate and set apart, and apply out of the rates aforesaid such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and secured as aforesaid upon the said assessments, taxes and duties, as and for a sinking fund, to be applied in paying off and discharging the principal monies so borrowed or secured, and from time to time cause the amount of such sinking fund to be invested in the securities of the East India Company called Company's paper, and such Company's paper to be deposited from time to time in the hands of the Government agent, who is hereby empowered and required to increase the same by investing the interest payable thereon as the same shall become due and payable in the purchase of other Company's paper, and so on from time to time, so that the said sinking fund shall accumulate at compound interest until the same shall be of sufficient amount to pay off the said principal debts, or one of them or some part of some one of them, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXII. And it is enacted, that every mortgage of assessments, taxes and duties authorized to be made under the provisions of this Act, shall be by deed, in which the consideration shall be truly stated, and every such deed shall be under the common seal of the said Commissioners, and signed by three of them, at the least, at one of their annual, quarterly or special meetings, and may be according to the form in the Schedule (A.) to this Act annexed, or to the like effect; and the respective mortgagees shall be entitled, one with another, to their respective proportions of the assessments, taxes, tolls and duties comprised in such mortgages, according to the respective sums which in such mortgages are mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another, by reason of priority of advance, or of the date of any such mortgage respectively.

LXIII. And it is enacted, that the expenses of every mortgage shall from time to time be defrayed by the said Commissioners out of the money raised by the same.

LXIV. And it is enacted, that a register of all the said mortgages shall be kept by the clerk of the said Commissioners, and within 14 days after the date of any mortgage, an entry or memorial, specifying the number and date of such mortgage, and the sum secured thereby, and the names of the parties thereto, with their proper additions, shall be made in the said register, and the said register may be perused at all reasonable times by any mortgagee or by any person interested in any such mortgage, without fee or reward.

LXV. And it is enacted, that from time to time, any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the Schedule (B.) to this Act annexed, or to the like effect.

LXVI. And it is enacted, that within 30 days after the date of every such transfer, if executed within the territories subject to the Government of the East India Company, or otherwise, within 30 days after the arrival thereof within the said territories, it shall be produced to the said clerk, and thereupon the said clerk shall make an entry or memorial thereof in the register aforesaid, in the same manner as in the case of an original mortgage, and for such entry the said clerk may demand and receive a fee, not exceeding two rupees, and after such entry every such transfer shall entitle the transferee, his executors, administrators and assigns, to the full benefit of the original mortgage, and the principal and interest secured thereby; and such transferee may in like manner assign or transfer

transfer the same again, and *toties quoties*, and it shall not be in the power of any person, except the person to whom the said mortgage shall have been last transferred, his executors, or administrators or assigns, to make void, release or discharge the original mortgage, or the monies due thereon or secured thereby.

LXVII. And it is enacted, that from and after the payment or satisfaction of all the principal and interest of monies secured by any mortgage made under the powers of this Act, all the estate, property, right and interest by such mortgage vested in the mortgagee, his heirs, executors, administrators or assigns, shall without any transfer or release, or any other act or deed whatsoever, immediately cease and determine.

LXVIII. And in order that no undue preference may be given in paying off any mortgages, it is enacted, that whenever the said Commissioners shall be enabled to pay off one or more out of the number of the said mortgages, or a part of the money secured on any such mortgage, they shall decide the order in which such mortgages shall be paid off by lot or ballot, and shall cause a notice, signed by their clerk, to be given to the person entitled to the money to be paid off, pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at the office of the clerk of the said Commissioners, on a day and at an hour, to be specified at the expiration of six months from the date of giving such notice.

LXIX. And it is enacted, that the said Commissioners may, if they think proper, fix a period for the repayment of the whole of the principal money borrowed on any one mortgage, under the provisions of this Act, with the interest thereon, and in such case the said Commissioners shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the said principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal sum and interest, and if no other place of payment be inserted in such mortgage deed, such principal and interest shall be payable at the office of the clerk of the said Commissioners.

LXX. And it is enacted, that if no time be fixed in the mortgage deed for the repayment of the money so borrowed, the party entitled to receive such money, may, at the expiration, or at any time after the expiration of 12 months from the date of such mortgage, demand payment of the principal sum thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the said Commissioners may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or partly in writing and partly in print, and if given by a mortgagee or creditor, shall be delivered to the clerk aforesaid, or left at his office, and if given by the said Commissioners, shall be given either personally to such mortgagee or creditor, or left at his residence, or if his present residence be not known, then at his last known place of abode, or if such mortgagee or creditor be unknown to the said Commissioners, or cannot be found after diligent inquiry, and his last place of abode be unknown, such notice shall be given by advertisement in the Calcutta Government Gazette, and once in each of three successive weeks in two of the Calcutta newspapers.

LXXI. And it is enacted, that if the said Commissioners shall have given notice in terms of this Act of their intention to pay off any such mortgage, then at the expiration of such notice all further interest shall cease to be payable on such mortgage, unless demand of payment be made pursuant to such notice, and unless, on such demand being duly made, the said Commissioners shall fail to pay the principal and interest then due on such mortgage.

LXXII. And it is enacted, that it shall be lawful for any mortgagee or other person entitled to receive payment of the money secured by any such mortgage, to enforce the payment of the principal money and interest due thereon, by applying for the appointment of a receiver, in the manner hereinafter provided; but, in order to authorize the appointment of such receiver, the amount of money owing to the mortgagee or mortgagees, or creditor or creditors, by whom the application is made, shall not be less than 10,000 rupees.

LXXIII. And it is enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee or other creditor

ACTS of 1847.

as aforesaid (without prejudice to his right to sue for such principal money, together with all arrears of interest, in any competent court or courts of law or equity) may, if his debt amount to the sum of 10,000 rupees, alone, or, if his debt does not amount to that sum, in conjunction with other mortgagees whose debts being so in arrears, after demand as aforesaid, shall together with his amount to the said sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

LXXIV. And it is enacted, that every application for a receiver shall be made to one or more Justices of Her Majesty's Supreme Court of Judicature at Fort William, in Bengal, and on any such application, it shall be lawful for such Justice or Justices by order in writing, after hearing the parties, to appoint a fit and proper person to receive the whole or a competent part of the rates and assessments, and to apply the same to the payment of such interest, or principal and interest, as the case may be, together with all costs, including the charges of receiving the rates and assessments, until the said principal and interest, together with all such costs and charges be fully paid; and upon such appointment being made all such rates and assessments as aforesaid shall be paid to and received by the person so appointed, who is hereby empowered to give good and sufficient discharges for the same; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest and costs, have been so received, the power of such receiver shall cease.

SCHEDULE (A.)

FORM OF MORTGAGE DEED.

Mortgage No. Rupees By virtue of the Acts of the Legislative Council No. XVI. and No. XXII. of 1847, We, the Commissioners appointed and acting under and by authority of the said Acts, in consideration of the sum of Co.'s Rupees paid to us by A. B. of do hereby assign unto the said A. B., his executors, administrators and assigns, all the rates and sums of money arising in the town of Calcutta, by virtue of the said Acts, and all the estate, right, title and interest of the said Commissioners in the same: To hold unto the said A. B., his executors, administrators and assigns, until the sum of together with interest for for the same at the rate of for every hundred rupees by the year, be satisfied (the principal sum to be repaid at the of years from the date hereof), (in case any certain period be agreed upon for that purpose.)

Given under our common seal this day of in the year of our Lord and signed by us at our meeting on the said day.

A. B. Commissioner.

C. D. „

E. F. „

SCHEDULE (B.)

FORM OF TRANSFER OF MORTGAGE.

I, A. B., of in consideration of the sum of paid to me by G. H. of do hereby transfer to the said G. H., his executors, administrators and assigns, a certain mortgage, Number made by the Commissioners appointed and acting under and by authority of Acts No. XVI. and No. XXII. of 1847, of the Legislative Council of India, bearing date the day of for securing the sum of Company's Rupees and interest (or, if such transfer be by indorsement, the within security), and all my right, estate and interest in and to the money thereby secured, and in and to the rates and property thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord

A. B.

(L. S.)

ACT No. XXIII. of 1847.

ACTS of 1847.

Passed by the Right Honourable the Governor-general of India in Council
on the 31st of December 1847.

AN ACT for the Amendment of Act No. XXXI. of 1838.

WHEREAS by Act No. XXXI. of 1838, section 17, it is 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 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;

It is hereby enacted, that so much of the above-cited section of the said Act as enacts that the term of transportation thereby limited shall not be for less than 10 years, be repealed.

ACTS of the Government of India. 1848.

ACT No. I. of 1848.

ACTS of 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 22d January 1848.

AN ACT to regulate the Proceedings in certain Cases of Forgery.

It is hereby enacted, that within the territories subject to the Presidency of Fort William, in Bengal, except the local limits of the Courts established by Her Majesty's Charter, the magistrates of the several zillahs and cities shall not receive any charges of forgery, or of procuring or causing forgery, or of fraudulently issuing and publishing as true, or otherwise fraudulently giving effect to, or attempting to give effect to false and fabricated deeds and papers, knowing the same to be false and fabricated, which may be preferred by parties to civil or criminal cases, in respect to deeds and papers offered in evidence in such cases against the adverse parties to such cases, or other persons, except as provided in the next following section.

II. And it is hereby enacted, that in cases pending before any civil or criminal court (except the court of the magistrate, or of any officer exercising the committing powers of a magistrate) in which there may appear to the Court sufficient grounds for sending for investigation to the magistrate a charge of any of the offences specified in section I. of this Act, the court shall send the party or parties accused in custody to the magistrate, together with the evidence and documents relevant to the charge, and shall take a recognizance from each of the witnesses who have given such evidence to appear before the magistrate, who shall thereupon receive such charge, and proceed with it in the usual course.

Provided always, that nothing herein contained shall be construed to affect the powers vested in sessions judges in cases of forgery, by section 6, Regulation II. of 1807, of the Bengal Code.

III. And it is hereby enacted, that the powers vested by clause 2, section 14, Regulation XVII. of 1817, of the said code, in zillah and city judges, of committing persons chargeable with perjury or subornation of perjury in cases pending before such judges, are hereby vested in Principal Sudder Ameens in civil cases pending before them, and the Principal Sudder Ameens and the magistrates are hereby authorized and required to proceed in the manner in which the said judges and magistrates are authorized and required to proceed by the said clause.

IV. And it is hereby enacted, that it shall be competent to the sessions judges to try persons committed by themselves as civil judges, under the provisions of the said clause for perjury or subornation of perjury, any law to the contrary notwithstanding.

V. And it is hereby enacted, that, for the purposes of this Act, the expression "civil courts" shall be held to include all revenue officers acting judicially.

ACT No. II. of 1848.

Passed by the Right Honourable the Governor-General of India in Council, on the 26th of February 1848.

AN ACT to confer certain Powers and Privileges on the Commissioners for the Improvement of the Town of Calcutta, and to provide for the execution of certain Public Works by them.

WHEREAS by Act No. XVI. of 1847, it was amongst other things enacted, that the whole proceeds of the rates and taxes therein aforesaid, after paying all establishments and incidental expenses, should, together with such monies as the Government of Bengal, with the sanction of the Governor-general in Council, might direct to be paid over to the Commissioners for the improvement of the town of Calcutta therein aforesaid, be applied by them to the following purposes; viz.—

- Formation of tanks and aqueducts for the conveyance of water to all parts of the town;
- Opening of streets and squares in crowded parts of the town;
- Filling up stagnant pools of water, and removing obstructions to the free circulation of air;
- Lighting and watering the roads and streets;
- Cleansing and repairing the same and the drains of the said town;
- And improving and embellishing the said town generally.

And whereas, for the effectual accomplishment of the purposes aforesaid, it is expedient that the said Commissioners should be empowered to appoint a clerk and a surveyor and other necessary officers, and that the said Commissioners and their said clerk, and their said surveyor and other officers, should exercise powers interfering with the rights and property of individuals:

I. It is therefore hereby enacted, that the said Commissioners shall, subject to confirmation or disallowance by the Governor of Bengal, nominate and appoint fit and proper persons to be their surveyor and clerk and other necessary officers, who shall receive such salaries as to the Governor of Bengal shall seem meet.

II. And it is hereby enacted, that, for the purpose of constructing one or more aqueducts for bringing pure and wholesome water to the town of Calcutta from any place within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, it shall be lawful, whenever a plan for an aqueduct shall have been approved by the Governor of Bengal, for every Commissioner, and for the surveyor and clerk to the Commissioners, with such assistants as they may require, to exercise in the construction of such aqueduct, throughout the line of country through which such aqueduct is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any magistrate of any district through which the said aqueduct is to run, in furtherance of the construction of such aqueduct, to do such acts, and he is hereby required to do such acts as it is by this Act lawful for a magistrate of the town of Calcutta to do, and as he is by this Act required to do in furtherance of any work to be executed by the said Commissioners within the said local limits.

III. And it is hereby enacted, that it shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute, by themselves, their servants and assistants, to execute the same by contract with any individual or company who may be willing to undertake the same, and in that case it shall be lawful for such individual or such company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such work.

IV. And it is enacted, that if in carrying into execution any of the powers or authorities of this Act, any house, building or other hereditament shall be damaged

or otherwise prejudicially affected, the said Commissioners shall make good such damage, and pay to the owner and occupier of such house, building or other hereditament, such amount of compensation for such injury as shall be agreed upon between such owner and occupier and the said Commissioners, and if such owner and occupier and the said Commissioners cannot agree as to the amount of such compensation, and the proportions thereof to be paid to such owner and occupier respectively, then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to, shall be settled and recovered by arbitration or the verdict of a jury, to be summoned and returned in the manner provided in Act No. XXII. of 1847, intituled, "An Act to enable the Commissioners who may be appointed under Act No. XVI. of 1847 to purchase Real or Personal Property for the Improvement of the Town of Calcutta."

V. And it is enacted, that if any person at any time shall obstruct or molest the said Commissioners, or any clerk or surveyor or other officer, or any workman or other person employed by them, or any person or company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance and execution of their or his duty, or anything which they are respectively required or authorized to do by virtue or in consequence of this Act, every such person so offending shall for every such offence, on conviction before a magistrate, forfeit and pay any sum not exceeding 50 rupees.

VI. And it is enacted, that every Commissioner, and the surveyor and clerk to the Commissioners, with such assistants as they may require, shall, for the purposes of this Act, have full power and authority at all reasonable hours in the daytime to enter or to direct his subordinate officers to enter into and upon any land or tenement, and in and upon the land on which any house, building or other erection is built or building, or intended to be built, and into and upon any buildings, or any part thereof, without being liable to any action at law or suit in equity, or any other legal proceedings or molestation whatsoever for or on account of such entry, or of anything done or to be done in any part thereof in pursuance of this Act: Provided that none of the persons above mentioned shall enter upon any lands or tenements which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so.

VII. And it is enacted, that the management and control over all and every of the streets, public ways and public thoroughfares of every kind and description within the said town of Calcutta existing at the time of the passing of this Act, and of all parts of the said town which shall hereafter become streets, public ways or public thoroughfares of any kind or description, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets, public ways and public thoroughfares, by or under the authority of the Government of Bengal, or by the magistrates of Calcutta, or by the said Commissioners, shall be the property of and are hereby vested in the said Commissioners as trustees.

VIII. And it is enacted, that it shall be lawful for the said Commissioners, with the consent and approbation of the Government of Bengal, to pave and water such of the streets, public ways and public thoroughfares existing in the said town at the time of the passing of this Act, or at any future time, as they shall think fit.

IX. And it is enacted, that the said Commissioners shall keep in sufficient repair every street, public way and public thoroughfare existing in the said town at the time of passing this Act, or at any future time, and shall be liable to be indicted for not sufficiently repairing the same.

X. And it is enacted, that if any person shall displace, take up or make any alteration in the pavements, flags or other materials of any foot or carriage way, in any street within the said town, without the consent in writing of the said Commissioners, or of their said surveyor, or shall cause any obstruction to, or make any encroachment upon any street in the said town, any such person so offending shall for every such offence, on conviction before a magistrate, forfeit and pay a sum not exceeding 50 rupees.

ACTS of 1848.

XI. And whereas it is essential to the health and convenience of the inhabitants, that straight and spacious streets and thoroughfares should be continued where they have been begun, and should be opened at convenient and suitable distances, where such do not at present exist, so as to perforate the mass of buildings within the said town, in straight lines, as nearly as may be, from south to north, and from east to west, crossing each other at right angles, and from south-east to north-west, and from south-west to north-east, crossing the straight lines, above mentioned, diagonally, with large open spaces, forming squares or circles, at convenient and suitable distances, from whence the said streets may conveniently diverge in lines without interruption to the river, and to the open country without the said town, so far as the completion of such plan may be practicable, and where not entirely practicable, upon a plan as nearly approaching to such plan as may be : And whereas it is also expedient and necessary that the narrow lanes and gullies which compose the greater part of the said town, inhabited by the native inhabitants, should be converted into such straight and spacious streets and thoroughfares formed as above mentioned, due regard being had to the compensation of owners of houses, buildings and grounds, which may be required to be vested in the said Commissioners for any such purposes as aforesaid :

It is enacted, that, as soon as may be after the passing of this Act, the said Commissioners shall cause plans to be made by their said local surveyor, and by other competent surveyors, showing the direction and breadth of such streets and thoroughfares, and the situations and dimensions of such open spaces to form squares or circles as aforesaid, which, in their opinion, shall be the most suitable for carrying into effect the above-mentioned objects, keeping in view the salubrity of the said town, the convenience of communication within the same, and the economy with which the said improvements may be carried into execution, together with estimates of the expense of the necessary works and estimates of the probable value of the houses, buildings and grounds, which it will be necessary for the said Commissioners to purchase for these purposes, and the said Commissioners shall select from the plans which shall be so furnished to them, the one which they, or a majority of them, shall consider the best and most eligible, and shall transmit to the Secretary to the Government of Bengal the said plan, and the resolution of the Commissioners thereupon, for the consideration of the said Governor of Bengal ; and upon the said Governor signifying, through the said Secretary, by writing, signed by the said Secretary, his approval of such plan, the said Commissioners shall proceed with all convenient speed to carry the same into execution, so far as the funds at their disposal, and the circumstances under which the works are to be carried into execution, will allow, in conjunction with the other improvements contemplated by this Act ; and in case the said Governor shall signify his disapproval of the plan so submitted to him, the said Commissioners shall cause another plan to be drawn by the same, or any other competent surveyor, which plan shall in like manner be submitted by the said Commissioners to the said Governor, and so from time to time, until such plan shall be finally approved of by the said Governor, and as soon as may be after such final approval of the said Governor shall be intimated to the said Commissioners as aforesaid, the said Commissioners shall proceed to carry the said plan so approved into execution, with all such convenient speed as aforesaid.

XII. And it is enacted, that the said plan having been so submitted to, and having been approved by the said Governor as aforesaid, the said Commissioners shall proceed, in conformity with the provisions of Act No. XXII. of 1847, with the purchase of such houses, buildings and grounds as it may be necessary to purchase for the execution of such plan, and shall, upon such purchase being completed, give orders to their said local surveyor to proceed with the said works, without further reference to the said Governor.

XIII. And whereas it is essentially necessary to the salubrity of the said town to make provision for the effectual sewerage and drainage of the same :

It is enacted, that, as soon as conveniently may be after the passing of this Act, the said Commissioners shall cause their said surveyor to make a careful survey of the whole of the said town, and in an accurate and distinct report, to be framed by him, to state what, in his opinion, are the defects of such sewerage, works and drains, as shall at that time exist therein, and what alterations of the same

same

same, and what new main, and other sewers and drains are necessary and proper for the effectual draining and clearing of the whole of the said town, and what reservoirs, engines, sluices, penstocks, and other works, are required for properly flushing and cleansing out such sewers and drains, and at and from what places such drains and sewers respectively, ought to commence, in what precise direction they are to be conducted, and at what places respectively they ought to terminate.

XIV. And whereas it is of the most essential importance that all the inhabitants of the said town should be supplied with good and wholesome water, for drinking and for domestic purposes, to the utmost extent that the local and other circumstances of the said town will permit, and especially that the poorer inhabitants thereof should be so supplied with water; and whereas supplies of water are also required for the efficient and wholesome cleansing and watering of the streets, and cleansing the main and other sewers and drains, which may be constructed or maintained under the provisions of this Act:

It is enacted, that the said Commissioners shall at the same time cause their said surveyor to report upon the existing supplies of water in the said town, the sufficiency or insufficiency of such supply for all the several purposes aforesaid, and the healthful or palatable quality as water for drinking of every description of water so supplied, or which the said surveyor shall recommend in future to be supplied; and, with a view to test the accuracy of his report upon this latter subject, the said Commissioners shall cause such water or waters to be analysed and reported on by competent chemists and medical men, and the said surveyor shall also state in his report from what point on the River Hooghly, north of Calcutta, water in sufficient quantity can be conveyed into the town for the domestic purposes of the said inhabitants, and for the efficient and wholesome cleansing and watering of the said streets, and cleansing the main and other sewers and drains which shall or may be constructed and maintained under the provisions of this Act, and shall state whether in his opinion one supply of water from one place can be commanded adequate to all these several purposes, and from what distance and at what probable expense, and what reservoirs, engines, sluices, canals, aqueducts, pipes, and other works, and of what respective dimensions, are required for the adequate and abundant supply of such water for all such purposes as aforesaid.

XV. And, for carrying into effect the purposes aforesaid, it is enacted, that all sewers and drains, together with all buildings and other works, materials and things therewith connected, and all canals, aqueducts, tanks and wells provided for or lawfully applied to public use, and which are not the property of any private person or persons, together with all buildings, engines, works, materials and things therewith connected, existing in the said town at the time of the passing of this Act, or which hereafter shall at any time be constructed and made therein, whether constructed at the cost of the said Commissioners or otherwise, and the entire management and control over the same, subject to the provisions hereinafter contained, shall be the property of, and are hereby vested in the said Commissioners as such trustees as aforesaid.

XVI. And it is enacted, that the said Commissioners shall cause to be constructed and made, such and so many sewers and drains, and such and so many reservoirs, canals, aqueducts, engines and other works, and to be laid such and so many water-pipes, as shall in the opinion of the said Commissioners be necessary and proper for the effectual draining and cleansing of the whole of the town aforesaid, and for the properly flushing and cleansing out such sewers in and under or across all or any of the streets and ways, whether dedicated to the public use or not, roads and other places within the said town, and, if needful, through and across all under-ground cellars and vaults which they may find under any of the said streets, ways, roads or places, doing as little damage as may be, and also to cause such and so many rings and openings to be made or left in the sides of the said sewers as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built adjoining or near thereto into any of the said sewers as the said Commissioners shall think fit, necessary and expedient for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry or continue the same in, into or through any inclosed lands or other

ACTS of 1848.

place not being a public way, it shall be lawful for the said Commissioners to build, carry or continue the same in, into or through the said lands or other places accordingly, and the said Commissioners may and shall cause such sewers to communicate with and empty themselves into any public river, stream, canal or water-course, or to cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection and sale, and its application as manure for agricultural purposes or otherwise, as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood, and all such sewers, water-courses, canals, reservoirs and other works and premises shall be the property of and are hereby vested in the said Commissioners, and shall be at all times under the care, control and management of the said Commissioners, and of their surveyor and officers.

XVII. And it is enacted, that the said Commissioners shall have authority from time to time, as they shall see fit, and they are hereby required to widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers within the said town, as may be necessary, and also to cleanse and drain off into any sewers or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said town, whether the same be the private property of any person or persons or otherwise, and further in cases in which any of the existing or future sewers vested in the said Commissioners shall from any cause whatever appear to the said Commissioners to have become useless or unnecessary, it shall be lawful for the said Commissioners, if they shall think fit so to do, to take up, stop, fill-in and discontinue such old sewers, in such manner that the same shall not be or become a nuisance or annoyance to the neighbourhood.

XVIII. And it is enacted, that before beginning to dig or lay the foundations of any new house within the said town, or to re-build any house therein, and also before making any drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, 14 clear days' notice in writing shall be given to the clerk to the said Commissioners, by delivering the same to him, or leaving it at his office by the person intending to build or re-build such house, or to make such drain, and every such foundation shall be laid at such level as the said surveyor of the said Commissioners shall direct, and every such branch drain shall be made in such direction, manner and form, and of such materials and workmanship as the said surveyor shall order, and the making of every such drain shall be under the survey and control of the said Commissioners; and in default of such notice, or if such building or drain shall be begun or made without or in any respect contrary to any order of the said surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended or re-made, as the case may require, and to cause the expenses thereof to be levied and repaid to them from and by the owner thereof, in the manner hereinafter provided.

XIX. And it is enacted, that it shall be lawful for any person at his own expense to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners; such drain being made of such a size, and in such a manner of communication in all respects, as the said surveyor of the said Commissioners shall direct or appoint, and for that purpose to take up and remove so much of the pavement and other materials of any street, as may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street; and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made under and by virtue of this Act of a larger size, or in a different manner and form of communication than shall be directed or appointed by the said surveyor, every person so offending shall for every such offence forfeit and pay, on conviction before a magistrate, a sum not exceeding 50 rupees.

XX. And whereas it would tend to insure a greater efficiency and economy in the execution of works if the same were executed by persons under the immediate direction and control of the surveyor of the said Commissioners, it is enacted, that

it

it shall be lawful for the said Commissioners to contract and agree with the owners of any houses or other tenements within the said town, that any drains required to be made by such owners shall be constructed and made by the surveyor of the said Commissioners, and the cost price of making such drains (as certified by the said surveyor of the said Commissioners) shall be repaid by such owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

XXI. And whereas the noxious effluvia exhaling from gully-holes of sewers and drains has been found to be injurious to health, and it is therefore expedient that some provision should be made in respect thereof to obviate the same, it is enacted, that the said Commissioners and the owners of any private drains in the town aforesaid, shall, by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, effectually prevent the effluvia of sewers and drains from exhaling from gully-holes, gratings or any other openings whatsoever of drains or sewers in streets or other places; and in case the owner of any private sewer or drain shall neglect or delay so to do, the surveyor of the said Commissioners shall give him notice effectually to prevent the effluvia of such sewer or drain from so exhaling; and if the same shall not be effectually done by such owner within 10 days after such notice shall have been given him, the said surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

XXII. And it is hereby enacted, that it shall be lawful for the said Commissioners and their said surveyor, and they and he are hereby required when any of the streets, public ways or public thoroughfares vested in them shall be under repair, or where any sewers or drains are making, or shall be under repair, to take proper precautions against danger, by shoring up and protecting the adjoining houses, and to fix and place, or cause to be fixed and placed such and so many bars, chains or posts across, or in any of the said streets, public ways or public thoroughfares, to prevent the passing and repassing of carriages, carts or other vehicles, cattle or horses, during the time of such works and repairs being carried on, as shall be necessary and proper; and the said Commissioners and their said surveyor shall cause any sewer or drain or other works during the construction or repair thereof by them to be well and sufficiently lighted and attended by fit and proper persons during the night to prevent accidents; and if any person shall take down, alter or remove any of the said bars, chains or posts, or extinguish any light attached to or connected with the said bars, chains or posts, without the authority or consent of the surveyor of the said Commissioners, every such person so offending, shall for every such offence forfeit and pay, on conviction before a magistrate, any sum not exceeding 50 rupees.

XXIII. And it is enacted, that the said Commissioners shall, with a due regard to the convenience and the preservation of the health of the inhabitants of the said town, give strict orders to their said surveyor to cause, and their said surveyor shall duly cause all the streets, ways, thoroughfares and alleys thereof, whether dedicated to the use of the public or not, together with the foot pavements or footpaths from time to time to be properly swept and cleansed, and all dust, dirt and filth of every sort which may be found thereon to be collected and removed therefrom, and all the soil, ashes, rubbish and filth to be taken and carried away from the houses and premises of the inhabitants of the said town at convenient hours and times, and shall cause all or any of the privies and cesspools within the said town to be cleansed and emptied in a sufficient and proper manner as shall be required, and that the said surveyor shall from time to time give public notice on what days, at what times in every week the said streets, public ways and public thoroughfares shall be swept and cleansed, and such dirt, dust and night-soil, rubbish, filth and ashes carried away, and how and in what manner the same shall be carried away, and where the same shall be deposited, and shall give such orders and directions as to the said surveyor acting under the orders and control of the said Commissioners shall appear proper and necessary; and it shall be lawful for the said Commissioners to purchase or hire any carts, carriages

ACTS of 1848. and other machines, and also any horses or cattle for the better executing and performing any of the above duties.

XXIV. And it is enacted, that the dirt, dust, night-soil and filth to be so collected from the said streets, thoroughfares, alleys, footways, privies, sewers and cesspools, and all the dust, ashes and rubbish to be collected, taken and carried away from all and every of the houses and elsewhere within the said town, shall be the property of the said Commissioners, and are hereby vested in them; and the said Commissioners shall have full power to sell and dispose of the same through their said clerk or surveyor for the purpose of this Act as they shall think proper, and the money arising from the sale thereof shall be applied for the purpose of this Act; and the person purchasing the same shall have full power and authority to take, carry away and dispose of the same for his own proper use and benefit.

XXV. And it is enacted, that it shall be lawful for the said Commissioners, for the purpose of watering the said streets, public ways and public thoroughfares in the said town, to sink wells, and lay, erect and place pipes, conduits and pumps in any of the said streets, public ways or public thoroughfares, and to provide any other apparatus proper for that purpose, and to remove and alter the same when and as the said Commissioners shall think proper; and it shall be lawful for the said Commissioners, and they are hereby required to excavate and provide a sufficient number of spacious and convenient tanks or sufficient runs of water through the said town for the inhabitants to bathe in at suitable and proper times and in suitable and proper places, as may best serve to unite the health and comfort of the labouring population with public decency, making due allowance for the habits and customs of the country.

XXVI. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required from time to time to make such bye-laws as they shall think fit for all or any of the purposes following; that is to say,

For preventing nuisances in any streets, or near thereto, and effecting cleanliness therein.

For making regulations for the registering and inspection of slaughter-houses and markets, and for keeping the same in a cleanly and proper state, and for removing filth therefrom at least once in every 24 hours, and for requiring that they shall be provided with a sufficient supply of water.

For the punishment of persons selling unwholesome meat, fish, vegetables, sweetmeats and grain, for the food of man, and for seizing and condemning the same.

For regulating the duties of scavengers, and for regulating the management of urinals and privies.

For making regulations for cleansing filthy and unwholesome dwellings.

For supplying private houses with water from the public reservoirs.

For making regulations to prevent persons bathing and washing their bodies in tanks and watercourses provided for the domestic uses of the inhabitants of the said town, and to limit the hours of bathing in the tanks and watercourses provided for the purpose of bathing, in such manner as shall appear to the said Commissioners necessary to the health, cleanliness and comfort of the labouring population.

For enforcing upon the inhabitants of the said town the performance of such acts, and the abstinence from such acts as an enlightened regard to the health, cleanliness and decency of the said town ought to induce them to perform and to abstain from, due consideration being had for the feelings, manners and customs of the various races of which the said inhabitants consist.

For ascertaining and fixing what pecuniary penalties shall be incurred by persons breaking such bye-laws: Provided always, that no such last-mentioned penalty shall exceed for any one offence the sum of 50 rupees, nor in case of continuing nuisance the sum of five rupees for every day during which such nuisance shall be continued and unremedied.

XXVII. And

XXVII. And it is enacted, that no bye-law made under the powers for that purpose herein last contained shall be of any force until the same shall have been laid before the Governor of the Presidency of Fort William in Bengal, and his approbation thereof, and that of the Governor-general in Council, shall have been certified to the said Commissioners under his hand by the Secretary to the Government of Fort William in Bengal, nor until the expiration of 40 days after the same bye-law shall have been published once in two of the Calcutta newspapers, and a copy of such bye-law, with a declaration thereon, signed by the Clerk to the said Commissioners, that the same has been approved by the said Governor, and published in two newspapers as aforesaid, with the date of such publication, shall be received as evidence of such bye-law, and of the approval and publishing thereof as aforesaid, in all courts of law and equity, and before all magistrates.

XXVIII. And it is enacted, that all bye-laws made in pursuance of this Act shall be printed, and a copy thereof shall be posted up and continue so posted in the office of the Clerk of the said Commissioners, and copies thereof shall be delivered to any person who may apply for the same on payment of such sum as the said Commissioners shall think fit, not exceeding four annas.

XXIX. And it is enacted, that all the provisions hereinafter contained relative to offences against this Act punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any bye-law made by the said Commissioners by virtue of this Act.

XXX. And it is enacted, that it shall be lawful for the said Commissioners to direct any prosecution for any public nuisance whatsoever which shall be permitted or suffered within the said town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at the disposal of the said Commissioners, under the provisions of this Act.

XXXI. And it is enacted, that it shall be lawful for the said Commissioners to sue and be sued, to prefer any bill of indictment or information, or to take any other proceeding against any person who shall steal, take or carry away, or wilfully deface or injure any property, articles or thing belonging to the said Commissioners; and in every such case it shall be sufficient to state generally the property, article or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

XXXII. And it is enacted, that nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be, deemed and adjudged to be a nuisance at common law, nor to exempt any person guilty of a nuisance at common law from prosecution or action in respect thereof: Provided always, that if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof, in every such case he shall be released from all further or other criminal proceedings for the same offence.

XXXIII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby empowered, with the consent and approbation of the said Governor, and subject to the restrictions hereinafter contained, to contract and agree with any person or persons for supplying the said town or any part thereof with water, for the purposes of this Act, and with the like consent to agree with any person having and willing to dispose of the same, for the absolute purchase, for any purpose which the said Commissioners shall think necessary for obtaining and protecting such supply of water as aforesaid, of any waterworks, streams of waters, lands, tenements, easements, hereditaments, fixtures, machinery or other property, or to take a lease thereof for any term of years, and subject to such conditions as shall be agreed upon between the parties, and also with the like consent and approbation to grant to any person or persons contracting to supply the said town or any part thereof with water, a lease for any term not exceeding 21 years, of any waterworks, machinery, streams, waters, lands, tenements, easements, rights, privileges and advantages belonging to or acquired by, or which may belong to, or be acquired by, or be invested in the said Commissioners under any of the powers or authorities in this Act contained, so as to enable such

ACTS of 1848.

person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement, and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto: Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual for any purpose whatsoever, unless the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract under the hand of the Secretary to the Government of Bengal.

XXXIV. And it is enacted, that if it shall be necessary or advantageous for the purpose of carrying into execution any plan or mode of supplying water to the said town, that the said Commissioners should avail themselves of any of the powers in this Act contained, which authorize the said Commissioners or their lessees to take or enter upon lands without the consent of the owners and occupiers thereof, for the purpose of constructing, improving or enlarging any waterworks, then, and in every such case, the said Commissioners shall cause a map or plan to be prepared on a scale of not less than one inch to 100 feet, describing the sources from which any supplies of water are intended to be procured, the situation of the intended waterworks, and the line and course of any intended aqueducts, conduits, tunnels, pipes or other channels for conveying water to or from the said intended source of supply, and the lands through which the same respectively are intended to be carried, together with a book of reference containing the names of the owners or reputed owners, lessees or reputed lessees and occupiers respectively, of any lands intended to be taken for the purpose of erecting any works thereon, or to be used for the purpose of carrying any tunnels, pipes, channels or waterworks through the same, and one copy of such plan and book of reference shall be deposited in the office of the clerk to the said Commissioners, and shall be open at all reasonable times there to the inspection of all parties interested therein, and another copy of such plan and book of reference shall be furnished to the said surveyor of the said Commissioners; and notice of such intended works, and of the place in which such plan is deposited, shall be given by the said Commissioners to all parties interested in any lands intended to be taken or used for any of the above purposes, through which it is intended to carry any tunnels, pipes, conduits or other works, or to such of the said parties as shall after diligent inquiry be known to the said Commissioners, and such notice shall also be published in two or more of the Calcutta newspapers at least once in each of two successive weeks.

XXXV. And it is enacted, that as soon as may be after the expiration of one calendar month from the date of the last publication of such notice, the said surveyor shall give notice, by publication in such newspapers in manner aforesaid, that he will within one week from the date of the last of such publications attend upon such lands, and point out to such as may meet him there, and desire to be informed thereof, the line and course of such intended aqueducts, conduits, tunnels and pipes, and the situation of such intended reservoirs, tanks and waterworks, and he shall accordingly attend at the time and place named in the said notice, and shall then and there point out the same; and all persons who shall deem themselves interested in the matter, or likely to be aggrieved thereby, shall be entitled to be heard by themselves, their counsel, attorneys or agents, and to adduce such witnesses as they may think necessary before the said Commissioners; and the said Commissioners shall report the evidence taken before them, and the plans and book of reference, and the report of the said surveyor, together with their opinion thereon, to the said Governor, and thereupon it shall be lawful for the said Governor to disallow or to authorize the taking of the lands specified in such plan, and required to be taken or used for the purposes aforesaid, or any of them, without the consent of the owners and other persons interested therein, subject in the latter case to such regulations and orders as the said Governor shall think necessary to justice, and not inconsistent with the objects of this Act; and when and so soon as the said Governor, if he shall so determine, shall signify his approval thereof, to be testified under the hand of the said secretary in manner aforesaid, then the said Commissioners shall and may proceed to carry such plan into execution.

XXXVI. And

XXXVII. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions hereinafter contained, from time to time to make, construct, lay down, maintain, alter or discontinue such waterworks, steam-engines, water-wheels, reservoirs, cisterns, tanks, aqueducts, cuts, channels, conduits, engines, waste-gates, stop-gates, stop-cocks, sluices, banks, bridges, pipes, tunnels, machinery, and other works upon the lands hereby authorized to be purchased and taken by the said Commissioners, as shall be necessary or proper for obtaining water and supplying the same to the inhabitants of the said town.

XXXVII. Provided always, and it is enacted, that the said Commissioners, in erecting and making the said waterworks and the said reservoirs, cuts, channels, aqueducts, tunnels, or other works upon lands taken under the compulsory powers hereinbefore contained, shall not deviate to any greater distance than the limits of the deviation as marked in the said plan, nor into the lands of any person not mentioned in the said book of reference, without his previous consent in writing, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake, and that such deviation ought to be allowed, shall be certified under the hand of such surveyor.

XXXVIII. Provided also, and it is enacted, that nothing in this Act contained shall authorize or empower the said Commissioners or their lessees, by virtue of the compulsory powers of purchase hereinbefore contained, except in the case of any land expressly taken for forming any reservoir or erecting any steam-engine or other works thereon, to acquire or obtain any greater right or interest in any lands or premises through or within which any of the said pipes, culverts, aqueducts or tunnels are intended or may be required to be laid, than a right of laying the said pipes, culverts, aqueducts or tunnels therein, and of entering thereon from time to time, when requisite, to renew, amend, repair and examine the same.

XXXIX. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to or being within the distance of 100 yards of the works by this Act authorized to be made, or any part thereof, and not being a garden, orchard, plantation or ground planted and set apart as a nursery for trees, for the purpose of depositing upon such lands, or any part thereof, any soil, gravel, sand, lime, brick, stone or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender or deposit; the said Commissioners doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the owners and occupiers thereof from time to time, and as often as any such temporary occupation shall be taken, or any such temporary damage done by the said Commissioners or other officers, and making compensation to the owners, also for the permanent injury (if any) to such lands; and in case the parties differ respecting the amount of the compensation or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration, or by the verdict of a jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XL. Provided always, and it is enacted, that before it shall be lawful for the said Commissioners to make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, the said Commissioners shall and they are hereby required to give 14 days' notice of such their intention to the owners and occupiers of such lands, and to separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid, from the other lands adjoining thereto.

XLI. Provided always, and it is enacted, that the said Commissioners, before entering any such adjoining lands for the purposes aforesaid, shall, if required by the owners or occupiers of such lands, agree with such owners or occupiers for the payment of a certain and fixed annual rent in respect thereof during the continuance of such temporary occupation, and the amount of such rent, in case the parties differ, shall be settled by arbitration, or by the verdict of a jury summoned and assembled in manner provided in Act No. XXII. of 1847.

ACTS of 1848.

XLII. And it is enacted, that the said Commissioners shall and they are hereby required, in forming any reservoir or works hereby authorized to be made, and any tunnels or watercourses therein or leading thereto, at their own expense to make and provide a sufficient number of convenient roads, ways, watering-places, wells, watercourses, drains and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, watercourses, drains and channels shall and may be taken away or interrupted, injured or rendered inconvenient or useless by reason of the making of the said reservoirs or other works; and in case of any difference arising between the said Commissioners and the owners of such adjoining lands, such difference shall be settled by arbitration, or by the verdict of a jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLIII. And it is enacted, that when the pavement or soil of any street, public way or public thoroughfare, or any sewer or drain shall be opened or broken up by the said Commissioners or their officers, or by any other person, they shall with all convenient speed complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and soil, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby; and shall in the meantime cause the place where such pavement or soil shall be so opened or broken up to be fenced and guarded; and shall set up and maintain, upon and against the part of the said pavement or soil so broken up or opened, a sufficient light during every night whilst such pavement or soil be continued open or broken up.

XLIV. And it is enacted, that all existing public cisterns, tanks, conduits and other waterworks used for the gratuitous supply of water to the inhabitants of the said town, shall be continued, maintained and supplied with water by the said Commissioners, and shall be vested in them, and be under their management and control; and it shall be lawful for the said Commissioners to erect and place any number of new cisterns, tanks, pumps, conduits or other waterworks for the supply of water to the inhabitants of any street, court, alley, public way or public thoroughfare, or of any number of houses, as they shall see fit; or to erect the same in any public situation for the gratuitous use of any persons who may choose to carry water away for their private use, but not for sale; and to supply with water any public baths or wash-houses that may be established for the use of the poorer classes.

XLV. And it is enacted, that if the said Commissioners shall neglect or refuse to furnish a sufficient supply of water for domestic purposes, as settled and arranged by the said surveyor to the owner or occupier of any dwelling-house rated to the rate hereinafter mentioned, it shall be lawful for such owner or occupier to deduct from the amount of such rate a sum equal to one-eighth part of the amount payable by him in each quarter, for every two days in succession during which such neglect or refusal shall continue, after notice in writing shall have been given to the clerk of the said Commissioners of the want of such supply, unless the want of such supply shall arise from great drought or other unavoidable cause or accident.

XLVI. And in order to preserve the water to be supplied by the said Commissioners, for the domestic use of the inhabitants of the said town, pure and wholesome, it is enacted, that every person who shall wilfully or knowingly commit any of the following offences shall for every such offence forfeit and pay, on summary conviction before a magistrate, a sum not exceeding 50 rupees:

1. Every person who shall bathe in any reservoir, aqueduct or other waterworks belonging to the said Commissioners, and provided by them for the domestic use of the inhabitants of the said town, or shall wash or cause to be washed therein any wearing apparel, horse, dog or animal.

2. Every person who shall throw, put or cast any gravel, stone, rubbish, dirt, filth or other noisome or offensive matter or thing into any such reservoir, aqueduct or other waterworks as aforesaid, or shall wash or cleanse therein any wool, leather or skin of any animal, or other foul or offensive matter or thing.

3. Every

3. Every person who shall cause or permit the water of any sink, sewer or drain, or any other offensive liquid matter or thing belonging to him, or flowing or being in any house or building, or upon any ground occupied by him, to run, drain or be conveyed into any of the springs, rivulets, reservoirs, aqueducts, pipes or other waterworks belonging to the said Commissioners, or who shall commit or cause any other act whatsoever whereby the water of the said Commissioners shall be in any degree whatsoever fouled or corrupted.

XLVII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required to provide a sufficient number of lamps for lighting such parts of the said town as the said Commissioners, on the report of their said surveyor, shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare and light the same, and shall also from time to time, as shall be required, increase or otherwise alter the number of the said lamps, and shall renew such of the said lamps as shall become broken or unfit for use, so that all the streets of the said town which the said Commissioners shall consider necessary shall be well and sufficiently provided with light, from such hour in the evening of each day until such hour of the morning of each following day, as the said Commissioners shall consider to be fit and proper and necessary; and the whole of the expense of the erection, repair, maintenance, cleansing and supplying with oil and wicks of each and every of the said lamps, and of lighting and keeping lighted the same during such hours as aforesaid, shall be borne and paid by the said Commissioners.

XLVIII. And it is enacted, that every person who shall wantonly or wilfully destroy, injure, deface or disturb any of the said lamps, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners, or of their said surveyor, shall forfeit and pay, on conviction before a magistrate, for every such offence any sum not exceeding 50 rupees.

XLIX. And it is enacted, that if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

L. And it is enacted, that in all cases where any damage, costs or expenses are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the paying thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by arbitration, in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons as arbitrators, or the arbitrators fail to pronounce their award as aforesaid, then by any two magistrates of Calcutta; and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LI. And it is enacted, that the said Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any bye-laws of the said Commissioners, affecting other persons than officers or servants of the said Commissioners, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the office of the clerk of the said Commissioners, and when any such penalties are of local application shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference, and such particulars shall be renewed as often as the same or any part thereof is

ACTS of 1848.

obliterated or destroyed, and no such penalty shall be recoverable unless such particulars shall have been published and kept published in the manner hereinbefore required, or wantonly and maliciously obliterated or destroyed.

LII. And it is enacted, that if any person shall pull down, break or deface any board put up as required by this Act, or shall obliterate any of the letters or figures thereon, he shall forfeit and pay for every such offence a sum not exceeding 50 rupees, and shall also defray the expenses attending the restoration of such board.

LIII. And it is enacted, that every penalty or forfeiture imposed by this Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any magistrate of Calcutta, and on complaint being made to any such magistrate, he shall issue his summons requiring the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for such magistrate to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon proof of the offence, either by the confession of the party complained against, or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such magistrate to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction, as such magistrate or assistant magistrate shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LIV. And it is enacted, that where in this Act, or in Act No. XVI. of 1847, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

LV. And it is enacted, that no distress levied by virtue of this Act, or of Act No. XVI. of 1847, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may and shall recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court.

LVI. And it is enacted, that the magistrate by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the clerk of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

LVII. And it is enacted, that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a magistrate, unless the complaint respecting such offence shall have been made before such magistrate within six months next after the commission of such offence.

LVIII. And it is enacted, that if through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and the amount of such damages shall, in case of dispute, be determined by the magistrate by whom the party incurring such penalty shall have been convicted, and in case such damages shall not be paid on demand, the same may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LIX. And

LIX. And it is enacted, that it shall be lawful for any magistrate to summon any person to appear before him as a witness in any matter in which such magistrate shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him an oath or solemn affirmation that he will testify the truth in such matter; and if any person so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expenses; or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such magistrate or assistant magistrate, every such person shall for every such offence forfeit and pay a sum not exceeding 50 rupees.

LX. And it is enacted, that in Acts No. XVI. of 1847, and No. XXII. of 1847, and in this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say), words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only, shall include females, unless the word "male" is used. The word "person" shall include corporations whether aggregate or sole. The words "oath," "affirmation" and "solemn affirmation," when used alone, shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any Legislative Act of the Governor-general of India in Council, or by any Act of the Parliament of Great Britain extended to India. The word "street" shall include any square, circus, street, court, alley, footpath, highway, lane, road, thoroughfare, public passage or other public place within the said town. The words "the said Commissioners" shall mean the Commissioners for the time being appointed under the provisions of Act No. XVI. of 1847.

ACT No. III. OF 1848.

Passed by the Right Honourable the Governor-General of India in Council, on the 26th February 1848.

AN ACT for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

WHEREAS doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India:—

It is hereby declared and enacted, that the word "Thug," when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is or has at any time been habitually associated with any other or others for the purpose of committing, by means intended by such person, or known by such person, to be likely to cause the death of any person, the offence of child-stealing, or the offence of robbery not amounting to dacoity; and that the word "Thuggee," when used in such Acts, shall be taken to have meant and to mean the offence of committing or attempting any such child-stealing or robbery by a Thug; and that the expression "Murder by Thuggee," when used in such Acts, shall be taken to have meant and to mean murder when employed as the means of committing such child-stealing or such robbery by a Thug.

ACT No. IV. of 1848.

Passed by the Right Honourable the Governor-General of India in Council, on the 26th of February 1848.

AN ACT for regulating Coroners' Juries.

I. It is hereby enacted, that from and after the 1st day of May 1848, on all inquests to be held by the Coroners of Calcutta, Madras or Bombay, no greater number than five jurors shall be necessary; and that every finding of a jury consisting of five jurors shall be, to all intents and purposes, as good, valid and effectual in law as if such finding had been the finding of 12 jurors.

II. And it is hereby enacted, that when any person shall have been duly summoned to attend as a juror by any of the said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his court three times to appear and serve as a juror; and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding 50 rupees, as to such Coroner shall seem fit; and such Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine which shall have been imposed, and the cause of such fine, and shall transmit such certificate to one of the magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the post-office, addressed as aforesaid, and thereupon such magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

III. And whereas it is expedient to make provisions for supporting Coroners' inquisitions, and for preventing the same from being quashed on account of technical defects:

It is therefore hereby enacted, that no inquisition found upon or by any inquest of any of the said Coroners, nor any judgment recorded upon or by virtue of any such inquisition, shall be quashed, stayed or reversed for want of the averment therein of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath" instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed when time is not of the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such inquisition is or are designated by a name of office or other descriptive appellation instead of his, her or their proper name or names, nor by reason of the non-insertion of the names of the jurors in the body of any such inquisition, or of any difference in the spelling of the names of any of the jurors in the body of any such inquisition and the names subscribed thereto, nor because any juror or jurors shall have set his or their mark or marks to any such inquisition instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such juror or jurors is or are set forth, nor because any juror or jurors has or have signed his or their christian name or names, or other name or names which is not or are not a family name or names, by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in cases of murder or manslaughter) for or by reason of any such inquisition not being duly sealed or written upon parchment, nor by reason of any such inquisition having been taken before any deputy instead of the Coroner himself, nor because the Coroner and jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting

sitting of the inquest; and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of her Majesty's Supreme Court at the Presidency at which such inquest shall have been held, if he shall so think fit, upon the occasion of any such inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcutta, Madras and Bombay, from time to time to appoint, by writing under his hand and seal, a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the Coroner, to act for him as his deputy in the holding of inquests; and all inquests taken and other acts performed by any such Deputy Coroner under and by virtue of any such appointment shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made: provided, that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause: provided also, that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.

ACT No. V. OF 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 4th of March 1848.

AN ACT to amend the Law regarding the taking of Mochulkas or Penal
Recognizances.

I. It is hereby enacted, that section 4, Regulation IV. of 1825, of the Bengal Code, is repealed.

II. And it is hereby enacted, that in the territories subject to the Presidency of Bengal, it shall be lawful for the zillah and city magistrates and joint magistrates to take Mochulkas or penal recognizances in the form annexed to this Act, as well from British subjects as from other persons in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions, although the party to be bound in such recognizances may not have been convicted of any specific offence, provided that the amount of the recognizance in all such cases shall be proportionate to the condition in life of the said party, and to the circumstances of the case.

III. And it is hereby enacted, that in cases of an aggravated nature wherein it may appear necessary to require security for keeping the peace in addition to the recognizance of the party, it shall be lawful for such magistrates to direct the same, and to fix a reasonable amount for the security bond to be executed in the form annexed to this Act by the surety or sureties.

IV. And it is hereby enacted, that whenever it shall appear to the magistrate that the period for which the party should be bound to keep the peace with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the civil jail until he shall do what has been required of him.

V. And it is hereby enacted, that whenever it shall appear to the magistrate that the period for which the party should be bound to keep the peace with or without additional security ought to exceed the period of one year, the magistrate shall record his opinion to that effect, with an order specifying the amount of recognizance and security as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizance and security so required, the proceedings shall be laid before the sessions judge, who after examining them and calling for any further information which he may think necessary, shall pass orders on the case, confirming, modifying or annulling the orders of the magistrate; and

ACT No. VI. of 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 4th March 1848.

AN ACT for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing Duties on Goods carried from Port to Port in the Territories subject to the Government of the East India Company.

I. It is hereby enacted, that from and after the 25th day of March 1848, all goods imported on foreign bottoms by sea into any port of the presidencies of Fort William in Bengal, Fort St. George or Bombay, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were imported into any of the said ports on British bottoms, anything in any Act of the Council of India contained to the contrary notwithstanding.

II. And it hereby enacted, that from and after the said day all goods exported on foreign bottoms by sea, from any port of the said presidencies, shall be charged only with the same rates of duty as such goods would now by law be charged with if such goods were exported from any of the said ports on British bottoms, anything in any Act of the Council of India contained to the contrary notwithstanding.

III. And it is hereby enacted, that from and after the said day no duty shall be charged on any goods lawfully carried from any port in the territories subject to the Government of the East India Company to any other port in the said territories, anything in any Act of the Council of India contained to the contrary notwithstanding.

IV. Provided always, that nothing in this Act contained shall apply to the articles of salt or opium.

ACT No. VII. of 1848.

Passed by the Right Honourable the Governor-General of India in Council,
on the 25th of March 1848.

AN ACT to except certain free Ports from the operation of Section 3, Act No. VI. of 1848, and otherwise to amend that Act.

I. In modification of section 3, Act No. VI. of 1848, it is hereby enacted, that the provisions of the said section shall not apply to goods exported from any part of the territories subject to the government of the East India Company, to any of the ports in the Straits of Malacca, or to any of the ports in the Tenasserim provinces, or to any of the ports in the province of Arracan, nor to goods imported from any of those ports into any port of the said territories.

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of goods from any port in the territories subject to the government of the East India Company, to any other port in the said territories to which the operation of section 3, Act No. VI. of 1848, may extend.

ACT No. VIII. of 1848.

Passed by the Governor-General of India in Council, on the 25th of March 1848.

To modify the Provisions of Sections 9, 10, 11, and 13 of Regulation V. 1812, of the Bengal Code.

It is hereby enacted, in modification of the provisions of sections 9, 10, 11, and 13 of Regulation V. 1812 of the Bengal Code, that if any ryot or tenant of land, upon whom such notice or demand as is specified in the said sections

ACTS of 1848.

sections is to be served, shall have no place of usual residence in the zillah where the land to which such notice or demand has reference is situate, the mode of serving such notice or demand with a jumma wassil baukee shall be by affixing it at the maal catcherry of such land, or other conspicuous place thereon, or at the village chouree, choupal, or other conspicuous place in the village.

ACT No. IX. OF 1848.

Passed by the Governor-General of India in Council, on the 25th of March 1848.

AN Act to repeal Acts No. XII. of 1839, and No. XII. of 1840, and to raise Funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an Assessment upon the rents, produce and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggon, Carts, Horses and Mules kept or used within the same.

I. It is hereby enacted, that from and after the 1st day of January 1849, Act No. XII. of 1839, and Act No. XII. of 1840, are repealed.

II. And it is hereby enacted, that from the said 1st day of January 1849, an assessment at a rate not exceeding 10 per cent., to be fixed from time to time, as he shall think fit, by the chief civil authority within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca, shall be levied every half-year in advance on the actual or estimated rents of all houses, shops and other buildings situated within the said settlement and the dependencies and places now or hereafter to be subordinate or annexed thereto, to be paid by the tenant or tenants, or occupier or occupiers of such houses, shops and other buildings, at the time of such assessment: Provided always, that the several houses or buildings specified in Schedule (A.) hereunto annexed, shall be exempted from assessment under this Act.

III. And it is hereby enacted, that from and after the day aforesaid an assessment, at a rate not exceeding five per cent., to be fixed from time to time, as he shall see fit, by the said chief civil authority, shall be levied half-yearly or annually upon the actual rent or upon the value of the net produce derived from all lands situated in the said settlement, dependencies and places, held, possessed or used for purposes of agriculture or cultivation of any description whatsoever: Provided always, that no assessment shall be charged on any rent paid as quit rent to the East India Company for lands held under leases or other titles from the said Company, and that the produce of lands of less extent than three (3) acres used for the cultivation of paddy, siri or vegetables, and lands of which the annual net produce shall be less than 10 Spanish dollars, if it shall be the sole assessable property of any one or more persons, shall be exempted from the payment of any assessment under this Act.

IV. And it is hereby enacted, that in order to ascertain the value of the net produce of any such lands for any one year or half-year, for the purpose of levying such assessment, the amount of outlay actually paid and expended during that particular period in and upon the lands yielding such produce, and in the manufacture of any such produce (not including either the purchase-money of such lands, or the original outlay thereon, or the cost or purchase-money of any articles of machinery used or employed, or of any buildings erected thereon), shall be deducted from the estimated value, at the then local current rate, of the gross quantity or amount of produce, whether manufactured or otherwise, derived from such lands, and that upon the overplus or net balance value so ascertained the said assessment shall be levied and paid.

V. And it is hereby enacted, that in order to facilitate the collecting of assessment on lands in manner specified in section 4 of this Act, it shall and may be lawful for the collector or other officer appointed in manner hereinafter mentioned to collect the same at each of the said stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, to require the
owner,

owner, occupier, agent, superintendent or other person in charge of any such lands, to furnish him, either annually or half-yearly, in writing, under his or their hand or hands, with a true and detailed statement of the gross and actual quantity and amount of produce, of what nature and kind soever, yielded by the said land or manufactured therefrom, during either of the said periods; and likewise a true and detailed statement of the amount of actual outlay paid and expended in the cultivation of the said land and in the preparation or manufacture of the produce thereof during the like periods; which said statements shall be verified by oath or affirmation to be made by such person or persons before one of her Majesty's justices of the peace at such station (who is hereby authorized and required to administer the same) if thereto required by the said collector or other officer as aforesaid. And any person or persons who shall refuse to make such oath or affirmation, or who shall refuse to furnish such statement, shall, on conviction thereof before the court of quarter session at such station, be liable to pay a fine not exceeding 200 Spanish dollars, and, in default of payment thereof, to be imprisoned for a term not exceeding two months.

VI. And it is hereby enacted, that from and after the day aforesaid a tax shall be levied half-yearly in advance on all carriages, waggons, carts, horses, mules and elephants in use or kept within the said settlement, dependencies and places, to be charged on the owner or owners, or where the owner is absent or cannot be ascertained, on the person or persons in charge thereof, at the following rates, that is to say:

| | <i>Sp. Drs.</i> |
|---|-----------------|
| On every four or three-wheeled carriage, per annum - - - | 10 |
| On every two-wheeled carriage, per annum - - - | 8 |
| On every waggon drawn by man or beast, per annum - - - | 8 |
| On every cart drawn by any description of cattle, per annum - - - | 6 |
| On every cart drawn by man, per annum - - - | 4 |
| On every horse or mule, per annum - - - | 2 |
| On every elephant, per annum - - - | 12 |

and that if the payment of any such tax shall not be duly made, it shall be lawful for any justice of the peace, upon being satisfied that due diligence has been used to obtain payment, to issue his warrant for levying the amount of such tax, by seizing and selling the goods and chattels of the person or persons so charged with the payment of such tax and so making default: Provided always, that the several vehicles and animals specified in Schedule (B.) hereunto annexed, shall be exempted from the payment of any tax under this Act.

VII. And it is hereby enacted, that the chief civil authority of the said settlement shall have power to appoint a collector or collectors, or such other officer or officers as may be deemed requisite for the collection of the assessment and taxes leviable under this Act at the several stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto respectively.

VIII. And it is hereby enacted, that in any case where payment shall not be duly made of any assessment charged and demanded under authority of this Act, the collector or other officer appointed to collect the same shall certify in writing such non-payment to any justice of the peace, who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his warrant for levying the amount of such assessment, by seizure and sale of any goods and chattels and growing crops whatsoever, and to whomsoever belonging, in or upon the houses, shops or other buildings, or in or upon the lands respectively charged; and the overplus, if any, after deducting the expenses of such seizure and sale, shall be paid to the owner or owners of the goods, chattels or growing crops so seized and sold, or to the person or persons in whose possession the same may have been found.

IX. And it is hereby enacted, that it shall be competent for the collector or other officer appointed to collect the aforesaid assessment and taxes at the said stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, in lieu of proceeding against defaulters by warrant of distress as aforesaid, to sue in his name for the recovery of any

ACTS of 1848.

arrears through any court of justice to which such defaulters shall or may be amenable.

X. And it is hereby enacted, that the court of quarter session of the said settlement shall have power to hear and determine, in such manner as to the said court shall seem just, all appeals by parties who may feel themselves aggrieved by, or who may have any reason to object to any demand for payment of any assessment or tax leviable under this Act, whether on the ground of surcharge or otherwise: Provided always, that before any application for any such appeal shall be entertained by the said court, the party or parties making the same shall first pay the amount of the assessment or tax charged, and at the time of such payment give notice in writing of his or their intention to appeal to the collector or other officer by whom such assessment or tax may have been demanded.

XI. And it is hereby enacted, that no appeal shall be allowed by the said court of quarter session unless the same shall have been made and prosecuted within three months from the time of payment of the amount of assessment or tax demanded, and delivery of such notice to the collector or other officer aforesaid.

XII. And it is hereby enacted, that the monies collected from the assessment and taxes leviable under this Act at the said several stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, shall be called the "Municipal Fund;" and that the same, or so much thereof as shall be required, shall be applied in manner hereinafter mentioned towards the payment and maintenance of an efficient police, and of an establishment for the collection of the said assessment and taxes at each of the said stations, dependencies and places; and also towards the efficient watching, repairing, renewing, cleansing, draining and keeping in repair the public roads and streets, and all other public thoroughfares in town and country at each of the said stations, dependencies and places; and also towards the repairing, renewing, building, rebuilding, cleansing and securely upholding all public bridges, jetties, quays, aqueducts, canals, sluices, sewers and sluice-gates made for or in the occupation or use of the public at the said stations, dependencies and places, either made, commenced or hereafter to be made; and also towards the lighting of the said public streets and bridges, and to the effecting of other purposes necessary for the comfort and protection of the inhabitants of the said settlement, dependencies, and places: Provided always, that all roads, streets and bridges leading to and terminating at any government house and other building belonging to government, or any military post, barracks or cantonment, or any hospital, poor house, sailor's home, or other benevolent or charitable institution under the patronage of government, or any place of public worship, shall be deemed to be public roads, streets and bridges within the meaning of this Act.

XIII. And whereas it is desirable that a certain number of the ratepayers of the said settlement should from time to time be appointed to assist the government in the management of the said Municipal Fund, as well as in the performance of other municipal acts hereinafter mentioned; it is hereby enacted, that it shall be lawful for the chief civil authority of the said settlement for the time being, from time to time, to nominate and appoint at each of the said stations of Prince of Wales' Island, Singapore and Malacca, a municipal committee, to consist of five resident rate-payers, of whom two shall be officers of the local government; and in case it shall be found impracticable, from refusal to act, to obtain at either of the said stations a sufficient number of unofficial persons to compose such committee, it shall be competent for the said chief civil authority to nominate and appoint a committee of three resident rate-payers instead of five; and that it shall be competent for the said municipal committee, in conjunction with the said chief civil authority, and under and in conformity with such orders and instructions as may from time to time be issued by the Governor of Bengal, to make order for the performance of the several objects and purposes specified and contained in section 12 of this Act, for which provision is thereby directed to be made out of the said Municipal Fund; and to authorize and sanction the payment and disbursement of all bills and charges for the same: Provided nevertheless, that it shall be competent for the said chief civil authority at any time, if he shall think fit, to refer any matter or thing whatsoever herein to be done and performed.

performed for the sanction or instructions of the Governor of Bengal, accompanied by the opinion or observations thereon of the said municipal committee, and that nothing in this Act contained shall be construed to affect any of the provisions of Act No. III. of 1847.

XIV. And it is hereby enacted, that the said municipal committee shall have power to make rules and regulations, subject to the approval of the said chief civil authority, for more fully and effectually carrying out and performing the objects and purposes specified in sections 12 and 13 of this Act, and to alter or amend the same from time to time as may be necessary, subject to the like approval.

XV. And it is hereby enacted, that as soon after the 1st day of January in every year as may be practicable, the collector or other officer appointed to collect the assessment and taxes under this Act at each of the said stations of Prince of Wales' Island, Singapore and Malacca, shall prepare a detailed statement of the said Municipal Fund, exhibiting the sums collected under the respective heads of assessment, taxes, or otherwise, during the preceding year, and showing also the disbursements which have been made during the same period, and that the said statement shall be published at the station to which it relates in a newspaper, and if such station shall have no newspaper, then the publication shall be made in some newspaper at any of the other stations; and the said statement shall also be open to general inspection at the office of such collector or other officer for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the officer superintending the police at each of the said stations of Prince of Wales' Island, Singapore and Malacca, shall, between the 1st and 15th day of January in every year, require the owners of all palanquin carriages, carts and other vehicles, kept in such station for the purpose of being let to hire for the conveyance of passengers or goods, to enter such palanquin carriages, carts and other vehicles, in a register to be kept for that purpose at the police office of such station; and every owner of a palanquin carriage, cart, or other vehicle subject to such registration, who shall omit or refuse to enter such vehicle at the police office in manner aforesaid, shall, on conviction before a justice of the peace, pay for each offence a fine not exceeding 20 Spanish dollars, with costs of prosecution, to be recoverable on non-payment by warrant of distress and sale under the hand of the convicting justice of the peace, and the overplus, if any, of the goods and chattels sold shall be paid to such owner or owners.

XVII. And it is hereby enacted, that every owner of a registered palanquin carriage, cart or other vehicle, who shall neglect to place in a conspicuous part of such vehicle a numbered board, which shall be furnished to him by the registering officer, shall, on conviction before a justice of the peace, pay a fine not exceeding five Spanish dollars for each offence, to be recovered in manner specified in the last foregoing section.

XVIII. And it is hereby enacted, that all quarter session and police fees, fine poundage and forfeitures imposed, levied and paid at each of the said stations of Prince of Wales' Island, Singapore and Malacca, shall be forthwith paid into the said Municipal Fund at such station, in aid of the several purposes specified in section 12 of this Act.

XIX. And it is hereby enacted, that no assessment or charge made under authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment or tax, or of anything chargeable with assessment or tax, or any mistake in the amount of assessment or tax charged, provided the directions of this Act be in substance and effect complied with; and that no proceedings, or other matter or thing had or done under this Act, shall be quashed or set aside for want of form, in any court or courts of justice.

ACTS of 1848.

SCHEDULE (A.)

Referred to in section 2, of this Act.

To be exempted from the payment of assessment :

PUBLIC BUILDINGS.

Hospitals, poor houses, places of worship, charitable and benevolent institutions and schools, not used as private dwelling-houses, convict lines, gaols, barracks or lines for soldiers, police offices and thannahs.

PRIVATE BUILDINGS.

Mills, drying and boiling houses, out offices and labourers' huts belonging and attached to estates and plantations; and any dwelling-house, shop or other building which shall not have been used or occupied for more than three months in any one year; and any attap huts or sheds belonging and attached exclusively to vegetable gardens and paddy fields, consisting of not more than five acres; and any house or building of which the annual value or rent shall be less than six Spanish dollars, if it shall be the sole assessable property of the person or persons charged therewith.

SCHEDULE (B.)

Referred to in section 6, of this Act.

To be exempted from the payment of taxes:

Waggon and carts bearing the owner's name, painted in large letters on some conspicuous part of each, and not used on the public highway.

Waggon and carts being the *bonâ fide* property of Government, and used in the public service.

Hearses kept exclusively for the removal of the dead.

Elephants kept exclusively within estates or plantations, and not brought or used upon the public roads or bridges.

ACT No. X. of 1848.

Passed by the Right Honourable the Governor-General of India in Council, on the 8th April 1848.

AN ACT for annexing the lapsed State of Mandvee to the Presidency of Bombay..

WHEREAS the state of Mandvee has lapsed to the British Government :—

I. It is hereby enacted, that from and after the 1st day of May 1848, the lapsed state of Mandvee, as described in the annexed Schedule, shall be subject to all Regulations and Acts which are, or shall be, in force within the territories subject to the presidency of Bombay.

II. And it is hereby enacted, in modification of section 21, Regulation II. of 1827; of section 6, Regulation XVI. of 1827; and sections 9, 16, 34 and 49 of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the civil courts within the said lapsed state of Mandvee :

1st. All claims for damages against persons in authority under the late government, for abuse of power during that period..

2d. All claims against Government on account of enams.

3d. All claims against Government on account of jagheers, wurshasuns, pensions, nemnooks and other advantages not hereditary.

4th. All disputes regarding public rent or revenue payable to Government, and all complaints of exaction by mamludars or district or village officers.

5th. All claims on account of village debts, all village boundary disputes, and disputes regarding the use of wells and watercourses.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be and is hereby empowered to exempt from the jurisdiction of the civil and criminal courts the widows and such of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an agent whom he may appoint for this purpose.

SCHEDULE.

Territorial Description of the Purgunna of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the east by Punch Molec purgunna, belonging to his Highness the Guicowar.

On the west by Turkeswur purgunna of the Surat zillah, and Gullah purgunna, belonging to his Highness the Guicowar.

On the north by Wusravee and Nausur purgunnas, belonging to his Highness the Guicowar, and Koondha purgunna, belonging to the Raja of Rajpeepla.

On the south by Timbah Beearah and Soonghur purgunnas, belonging to his Highness the Guicowar, and Kurod and Walore purgunnas of the Surat zillah.

It comprises the under-mentioned towns and villages, 162.

Town of Mandvee, situated on the north bank of the Taptee River.

Purgunna Soowangiah.

- | | | |
|----------------------|--------------------------|----------------------|
| 1. Kherpor. | 38. Katkoowa, J. | 75. Peepulwan. |
| 2. Kakurwa. | 39. Rukhus Khuree. | 76. Bhoondha. |
| 3. Poonah. | 40. Kurwutee. | 77. Amlee. |
| 4. Oon. | 41. Hurunwao. | 78. Surapara. |
| 5. Oosked. | 42. Kheempor. | 79. Limbaree. |
| 6. Umul Saree. | 43. Chandpor, J. | 80. Chelwas. |
| 7. Ghorsumba. | 44. Rukhwao. | 81. Gungapor. |
| 8. Gamtulao Boojgur. | 45. Mugutroo. | 82. Jamunkoowa. |
| 9. Godawaree. | 46. Khaturvee. | 83. Peechurwan. |
| 10. Boree. | 47. Khurgam. | 84. Undhatree. |
| 11. Nundpor. | 48. Goondwan. | 85. Sursee. |
| 12. Khuralee. | 49. Bulalteeruth. | 86. Bhensee. |
| 13. Oomersaree, J. | 50. Roondha. | 87. Jhuree. |
| 14. Kosaree, J. | 51. Muhoodee. | 88. Burtul. |
| 15. Kumlapor, J. | 52. Gangpor Dewar Ranah. | 89. Sutwao. |
| 16. Vureth. | 53. Makungur. | 90. Oomurkhuree. |
| 17. Kakrapar. | 54. Deoghuree, J. | 91. Gantulao Khoord. |
| 18. Bulunga. | 55. Limdha. | 92. Tursarah Khoord. |
| 19. Peepulwara. | 56. Tarapor. | 93. Kulumkoowa. |
| 20. Kanaghat. | 57. Maldha. | 94. Khurera. |
| 21. Undhatree. | 58. Joonwan, J. | 95. Foolwaree. |
| 22. Hureepor. | 59. Keemdoongra. | 96. Gordha. |
| 23. Gangpor Hursud. | 60. Larkoowa. | 97. Veedsaleeya. |
| 24. Dudwara. | 61. Choramba, J. | 98. Vagnera. |
| 25. Berdha. | 62. Esur. | 99. Guntolee. |
| 26. Bhat Khaee. | 63. Patawaree. | 100. Roopun. |
| 27. Surkocee. | 64. Deoghur. | 101. Vularghur. |
| 28. Umulwan. | 65. Undharwaree. | 102. Saluya. |
| 29. Jetpo. | 66. Kunujwan, J. | 103. Moreetha. |
| 30. Keodee, E. | 67. Dhuj. | 104. Kaleebel. |
| 31. Kurootha, E. | 68. Dhujamba. | 105. Teetoe. |
| 32. Zhuree. | 69. Kolkhuree. | 106. Regama. |
| 33. Umulchoonee, J. | 70. Looharwur. | 107. Dadakocee. |
| 34. Velunghur. | 71. Bulettee. | 108. Purwut. |
| 35. Ambapor, J. | 72. Solee. | 109. Khor Amba. |
| 36. Lakhakhan. | 73. Puterkocee. | 110. Kalmoe. |
| 37. Wensala. | 74. Jamkocee. | 111. Patul. |

ACTS of 1848.

| | | |
|-----------------------|-----------------|------------------------|
| 112. Kumlasotee. | 129. Peepultha. | 146. Guwachee. |
| 113. Kolsanoo. | 130. Tukwarah. | 147. Khunjrolee. |
| 114. Tooked. | 131. Oomerwan. | 148. Kbaler. |
| 115. Mudhul Kooee, J. | 132. Vurod. | 149. Peepureeya, J. |
| 116. Oontewah. | 133. Nougamah. | 150. Tursara. |
| 117. Jhab. | 134. Kolakooee. | 151. Jamunkoowa. |
| 118. Choorel. | 135. Dhurumpor. | 152. Vurjakhund. |
| 119. Kusal. | 136. Togapor. | 153. Jhakla. |
| 120. Fulee. | 137. Oosked. | 154. Beerama. |
| 121. Pardee. | 138. Khanpor. | 155. Sadree. |
| 122. Ambah. | 139. Rohenee. | 156. Rutuneeya. |
| 123. Kurwulee. | 140. Untrolee. | 157. Vuseegam. |
| 124. Boudhan. | 141. Boreegala. | 158. Naneecher. |
| 125. Muthasroo. | 142. Jhurpun. | 159. Mooteecher. |
| 126. Vurelee. | 143. Ureth. | 160. Vanklah. |
| 127. Patna. | 144. Veghee. | 161. Rajwur. |
| 128. Keodyoon. | 145. Nurnyn. | 162. Rajpoora Loombha. |

 ACT No. XI. of 1848.

Passed by the Governor-General of India in Council, on the 20th of May 1848.

AN ACT for the Punishment of wandering Gangs of Thieves and Robbers.

WHEREAS it is expedient to extend some of the provisions of the law for the conviction of Thugs and Dacoits to other gangs of Thieves and Robbers; it is enacted as follows:

I. Whosoever shall be proved to have belonged, either before or after the passing of this Act, to any wandering gang of persons associated for the purposes of theft or robbery, not being a gang of thugs or dacoits, shall be punished with imprisonment, with hard labour, for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any magistrate within the territories of the East India Company, and 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.

III. No court shall, on the trial of any offence under this Act, require any futwa from any law officer.

 ACT No. XII. of 1848.

Passed by the Governor-General of India in Council, on the 27th of May 1848.

AN ACT for better defining the Jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

WHEREAS the jurisdiction of the Court of Commissioners for the Recovery of Small Debts in and for the settlement of Fort William, in Bengal, hath been exercised under colour of a proclamation made by the Vice-President of the Presidency of Fort William in Bengal, in Council, with the approval of the Governor-general of the said Presidency, bearing date the 18th day of March 1802, and of another proclamation made by the Governor-general of the said Presidency in Council, bearing date the 25th day of September 1813, and of another proclamation made by the Governor-general of the said Presidency in Council, bearing date the 29th day of October 1819: And whereas doubts have arisen as to the legality of the said last two proclamations, and of all that has been done or may hereafter be done in pursuance thereof: And whereas doubts have also arisen whether the powers given to the Commissioners of the said court by the first of the said proclamations are by the terms of the said third proclamation effectually extended to the matters over which jurisdiction is thereby declared to be given to the said Court of Commissioners, and it is expedient to remove such doubts: And whereas

whereas the Rules, Orders and Regulations for the direction of the process and practice of the said court which have been established in and by the said court have not been allowed, printed or published as directed by the said first proclamation, and it is expedient to ratify and confirm the same notwithstanding such omission: And whereas the said Commissioners have been accustomed to sit separately, and to form separate courts, sitting at the same time, or at different times; and it is also expedient to establish as well prospectively as retrospectively the legality of that practice: it is enacted as follows:

I. All proceedings heretofore had, or hereafter to be had, in pursuance of and in conformity with the said proclamations, or any of them, by the said Commissioners, or any person or persons acting under their authority, shall be deemed to have been and to be valid in law, to all intents and purposes whatever, and against all persons and bodies corporate whomsoever.

II. All the powers and authorities declared to be given to the said Commissioners by the said first proclamation, shall extend to and be exercised in respect of, and shall be deemed to have heretofore extended to all matters which in and by the several proclamations, or any of them, the said Commissioners were authorized to hear and determine.

III. All proceedings heretofore had by any Commissioner or Commissioners of the said court, whilst sitting apart from the others or other of them, or by any person or persons under his or their authority, shall be deemed to have been as valid in law, to all intents and against all persons and bodies corporate whomsoever, as if all the said Commissioners had been sitting together in the said Court of Requests; and such Commissioners may henceforth sit either altogether or apart, and may hold one court or two or three separate courts, sitting at the same time or at different times, in like manner as they have been heretofore accustomed to do.

IV. All rules, orders, forms of procedure and tables of fees now used or established in the said court, shall be deemed to be, and to have been, from the time of their first being used or established respectively, valid in law to all intents, notwithstanding the omission to procure the allowance by the Supreme Court of Judicature of such of the same as should have been so allowed, and notwithstanding the non-printing and non-publication of such of the same as should have been printed and published.

V. All summonses and other process issued by the said Commissioners, or any of them, whether issued before or after the passing of this Act, shall be deemed to be valid and effectual in the law on whatsoever day the same shall have been made returnable.

ACT No. XIII. of 1848.

Passed by the Governor-General of India in Council, on the 10th of June 1848.

For limiting the Time within which a Suit may be brought to contest the Awards of the Revenue Authorities in the Presidency of Bengal.

For the greater security of possessory titles in the Presidency of Bengal derived from awards made by the Revenue Authorities under Regulation VII. of 1822, Regulation IX. of 1825, and Regulation IX. of 1833, of the Bengal Code, it is enacted as follows:

I. No suit shall be entertained in any court for contesting the justice of any award made before the passing of this Act by the revenue authorities under any of the recited Regulations, after the expiration of 12 years from the date of the final award.

II. After the expiration of three years from the passing of this Act, no such suit shall be entertained for contesting the justice of any such award made before the passing of this Act.

III. No such suit shall be entertained for contesting the justice of any such award made after the passing of this Act, after the expiration of three years from the date of the final award.

ACTS of 1848.

ACT No. XIV. of 1848.

Passed by the Governor-General of India in Council, on the 17th of June 1848.

To enable the Supreme Court of Calcutta to issue Commissions for taking Affidavits.

WHEREAS doubts are entertained whether the Supreme Court of Judicature at Fort William in Bengal has power on the Crown and Plea Side of the Court, under the Charter of that Court, to grant a standing Commission to take affidavits or solemn affirmations, and it is expedient that such power be had and exercised as occasion requires ; it is enacted as follows :

I. After the passing of this Act, the said court shall have power to issue a Commission or Commissions from time to time, under the seal of the said court, to such person or persons as the said court shall think fit to name therein, empowering him or them, or any one or more of them, to take affidavits and solemn affirmations in any cause, or other proceedings in the said court, now or hereafter to be depending, or with the intent to institute any proceeding what ever in the said court.

II. Every affidavit or solemn affirmation so taken shall be deemed to be taken in the said court, and shall render the person or persons taking the same liable to payment of the same fees (if any), to be received and accounted for in the same manner as in the case of an affidavit or solemn affirmation made and taken in court.

III. Every person so making any affidavit or solemn affirmation, knowing the same or any part thereof to be untrue, shall be liable to the same penalties in all respects as if such affidavit or solemn affirmation had been made and taken in open court.

 ACT No. XV. of 1848.

Passed by the Governor-General of India in Council, on the 17th of June 1848.

AN ACT to forbid trading by the Officers of the Supreme Courts.

FOR the better discharge of their duties by the officers of the under-mentioned Courts of Justice, it is enacted as follows :

I. No officer of any of the courts of judicature established by Royal Charter, within the territories subject to the government of the East India Company, or of any court established for the relief of insolvent debtors within the said territories, shall directly or indirectly, by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward for any act or behaviour in his office other than his legal salary, and fees and profits of office, or hold any office in any bank or public company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader, or as agent, factor or broker, either for his own advantage, or for the advantage of any other person or persons, except such dealings as it may be part of the duty of any such officer by virtue of his office to carry on.

II. This Act shall not be construed to forbid any officer of any of the said courts, who is also a practising advocate, attorney, solicitor or proctor in any of the said courts, from taking the usual fees and emoluments of advocates, attornies, solicitors or proctors, nor to apply to any advocate, attorney, solicitor, proctor, sheriff, assignee, receiver or committee, so far as he is held to be in that capacity, merely for some purposes, an officer of any of the said courts.

III. This Act shall not be construed to forbid any officer of any of the said courts from holding any unpaid office in any society for charitable purposes, or for the advancement of knowledge, or for the encouragement of science, art or manufactures.

IV. Every officer of any of the said courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his

his office, and also by the sentence of the court before which he shall be convicted may be declared incapable, and in that case shall become incapable of being appointed to the same or any other office of the same court, or to serve Her Majesty or the East India Company in the territories under the government of the East India Company, or in such part of the said territories as shall be specified in the sentence, or in the discretion of the court may be otherwise punished by fine, or fine and imprisonment, for his misdemeanor, as to the court shall seem fit, regard being had to the nature of his offence.

ACT No. XVI. OF 1848.

Passed by the Governor-General of India in Council, on the 1st of July 1848.

AN ACT to remove certain Restrictions on the Salt Trade.

WHEREAS the Salt Trade in the North Western Provinces is burthened with unnecessary restrictions; it is enacted as follows:

I. Sections 49, 50, 85 and 93 of Regulation X. of 1819, of the Bengal Code, and so much of section 48 of the same Regulation as affects the importation of salt from the North Western Provinces into the other provinces of the Presidency of Bengal, also section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the 1st day of August in this year.

II. After the said 1st day of August no customs duty shall be leviable upon salt imported into the said North Western Provinces from the other provinces of the said Presidency.

ACT No. XVII. OF 1848.

Passed by the Governor-General of India in Council, on the 26th August 1848.

AN ACT for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and for refunding Stamp Duties on Plaints in certain cases.

WHEREAS it is expedient to substitute Stamp Duties for Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and to authorize the return of the whole or part of the Stamp Duties paid on Plaints in all civil actions which are dismissed on application of the parties; it is enacted as follows:

I. Section 16, and Clause 2, section 57, Regulation VI. 1816, and sections 4 and 5, Regulation II. 1834, of the Madras Code, shall be repealed from the 1st day of September in this year.

II. From and after the said 1st day of September, so much of Regulation XIII. 1816, and section 7, Regulation VII. 1818, of the Madras Code, as relates to the levying of stamp duties instead of fees on the institution of civil actions, shall be applicable to the courts of district moonsiffs in the Presidency of Madras.

III. Whenever a suit pending in any civil court within the territories subject to the Presidency of Madras shall be dismissed on application of the parties, the plaintiff shall be entitled to claim from the court a certificate, stating the amount of stamp duty paid on the plaint, with specification of the number and endorsement of the paper filed, and whether the suit was dismissed before or after the completion of the pleadings.

IV. On presenting any such certificate to the Collector of the district within three calendar months after the dismissal of the suit, the plaintiff shall be entitled to receive back half of the said stamp duty, if the certificate purports that the suit was dismissed after the completion of the pleadings; and if before, the whole of the said stamp duty: provided always, there be no exception taken to the paper or endorsement thereon.

A CTS of 1848.

ACT No. XVIII. of 1848.

Passed by the Governor-General of India in Council, on the 26th August 1848.

AN ACT for the Administration of the Estate of the late Nuwab of Surat, and to continue Privileges to his Family.

WHEREAS it is expedient to provide for the administration of the Estate of the late Nuwab of Surat, Meer Ufzoolooddeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor: And whereas the exemption from the jurisdiction of the Civil and Criminal Courts enjoyed by the said late Nuwab and his relations and servants, by virtue of the Treaty concluded between the East India Company and the said late Nuwab, on the 13th May 1800, recognized and confirmed by clause 2, section 21, Regulation II. 1827, and clause 2, section 1, Regulation XI. 1827, of the Bombay Code, ceased at the death of the said late Nuwab, and it is deemed expedient that some of the said persons should continue to be privileged; it is enacted as follows:

I. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nuwab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained, such consent to be signified by the signature of one of the Secretaries to Government; and any writ or process sued forth or prosecuted against the person, goods or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

II. The Governor of Bombay in Council is empowered to act in the administration of the property, of whatever nature, left by the late Nuwab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nuwab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nuwab, shall be liable to be questioned in any court of law or equity.

III. The limitation of time for bringing suits in the civil courts, provided in Regulation V. 1827, of the Bombay Code, shall be held, in respect to all persons within the provisions of clause 2, section 21, of the said Regulation II. 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act; subject to this provision, that no suit by or against any of the said persons shall be entertained in any civil court, on account of any cause of action which arose at a time preceding the death of the said late Nuwab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

IV. Deeds registered under the provisions of any Act passed by the Governor-general of India in Council shall not, on the sole ground of priority of registration, invalidate deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said clause 2, section 21, Regulation II. 1827; provided that such last-mentioned deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

- | | | | | | |
|---|---|---|---|---|----------------------|
| 1. Badsah Begum, widow | - | - | - | - | } Of the late Nuwab. |
| 2. Ameerool Nissa Begum, widow | - | - | - | - | |
| 3. Meer Juffer Ali, son-in-law | - | - | - | - | |
| 4. Zeeool Nissa Begum, granddaughter | - | - | - | - | |
| 5. Ruheemool Nissa Begum, granddaughter | - | - | - | - | |
| 6. Meer Moeenooddeen Khan, buckshee. | - | - | - | - | |
| 7. Meer Kumroodeen Unlud Shumsooddeen. | - | - | - | - | |
-

ACT No. XIX. of 1848.

Passed by the Governor-General of India in Council, on the 2d September 1848.

For better defining the Law as to revision of the Sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

WHEREAS it has been doubted how far section 5, Regulation IX. 1831, of the Bengal Code, is repealed by Act XXXI. 1841, and what power the Foujdaree Adawlut, at Madras, has under section 35, Act VII. 1843; it is enacted as follows :

I. So much of section 5, Regulation IX. 1831, of the Bengal Code, as is now in force, and also section 35, Act VII. 1843, are repealed.

II. The Nizamut Adawlut in the Presidency of Bengal, and Foujdaree Adawlut in the Presidency of Madras, in any case in which it shall appear to either of them, upon a review of the abstract statements or calendars of prisoners punished, without reference, that the sentence passed is one which cannot lawfully be passed on a person convicted of the offence, as stated in the abstract statement or calendar, shall annul the sentence, and shall certify to the subordinate court the sentence or sentences which may lawfully be passed for such offence, and thereupon the subordinate court shall pass a new sentence according to law, and shall amend the record in accordance therewith.

III. The said Nizamut Adawlut or Foujdaree Adawlut, in any case in which it shall appear to either of them, upon a review of the abstract statements or calendars of prisoners punished, without reference, that the verdict or judgment pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe, may, if it thinks fit, require the judge of the court in which the conviction was had, to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the judge may be desirous of making in explanation of the verdict, judgment or sentence; and thereupon the Nizamut Adawlut or Foujdaree Adawlut, as the case may be, may annul such verdict, judgment and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe, and in either case shall certify its proceedings to the court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Adawlut or Foujdaree Adawlut, and, if necessary, amend the record in accordance therewith.

IV. Instead of proceeding under this Act, the said Nizamut Adawlut or Foujdaree Adawlut may, whenever it thinks fit, call for the whole record of any criminal trial in any subordinate court, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the subordinate court.

 ACT No. XX. of 1848.

Passed by the Governor-General of India in Council, on the 23d September 1848:

AN ACT for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue, in the Lower Provinces of the Bengal Presidency.

WHEREAS, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his officer or agent to attend, or to furnish the accounts or documents required, and shall not show sufficient cause for such omission; and it is further provided, that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery

ACTS of 1848

of arrears of revenue: And whereas in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond what would be necessary if summary power were given to the officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority; it is enacted as follows:

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not show sufficient cause for such omission, the Collector may impose of his own authority such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of 50 rupees; and the amount of such fine, accruing due from time to time, may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

IV. Whenever the amount levied under any such order, issued for any default by authority of a Collector under this Act, shall have exceeded 500 rupees, the Collector shall report the case specially to the Commissioner of Revenue; and no further levy for such default shall be made otherwise than by authority of the Commissioner of Revenue.

V. Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines, and of levying the fines so imposed in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal.

ACT No. XXI. OF 1848.

Passed by the Governor-General of India in Council, on the 10th October 1848.

AN ACT for avoiding Wagers.

WHEREAS it is expedient to discourage gaming and wagering for money; it is enacted as follows:

I. All agreements, whether made in speaking, writing or otherwise, by way of gaming or wagering, shall be null and void; and no suit shall be allowed in any court of law or equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person to abide the event of any game, or on which any wager is made.

II. The several courts of justice established by Royal Charter, instead of directing an issue to be tried on a feigned wager for ascertaining any disputed fact, in the exercise as well of the Equity or Admiralty or any other jurisdiction as of the common law jurisdiction of the court, may issue summonses to witnesses, and cause them to be examined orally in open court, as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the court before the passing of this Act.

ACT No. XXII. of 1848.

Passed by the Governor-General of India in Council, on the 10th of October 1848.

AN ACT to simplify Indictments for Forgery.

FOR better avoiding the failure of justice in criminal proceedings for forgery, it is enacted as follows :

I. In any information or indictment laid or brought in the courts established by Royal Charter, for forging or in any manner uttering any forged instrument or writing, it shall not be needed to set forth any exact copy thereof, but it shall be enough to describe such forged instrument or writing in such manner as would sustain an indictment for stealing it.

ACT No. XXIII. of 1848.

Passed by the Governor-General of India in Council, on the 10th of October 1848.

AN ACT to amend a Clerical Error in Act No. XXV. of 1840.

FOR remedy of a clerical error, in Act No. XXV. of 1840, it is enacted as follows :

I. Any person guilty of the offence punishable under section 7 of Act XXV. of 1840, shall be liable to the punishment therein provided for such offence, on conviction thereof before any magistrate.

ACT No. XXIV. of 1848.

Passed by the Governor-General of India in Council, on the 10th October 1848.

AN ACT for providing for the exercise of certain powers by the Governor-General during his absence from the Council of India.

WHEREAS it is expedient that the Governor-general should visit the North Western Provinces and other parts of India unaccompanied by any member of the Council of India ; it is enacted as follows :

I. During the absence of the Governor-general from the Council of India, it shall be lawful for the Governor-general alone to exercise all the powers which may be exercised by the Governor-general in Council, except such powers as may by a Resolution of the Governor-general in Council be exercised by the President in Council during the absence of the Governor-general, and except the power of making laws and regulations.

II. This Act shall commence from the day on which it shall be notified by an Order published in the "Official Gazette," that the Governor-general has quitted Calcutta for the purpose of so proceeding as aforesaid.

ACT No. XXV. of 1848.

Passed by the Honourable the President of the Council of India in Council, on the 25th November 1848.

AN ACT for Restoration of the Jagheer of Bunganapilly.

WHEREAS by Act X. 1843, the administration of justice and collection of the revenue in the districts of Kurnool and Bunganapilly were vested in an agent appointed by the Governor of Fort St. George in Council, and it is now deemed expedient to restore the jagheer of Bunganapilly, to be holden by the jagheerdar, subject

ACTS of 1848.

subject to the same conditions and reservations as heretofore; it is enacted as follows :

I. On the 1st day of January 1849, the authority of the agent of the Governor of Fort St. George, appointed under Act X. 1843, shall cease as to the district of Bunganapilly, and no agent shall thereafter be appointed for Bunganapilly under that Act.

II. All lawful proceedings of the said agent and his assistants before the said 1st day of January shall stand good.

III. The Foujdaree Adawlut and Sudder Adawlut shall continue to have and exercise the same jurisdiction respectively as to criminal trials referred by the agent before the said 1st day of January, and as to appeals from any decree made by the agent before the said 1st day of January, as if his authority had not ceased in the said district; and their judgments and orders shall be executed in the same manner.

IV. When the agent shall have duly accounted to the Governor of Fort St. George in Council for all monies received and paid by him in his administration of the revenues of the said jagheer, and shall have received, by order of the said Governor in Council, a discharge in full of all claims against him for such administration, neither he nor any of his assistants shall be liable to give any further account, or to be questioned for the same or any part thereof in any court of justice.

V. Nothing in this Act contained shall be deemed to waive or abate any part of the paramount authority and control of the East India Company over the said district, or of the sovereign authority of the British Government.

ACT No. XXVI. OF 1848.

Passed by the Honourable the President of the Council of India in Council, on the 30th December 1848.

AN ACT to extend to the Straits the Act for regulating Coroners' Juries.

WHEREAS it is expedient to extend the operation of Act No. IV. 1848; it is enacted as follows :

I. From the 1st day of March 1849; Act No. IV. 1848, shall apply to the Settlements of Prince of Wales' Island, Singapore and Malacca, and to all inquests held there by any coroner or deputy coroner; and the word "Presidency," as used in the said Act, shall be taken to mean also the Government of the said Settlements.

ACT No. XXVII. OF 1848.

Passed by the Honourable the President of the Council of India in Council, on the 30th December 1848.

AN ACT to amend the Act XII. of 1844.

WHEREAS it is deemed expedient that the Act No. XII. of 1844, entitled "An Act for better securing the Observance of an Exact Discipline in the Indian Navy," should be amended as hereinafter is mentioned: And whereas the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained; it is enacted as follows :

I. From and after the 1st day of February 1849 the Articles and Orders hereinafter following, as well in time of peace as in time of war, shall be observed and put in execution in manner hereinafter mentioned, in addition to the 35 Articles and Orders contained in the said Act; that is to say :

36th. Every person belonging to the Indian Navy, who shall be guilty of manslaughter, or any other offence against the person, or of any offence against the property of any subject of Her Majesty, or any other person entitled to Her Majesty's

Majesty's protection, or to the protection of the respective Governments of the East India Company, or any other person whomsoever, not being an enemy of Her Majesty or of the East India Company (and the punishment of which offence is not provided for by the said Act), shall be liable to transportation for life, or for a term of years, or to such other punishment, according to the nature and degree of the offence, as a Court Martial shall award.

37th. All insubordination, disorders, irregularities and neglects which any person belonging to the Indian Navy may be guilty of, to the prejudice of good order or of discipline in the Naval Service of the East India Company, and all disgraceful conduct of a cruel, or dishonest, or indecent, or malicious, or mischievous character, though not particularly specified in the said Act or in this Act, shall be liable to such punishment, having regard to the nature and degree of the offence, as a Court Martial shall adjudge.

38th. Where any person belonging to the Indian Navy (not being of the rank of an officer) shall be guilty of any offence which the officer in command of the ship or vessel shall deem necessary to be punished without trial by Court Martial, the offence shall be investigated by such Commanding Officer, and the offender shall be liable to such punishment (not extending to life or limb, or to transportation, or imprisonment exceeding six days, or to any corporal punishment exceeding 12 lashes) as such officer shall by his warrant adjudge.

II. In the several cases in which a Court Martial is by the said Act authorized to award the punishment of death, and also in grave cases of embezzlement against the 8th and 24th Articles of the said Act, and also in the case of grave offences against the 20th and 21st of the said Articles, a Court Martial may, if it shall adjudge the same to be proper, award sentence of transportation for life or for a term of years.

III. In all cases where a capital punishment shall have been awarded by a Court Martial, it shall be lawful for the Governor-general in Council (if he shall think the circumstances of the case make it proper so to do) to order the offender to be transported for life, or for a certain term of years.

IV. In cases where any sentence of transportation shall be passed under the provisions of the said Act or of this Act, or any sentence of death be commuted to transportation, the offender shall be conveyed to or left at some one of the Presidencies of India, and shall be liable to be dealt with as in the case of other offenders sentenced to transportation, and shall be subject to all such orders for carrying the sentence into execution as shall in that behalf be given by the Governor-general in Council, or if the offender shall be at the Presidency of Fort St. George or the Presidency of Bombay, then by the Governor in Council of such Presidency; subject, however, in the last-mentioned case, to any orders made by the Governor-general in Council, in case any such orders shall have been so made.

V. The Governor-general of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority from time to time, as there shall be occasion, to direct any superior officer, captain or commander of the Indian Navy, who shall be in any port of the East Indies, to hold Courts Martial in any such port as shall be found most expedient and for the good of the East India Company's service; and such superior officer, captain or commander shall preside at such Court Martial.

VI. And for removing the doubts which have been entertained as to the effect and intention of the 9th section of the said Act No. XII. of 1844, in relation to the officers of whom Courts Martial, to be held or appointed under that Act, shall be composed; it is declared and enacted, that any officers of the Indian Navy ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat if required, shall be eligible to act on any Court Martial, although such officers may not be commissioned to any ship or vessel.

VII. If on any occasion there shall not be present a sufficient number of superior officers, captains, commanders and lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of officers may, with the sanction of the Government, or officer by whose authority

ACTS of 1848.

authority the Court Martial shall have been convened, be made up or completed by any officer or officers in the military service of the East India Company then being commissioned and in pay, and of the rank either of Major or Captain, who may be present, and may be ordered or be ready to afford his or their services on such Court Martial; and for default of such, or of a sufficient number of such, then the deficiency may be supplied by any officer or officers of Her Majesty's Naval Service of sufficient rank, according to the said Act, who may be present, and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

VIII. The clauses and provisions of the said Act No. XII. of 1844, for regulating the places to which and persons to whom the same is to extend, and also the other clauses and provisions thereof, shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto, and to the several articles and provisions thereof respectively, as if the articles and provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the articles and provisions of that Act.

ACTS of 1849.

Acts of the Government of India. 1849.

ACT No. I. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 27th January 1849.

AN ACT to provide more effectually for the Punishment of Offences committed in Foreign States.

WHEREAS divers Regulations of the Bengal, Madras and Bombay Codes have been made from time to time, for the trial of Native Subjects of the British Government committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof; it is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded; that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, section 6 of Regulation I., and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code; section 4 of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

II. All subjects of the British Government, and also all persons in the civil or military service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British territories under the Government of the East India Company, subject to the laws of the said territories, who shall be apprehended within the said territories, or delivered into the custody of a magistrate within the said territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British territories.

III. The committing magistrate immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

IV. The Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British territories.

V. When the offence is charged to have been committed in the territory of any Foreign

Foreign Prince or State, administered by officers acting under the authority of the East India Company, in which territory a Court, competent to try the person charged for the offence, is established by authority of the Governor-general of India in Council, the Government may order such person to be conveyed in custody out of the British territories, for the purpose of delivering him up for trial before such Court.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-bond shall be, in the first instance, to appear before the magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the magistrate from time to time shall require; and if Government shall order the person charged to be tried within the Presidency, the magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case; the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British territories, or for conveying him in custody out of the British territories, as aforesaid.

VIII. The word "Government," as used in the third and following sections of this Act, means the Governor, or Governor in Council, or other person or persons having supreme executive authority in the Presidency or place to which the committing magistrate belongs.

IX. The authority hereinbefore given to the Government may be also exercised by any Commissioner or other person acting in the civil service of the East India Company, to whom the Governor-general in Council shall have delegated authority to receive reports, and give orders in cases within this Act.

ACT No. II. OF 1849.

Passed by the Honourable the President of the Council of India in Council, on the 27th January 1849.

To abolish the practice of branding and exposing Convicts.

WHEREAS it is thought fit to abolish wholly the practice of branding and publicly exposing convicts throughout the territories under the Government of the East India Company; it is enacted as follows:

I. Section 11, Regulation IV. 1797, section 35, Regulation VII. 1803, and clauses 2d, 3d and 4th, section 12, Regulation XVII. 1817, of the Bengal Code; section 35, Regulation VII. 1802, of the Madras Code; and so much of clause 1st, section 3, Regulation II. of 1807, and of sections 9 and 10, Regulation XVII. of 1817, of the Bengal Code; so much of section 3, Regulation VI. of 1811, and sections 5 and 6, Regulation II. of 1822, of the Madras Code, and all other Regulations or parts of Regulations in force, directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorizing any sentence of public exposure, commonly called Tusheer; and so much of chapter 2, Regulation XIV. of 1827, of the Bombay Code, as authorizes any sentence of public disgrace, are rescinded.

II. After the passing of this Act, it shall not be lawful for any court or magistrate, within the territories under the Government of the East India Company, to order that any brand or indelible mark, of any kind, be made or renewed on any part of the person of any convicted offender, or to sentence any offender to be publicly exposed by tusheer, or to any other degrading exposure.

ACT No. III. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 10th February 1849.

AN ACT to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.

WHEREAS by Act XXIII. 1845, certain persons, therein declared to have formed themselves into a company or co-partnership, by the name of "The Union Bank of Calcutta," and those who should thereafter become members and proprietors of the said Union Bank, were enabled to sue and to be sued, at law and in equity, in the name of the person who should be the secretary or the treasurer of the said bank for the time being, and certain provisions are therein contained for the recovery of debts and demands due by the said co-partnership :

And whereas a memorial has been presented to the Governor-general of India in Council, signed by Thomas Charles Morton, Esquire, Henry Burkinyoung, Esquire, Jeremiah James Homfray, Esquire, and Baboo Prosunnocoomar Tagore, all therein described as members of the executive committee of management of the said Union Bank, and also by certain persons therein described as members of the committee of creditors of the Union Bank ; that is to say, Charles Hogg, Esquire, therein described as constituted attorney for Glyn, Halifax, Mills and Company, by Henry Cowie, Esquire, and by Thomas Seddon Kelsall, Esquire ; setting forth, that the said Joint-stock Banking Company or Union Bank of Calcutta suspended payment about the close of the year 1847, and that the remaining assets of the said bank are insufficient to satisfy the outstanding debts and liabilities ; that several creditors of the bank have obtained judgment against the public officer under the said Act XXIII. 1845, and the assets of the bank being insufficient, certain of the said judgments are put in suit against individual shareholders ; and that the memorialists fear that, unless some mutually satisfactory arrangement can be immediately made between the creditors and the shareholders, an enormous sacrifice of property will speedily take place, and a great number of persons be involved in utter ruin ; that many of the creditors are willing to agree with the shareholders, and to give as complete a discharge as the law will allow, to those shareholders who will pay such reasonable sums of money as have been assessed on them respectively, on account of the said debts and liabilities, by a committee of creditors appointed at a public meeting of the creditors, provided that such discharge do not work a release or otherwise affect their claims, in respect of the said debts and liabilities, against other persons liable to make good the same, who shall refuse or neglect to pay the sums so assessed on them respectively ; and that many of the said shareholders are willing to pay the sums so assessed on them, provided that they may be thereby secured from all proceedings at law or in equity, in respect of the said debts and liabilities, at the suit of any creditor who shall have executed such agreement as aforesaid, and accepted any payment out of the sums so contributed ; that doubts have been entertained of the legal effect of such an agreement and discharge ; and praying, therefore, that the effect of it may be established and defined, by authority of the Governor-general of India in Council, without prejudice to the rights of any creditor of the said bank executing the same against any present or past shareholder of the said bank who shall not have paid up, in the manner prescribed by the said agreement, the full amount of the sum assessed on him or her as aforesaid, or to the rights of any creditor who shall not execute the same ; it is declared and enacted as follows :

I. The agreement, of which a copy is annexed to this Act, being the agreement referred to in the said memorial, shall be of full force as between those creditors of the said Union Bank who shall execute the same, and those persons named in the Schedule hereinafter mentioned, and in the said agreement described as the Schedule thereunto annexed, marked (A.), being the Schedule of Assessment or contribution toward the liquidation of the debts of the said bank, who shall, in the manner mentioned in the said agreement, pay the several sums at which they are severally assessed in the said Schedule of Assessment ; but shall be of no force to affect the rights or liabilities of any persons other than such as are party or privy thereunto, or the rights or liabilities of the persons named in the said Schedule, as against each other.

II. If

II. If any creditor of the said bank, who shall have executed the said agreement, shall thereafter sue out any writ of *scire facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person named in the said Schedule of Assessment who shall have paid, in the manner mentioned in the said agreement, the full sum at which he or she is assessed in the said Schedule of Assessment, the execution of the said agreement by such creditor, and payment of the said assessment by the person against whom such writ or other proceeding shall be sued out or taken, may be pleaded in bar thereof; and all costs incurred by any such defendant in resisting such writ or proceeding shall be paid by the creditor at whose suit the same shall have been sued forth or instituted.

III. If any creditor of the said bank, who shall not have executed the said agreement, shall sue out any writ of *scire facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same or any part thereof; or if any creditor of the said bank, who shall have executed the said agreement, shall sue out any writ of *scire facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same, or any part thereof, who shall not pay, in the manner mentioned in the said agreement, the full sum at which he or she is assessed in the said Schedule of Assessment, the said agreement shall not be pleadable to such writ or proceeding, nor shall the contents thereof be received in evidence, in any court of law or equity, in any proceeding had for the recovery of such debt or liability from any such person.

IV. Provided always, that nothing hereinbefore contained shall be construed to prevent any writ of *scire facias* which shall have been issued, or any action or suit which shall have been actually commenced, against any shareholder before payment of his assessment, from being prosecuted and continued afterwards, if the party instituting such proceeding chooses so to do.

V. Within one month after the passing of this Act, a copy of the said Schedule of Assessment, signed by the said Thomas Charles Morton, Henry Burkinyoung, Jeremiah James Homfray, Prosunnocoomar Tagore, Charles Hogg, Henry Cowie, and Thomas Seddon Kelsall, shall be filed and enrolled among the records of office of the record keeper of the Supreme Court of Judicature at Fort William in Bengal; and the Schedule so filed shall be deemed the Schedule referred to by this Act and by the said agreement, and shall be conclusive evidence of the amounts severally assessed against the persons named therein, according to the true intent and meaning of this Act.

COPY OF AGREEMENT.

WE, the undersigned, creditors of the Union Bank of Calcutta, hereby undertake and promise, upon payment, by the executive committee of the said Union Bank, of an immediate first dividend of twenty-five (25) per cent. upon our respective claims, to accept the Schedule hereunto annexed, marked (A.), (which has been framed by a committee of creditors of the bank), as the Schedule of Assessment or contribution towards the liquidation of the debts of the said bank, of the several shareholders, past and present, therein named; and we promise and agree not to sue out any writ of *scire facias* against, or otherwise to molest the person or property of any shareholder or shareholders of the said Union Bank, named in the said Schedule, who shall pay up the full sum placed opposite his or her name in the said Schedule, as and for his or her assessment or contribution as aforesaid: provided, however, that nothing herein contained shall be construed to protect any of the said parties from being proceeded against, unless and until he shall have actually paid his said assessment in full, nor to prevent any writ of *scire facias* which shall have been issued, or any action or suit which shall have been actually commenced against any shareholder, before payment of his assessment, from being prosecuted, and continued afterwards, if the party instituting such proceeding chooses so to do: provided further, that if any shareholder in the said Schedule named shall not have paid or given security to the executive committee of the said bank, certified by them to be sufficient for the payment of his assessment, within three months from this date if he be resident in India, or within five months if resident out of India, the same shall be increased ten

ACTS of 1849.

per cent. ; and that a further per centage of the like amount shall be added after every succeeding period of three months during which the same shall remain unpaid or unsecured : provided also, that the said executive committee of the said bank do engage to pay, from time to time, such further dividends upon our respective claims, until full satisfaction thereof respectively as the sums realized from the said contribution shall enable them to do ; and whenever the realization shall amount to ten per cent. upon the remaining claims, to declare and pay a new dividend at that rate : provided always, and it is hereby expressly declared and agreed, that we, the undersigned, reserve to ourselves all our rights and remedies whatsoever against the assets of the said bank, legal and equitable, and against all shareholders, present and past, not paying up the full amount of their said assessments respectively as aforesaid. In witness whereof we have hereunto set our respective hands, this 25th day of September, in the year of Christ, 1848.

ACT No. IV. OF 1849.

Passed by the Honourable the President of the Council of India in Council, on the 10th February 1849.

AN ACT for the Safe Custody of Criminal Lunatics.

WHEREAS it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind ; it is enacted as follows :

I. No person who does an act which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the Court or jury, as the case may be, in which, according to the constitution of the Court, the power of conviction or acquittal is vested, shall find that, by reason of unsoundness of mind, not wilfully caused by himself, he was unconscious, and incapable of knowing, at the time of doing the said act, that he was doing an act forbidden by the law of the land.

II. Whenever a person charged with any offence shall be acquitted because he is within the exception made by the foregoing section, the Court or jury shall give a special judgment or verdict that he did the act charged against him, being then of unsound mind, so as to excuse him according to law.

III. Whenever such special judgment or verdict as aforesaid shall have been given against any person, the Court before which the trial was had shall order him to be kept in safe custody, in such place and manner as to the Court shall seem fit, until the pleasure of the Government can be known thereon ; and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept who shall be hereafter acquitted for unsoundness of mind.

V. No person against whom any such special judgment or verdict shall have been given shall be entitled to be discharged out of custody on being restored to soundness of mind, unless by order and at the discretion of the Government.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any Court, is of unsound mind, the Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a lunatic asylum, or other fit place of safe custody, there to be kept and treated as the Government shall order ; and, when it shall appear to the Government that such prisoner has become of sound mind, the Government, by a warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if then still liable to be kept in custody, or if not, shall order him to be discharged out of custody.

VII. The

VII. The word "Government" in this Act shall be taken to mean the Governor, or Governor in Council, or other person or persons administering the Government of the Presidency or place where the trial is had. ACTS of 1849.

ACT No. V. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 3d March 1849.

AN ACT for better defining the Duties of Customs and Excise.

WHEREAS under the regulations in force for taking a duty of twenty Spanish dollars for each and every leaguer of arrack or Asiatic rum imported into and intended for consumption within Prince of Wales' Island, Singapore and Malacca, doubts have arisen whether any duty may be taken on importation of a quantity less than a leaguer, and it is expedient that such doubts be removed, and that the meaning of all such or the like expressions in any Regulation or Act for the levy of custom or excise duties within the territories under the Government of the East India Company be plainly declared, it is declared and enacted as follows :

I. Whenever, by any Regulation or Act now or hereafter to be in force, not containing any direction to the contrary, a certain duty of customs or excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value, of any goods or merchandise, a like duty is leviable according to the same rate on any greater or less quantity.

ACT No. VI. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 17th March 1849.

For securing Military and Naval Pensions and Superannuation Allowances.

WHEREAS it is expedient to consolidate and extend the operation of the law, as to the exemption of military and naval pensions, and other superannuation allowances, from seizure under process of law, it is enacted as follows :

I. Regulation XII., 1814, of the Bengal Code, and Act XXXI., 1845, are repealed.

II. The reduced pay or pension, however called, of any invalid officer, soldier, sailor or retainer of the army or navy, in the military or naval service of the East India Company, and also any monthly or yearly pension, or pecuniary allowance, to any person, in consideration of past services and present infirmities or old age, granted by authority of the Governor-general in Council, or of the Governor or Governor in Council, or Lieutenant-governor, of any presidency or place within the territories under the Government of the East India Company; and also the pension of any out-pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due or to become due on account of any such pension or allowance, shall be exempt from seizure, attachment or sequestration by process of any Court within the said territories, at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such Court.

III. All assignments, agreements, orders, sales and securities of every kind made by any such pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

IV. This Act shall not apply to any process of any Court established by royal charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale or security by any such pensioner, made

ACTS of 1849.

before the passing of this Act in respect of a Chelsea or Greenwich pension, or a pension or allowance granted in the Presidency of Madras; or before the 27th December 1845, in respect of a pension or allowance granted in the Presidency of Bombay; or before the 27th May 1814, in respect of a pension or allowance granted in the Presidency of Bengal.

ACT No. VII. OF 1849.

Passed by the Honourable the President of the Council of India in Council,
on the 7th April 1849.

AN ACT for the Appointment of an Administrator General in Bengal.

WHEREAS it is expedient to disconnect the administration of the estates of British subjects dying intestate in the Presidency of Fort William in Bengal from the office of Ecclesiastical Registrar of the Supreme Court, and to appoint an Administrator-general there; it is enacted as follows:

I. Whenever, after the passing of this Act, any British subject shall die intestate within the Presidency of Fort William in Bengal, or the territories which are or shall be subordinate to the said Presidency, and on the return of the citation issued from the proper Ecclesiastical Court, no next of kin shall appear, and make out their claim to the administration of the effects of the deceased to the satisfaction of the said Court, and also, whenever the executor or executors, appointed by the will of any British subject dying therein, shall refuse to prove the will, the Administrator-general created by this Act shall, except in the case hereinafter excepted, apply for, and the said Court shall grant to him, instead of the Ecclesiastical Registrar, such letters of administration or *Ad Colligenda Bona* as to such Court shall seem meet; by virtue whereof the said Administrator-general shall collect the assets of the deceased, and account for them as herein provided.

II. All letters of administration or *Ad Colligenda Bona*, granted to the Ecclesiastical Registrar of the Supreme Court, and all probates granted to such officer, of wills, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, executors thereof; and all estates, effects and interests, vested in the said Ecclesiastical Registrar by virtue thereof; and all books, papers and documents belonging to him, or in his possession, or under his control by virtue of such letters or probates, shall by this Act, and without other grant, be transferred to the Administrator-general by this Act created; who shall be, to all intents and purposes, such administrator, executor, or grantee, in his new character of Administrator-general, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said Ecclesiastical Registrar might exercise at the time of the passing of this Act, as such administrator, executor or grantee.

III. The Ecclesiastical Registrar at the time of the passing of this Act shall be the first Administrator-general, and upon the passing of this Act shall cease to be Ecclesiastical Registrar; and as such Administrator-general shall be entitled to receive or retain all commissions to which he was entitled as Ecclesiastical Registrar at the time of the passing of this Act on any such grants as aforesaid.

IV. On all future vacancies of the office, the Administrator-general shall be appointed by the Governor-general of India in Council.

V. After the passing of this Act, the Administrator-general shall not be deemed, in that capacity, an officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary executor, administrator, or grantee of letters *Ad Colligenda Bona*, as the case may be.

VI. Every Administrator-general shall give security, by bond, to the East India Company, himself for one lakh of rupees, with two or more sureties, jointly and severally, for another lakh of rupees, for the due execution of his said office, and shall not be required by the said Supreme Court to enter into any administration bond, or to give other security to that Court on the grant of any such letters as aforesaid.

VII. The

VII. The Administrator-general shall receive for the discharge of his duties as such Administrator-general, under all such grants of letters as aforesaid, made after the passing of this Act, or on probates of wills, so granted, after the passing of this Act, wherein he is named executor by virtue of his office, instead of the commission heretofore received by the Ecclesiastical Registrar, a commission calculated after the rate of three rupees in every hundred rupees, which he shall actually distribute, or which he shall set apart and invest as herein provided, for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and out of the said commission of three rupees in the hundred, shall defray the expenses of the necessary establishment, and all other charges to which the said office may be subject.

VIII. No person other than the Administrator-general shall be entitled to charge any commission or agency, as executor of any will, of which probate shall have been granted in the said Presidency after the passing of this Act, or as administrator of any effects whereof administration shall have been granted in the said Presidency after the passing of this Act; but this enactment is not to be deemed to hinder any executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of commission, or in any other manner.

IX. The assets belonging to the estates administered by the said Administrator-general shall be kept by him in the treasury of the East India Company, or otherwise kept and invested by him, in such manner as the Governor-general of India in Council shall from time to time order, which order shall be published in the Calcutta Gazette, and shall be full authority, protection and indemnity in all courts whatsoever for such keeping and investing.

X. The said Administrator-general shall enter into books, to be kept by him for that purpose, separate and distinct accounts of each estate, and of all such sums of money, bonds and other securities for money, goods, effects and things as shall come to his hands or to the hands of any person employed by him, or in trust for him under this Act, and likewise of all payments made by him on account of the said estates, and of all debts due by or to the same, specifying the dates of such receipts and payments respectively, which said books shall be kept in the Administrator-general's office, and shall be open for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours, paying only such reasonable fee as may be from time to time fixed therefore by the Governor-general of India in Council, and published in the Calcutta Gazette.

XI. The Administrator-general shall twice in every year, that is, on the 1st day of March and on the 10th day of August, or on the first day on which the said Court shall be sitting after those days, exhibit and deliver in open Court a true schedule, showing the gross amount of all sums of money received or paid by him on account of each estate in his charge, and the balances during the period of six months ending severally on the 31st day of December and 30th day of June next before the day of delivering such schedule; and a true list of all bonds or other securities received on account of each of the said estates during the same period, and also a true schedule of all administrations, whereof the final balances shall have been paid over to the persons entitled to the same during the same period, specifying the amount of such balances and the persons to whom paid, which schedules shall be filed of record in the said Court, and shall, within 14 days afterwards, be published in the Calcutta Gazette by the said Administrator-general; and copies thereof in triplicate shall be delivered to the Secretary of the said Presidency, and sent by the Governor of the said Presidency to the Court of Directors of the East India Company, for publication in the London Gazette.

XII. The Governor-general of India in Council shall from time to time appoint an auditor or auditors to examine the accounts of the Administrator-general at the time of the delivery of the said schedules, and also at any other time when the Governor-general of India in Council shall think fit.

XIII. The auditor or auditors shall examine the schedules and accounts, and report to the said Governor-general of India in Council whether they contain a full and true account of everything which ought to be inserted therein, and

ACTS of 1849.

whether the books by this Act directed to be kept by the Administrator-general are duly and regularly kept, and whether the assets are duly kept and invested in such manner as is by law prescribed.

XIV. Every auditor shall have power to summon as well the Administrator-general as any other person or persons whose presence he may think necessary, to attend him from time to time, and to examine the Administrator-general or other party or parties, if he shall think fit, on oath or solemn affirmation, to be by him administered, and to call for all books, papers and documents which may appear to him to be necessary for the purposes of the said reference; and if the Administrator-general or other person or persons when summoned shall refuse, or without reasonable cause neglect to attend, or to produce any books, papers or documents required, or shall attend and refuse to be sworn or make a solemn affirmation when by law an affirmation may be substituted for an oath, or shall refuse to be examined, the auditor or auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said schedules and copies thereof, and of every such reference and examination, shall be defrayed proportionably by all the estates, the accounts of which are then under examination, which costs and proportions shall be ascertained and settled by the auditor or auditors, subject to the approval of the Governor-general of India in Council, and shall be paid out of the said estates accordingly by the Administrator-general.

XVI. If, upon any such reference and examination, the auditor or auditors shall see reason to believe that the said schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly to the Governor-general of India in Council, specifying the substance of the objections thereto.

XVII. The Governor-general of India in Council shall refer every such report as last aforesaid to the consideration of the Advocate-general of the East India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily by petition for an account against the said Administrator-general, or against the late Administrator-general, after his removal from office, or against his personal representatives, in case of his death, in respect of all or any of the estates then or formerly under his care, as the said Advocate-general shall think fit, and shall have power to exhibit interrogatories to the said Administrator-general or other person or persons defendants, who shall be bound to answer the same as fully as if the same had been contained in a bill filed for the like purpose; and the Court shall have power, on any such petition filed, to examine orally the parties before it and all witnesses, or to refer the accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination, and those of the Advocate-general, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the estates rateably, as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the estates by which the same were in the first instance contributed, and the Court shall have power to order the Administrator-general, or other person or persons defendants, to receive his or her costs out of the said estates if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a bill filed, and such orders shall have the same effect and be executed in the same manner as decretal orders.

XX. Whenever any British subject shall die within the said Presidency intestate, and letters of administration to his or her effects shall not be taken out for three months after the death, and the Administrator-general shall be satisfied that such effects do not exceed in the whole 500 rupees, he may, if he shall think fit, grant to any person claiming to be entitled to a principal share of the effects of the deceased, certificates under his hand, entitling the claimant to receive the sums or securities for money therein severally mentioned belonging to the effects of the deceased, to the value of any sum not exceeding in the whole 500 rupees.

XXI. The

XXI. The Administrator-general shall not be bound to grant any such certificate, unless he is satisfied of the title of the claimant, and of the value of the effects of the deceased, either by the oath or affidavit of the claimant, or by such other evidence as he shall require.

XXII. Any such certificate, with a receipt annexed, under the hand of the person to whom the certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the money or security for money therein mentioned, with respect to the claim of any other person upon the person paying or delivering the same; but any next of kin, or representative or creditor of the deceased shall have remedy for recovery thereof against the person receiving the same.

XXIII. The Administrator-general shall not be bound to take out letters of administration to the effects of any deceased person on account of whose estate he shall grant any such certificate, but may do so, if he shall discover any fraud or misrepresentation made to him, or that the value of the estate exceeded 500 rupees.

XXIV. For every such certificate the Administrator-general shall be entitled to charge a fee calculated after the rate of 3 rupees in the 100 on the amount mentioned in the certificate.

XXV. Every person who, having been sworn, or having taken a solemn affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury; and, if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labour, and may extend to two years.

ACT No. VIII. OF 1849.

Passed by the Honourable the President of the Council of India in Council,
on the 12th May 1849.

AN ACT for assimilating the Penal Jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta.

WHEREAS it is expedient to apply the provisions of the Acts No. XXI. 1839 and No. III. 1842, to the town of Madras, it is enacted as follows:

I. All powers given by Act No. XXI. 1839, or Act No. III. 1842, to any justice of the peace for the town of Calcutta, for the trial and punishment of certain simple larcenies and other felonies within the town of Calcutta, and of assaults on board of merchant ships in the river Hooghly, may be exercised by any justice of the peace, appointed to be a police magistrate for the town of Madras, for the trial and punishment of the like larcenies and felonies within the town of Madras, and the like assaults on board of any merchant ship in the Madras Roads.

II. In execution of the powers of the said Acts by any police magistrate for the town of Madras, the said Acts shall be read as if the town of Madras and Supreme Court of Judicature at Madras, were severally mentioned therein instead of the town of Calcutta and Supreme Court of Justice at Calcutta; and as if the Madras Roads were mentioned therein instead of the river Hooghly or the mouths thereof.

ACT No. IX. OF 1849.

Passed by the Honourable the President of the Council of India in Council,
on the 12th May 1849.

AN ACT for enabling one Police Magistrate to exercise in certain cases, the Powers of two Justices in the Presidency of Fort St. George.

WHEREAS it is expedient to apply the provisions of the Acts No. IV. 1835, No. I. 1837, and No. XXXII. 1838, to the Presidency of Madras, it is enacted as follows:

ACTS of 1849.

I. All powers whatever in criminal cases, which by virtue of any law now in force, may be exercised by two justices of the peace, or by two police magistrates within the Presidency of Fort St. George, and places subordinate thereto, may be exercised by one justice of the peace appointed to be a police magistrate within the said Presidency.

II. Any one justice of the peace appointed to be a police magistrate within the said Presidency, may 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 justices.

ACT No. X. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 26th May 1849.

AN ACT for appointing a Commissioner of Revenue at Madras.

WHEREAS it is expedient that the Governor of Fort St. George in Council should be empowered to depute a member of the Board of Revenue, to perform in any of the districts of that Presidency, all or any of the duties which, by the general regulations and laws of the Presidency, belong to the Board of Revenue collectively, it is enacted as follows :

I. The Governor of Fort St. George in Council may, from time to time, whenever he shall see fit, depute a member of the Board of Revenue to perform alone, in any of the districts of that Presidency, all or any of the duties which, by the general regulations and laws of the Presidency, belong to the Board of Revenue collectively.

II. When a special commission shall be given to a member of the Board of Revenue under this Act, the member of the Board named therein shall, by virtue thereof, be empowered to exercise, within the limits of his commission, all the powers and duties which by law are vested in the Board of Revenue collectively, without exception, or subject to any exceptions or restrictions which shall be prescribed in such commission; and all regulations and acts concerning the Board of Revenue shall be deemed to apply to the said commissioner within the limits of his commission, and with regard to all things concerning the revenues of the district included in it, so far as is necessary to give full effect to his commission and to this Act.

III. Every such commission shall be published in the Fort St. George Gazette, and the commissioner shall enter on his office from the date of such publication; and in like manner the revocation or other determination of any such commission shall be published in the Fort St. George Gazette.

IV. The correspondence and other documents belonging to any such commission shall be deposited, on the determination thereof, in the office of the Board of Revenue, and shall be deemed records of the said Board.

ACT No. XI. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 11th August 1849, with the Assent of the Most Noble the Governor-general of India.

For securing the Abkaree Revenue of Calcutta.

FOR better securing the Abkaree Revenue of Calcutta, it is enacted as follows :

I. Act I. 1842, Act XXVI. 1845, section 26, Regulation II. 1802, of the Bengal Code, and so much of clause 159, of an Act of Parliament, numbered chapter 52, of the statutes passed in the 33d year of the reign of king Geo. 3, as relates to the sale of arrack or other spirituous liquors, within the town of Calcutta,

Calcutta, and to the punishment of unlicensed traders in spirits or spirituous liquors, within the said town, are repealed.

II. The collection of the revenue arising from the retail sale of spirituous or fermented liquors and intoxicating drugs, within the town of Calcutta, shall be under the charge of the Collector of Calcutta, who shall perform the duties connected therewith, under the control of the Commissioner of Abkaree and the Board of Customs, Salt and Opium, and all proceedings of the Collector held under this Act, shall be subject, with or without appeal, to their revision.

III. The Collector may appoint constables, darogahs, jemadars, burkundauzes and other officers, for collection of the said revenue and prevention of smuggling; and the officers so appointed, beside their ordinary respective designations, shall be styled "Abkaree Officers."

IV. Every person who shall sell, by retail, any spirituous or fermented liquors or intoxicating drugs, hereinafter specified, within the town of Calcutta, without a license for that purpose, under the hand and seal of the Collector of Calcutta, shall be liable to a fine not exceeding 500 rupees for each sale; but this enactment shall not apply to wholesale dealers selling such small quantities of beer, wines or spirits, as may appear to the Collector to be intended only as samples.

V. A sale of English or foreign beer, wines or spirits, in any quantity not exceeding two gallons, or of Bengal arrack or rum, or other country spirit in any quantity not exceeding one seer, or of tauree in any quantity not exceeding four seers, or of ganjah or bhang, or any preparation or admixture of the same, in any quantity not exceeding one quarter of a seer, or of churrus, opium, chundoo or muddut, or any preparation or admixture of the same, in any quantity not exceeding the weight of five tolahs, shall be deemed a retail sale within the meaning of this Act.

VI. The sale of Bengal arrack or rum, or other country spirit, or of tauree, or of ganjah or bhang, or any preparation or admixture of the same, or of churrus, opium, chundoo or muddut, or any preparation or admixture of the same, in quantities larger than those specified for each article in section 5 of this Act, is prohibited; and every person who shall act in breach of this prohibition, shall be liable to the fine prescribed in section 15, for the illicit possession of these articles; but this prohibition does not apply to the sale of spirituous or fermented liquors and intoxicating drugs, imported into Calcutta, under passes from the Collector, or other officer duly empowered in that behalf, and supplied by wholesale to licensed retail dealers, or to the sale of Bengal rum under bond for exportation by sea, or to the sale of opium intended for exportation by sea, and covered by a certificate to that effect, issued under the authority of the Board of Customs, Salt and Opium.

VII. The Board of Customs, Salt and Opium shall have authority, at all times, to regulate the form of licenses to be granted under this Act, and to alter and add to the conditions thereof.

VIII. Every person taking out a license for the retail sale of spirituous or fermented liquors or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such license.

IX. Whenever a license shall be granted under this Act, the Collector shall be authorized to demand, in consideration of the privilege granted, such fee, tax or duty as may, from time to time, be fixed, with the sanction of the Board of Customs, Salt and Opium; and such fee, tax or duty may be made payable in advance, or at such period as may be settled by the Collector.

X. The Collector may withhold or recall a license, if any such fee, tax or duty be not duly paid, according to the conditions upon which the license is granted, or in case of a breach of any of the other conditions thereof; or with the sanction of the Commissioner of Abkaree, for any other cause, giving one month's notice of such withdrawal; and any person selling by retail any spirituous or fermented liquors, or intoxicating drugs above specified, within the town of Calcutta, whilst such license is withheld, or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of spirituous or fermented liquors or intoxicating drugs.

ACTS of 1849.

XI. Any licensed retail dealer may surrender his license on giving 15 days' previous notice to the Collector, and paying a sum equal to the tax for that time, over and above the sum payable under the license.

XII. It shall not be lawful for the justices of the peace for the town of Calcutta, to grant a license to open or establish or keep open any hotel, punch house, boarding house, or any other house of public entertainment, within the town of Calcutta, in which any spirituous or fermented liquors or intoxicating drugs above specified, may be sold to any person who has not taken out a license for the retail sale of such liquors and drugs; and any such license, granted by any justice of the peace, shall become void whenever the license, for the retail of such liquors and drugs, granted to such person, is withheld or recalled by the Collector under this Act.

XIII. The Collector, after demand made in writing, may levy any arrear of tax or duty, due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due, provided that no such arrear shall be recoverable after the end of two years next after the same shall have become due, or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

XIV. A breach of any of the conditions of a license granted under this Act, shall, beside entailing forfeiture of the license, be punishable by a fine not exceeding 50 rupees; and such fine shall be recoverable from the licensed dealer notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop.

XV. Any person not being a licensed dealer, having in his possession, and any person carrying within the town of Calcutta any greater quantity of spirituous or fermented liquors, or intoxicating drugs above specified, or any preparation or admixture of the same except English and foreign beer, wines and spirits, than the quantity specified for each article in section 5 of this Act, and not being protected by a pass or permit from the Collector or other officer duly empowered in that behalf, shall be liable to a fine not exceeding 500 rupees, except in the case of opium; and in the case of opium, to a fine not exceeding the rate of 16 rupees for each seer found in the possession of or carried by such person; and if such last-mentioned fine shall not amount to 500 rupees, such person shall be liable to a further fine, not exceeding such sum as shall make the total fine imposed amount to 500 rupees.

XVI. Beside the penalties above specified for the illicit sale, possession and carrying of spirituous or fermented liquors or intoxicating drugs, all such liquors and drugs found in the possession of any offender against this Act shall be seized and confiscated; and the vessels, packages and coverings in which such liquors and drugs are found, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

XVII. Any abkaree officer above the rank of a peon or chauprassy may enter and inspect at any time, by day or by night, and any abkaree officer may enter and inspect by day the house or shop in which any licensed dealer shall carry on the sale of spirituous or fermented liquors, or intoxicating drugs.

XVIII. Every person holding a license for the sale of spirituous or fermented liquors or intoxicating drugs shall keep such license at the house or shop specified in the license, and shall show the license on the demand of any abkaree officer who shall desire to see the same; and any licensed dealer who shall refuse, or be unable to produce his license, on the demand of any abkaree officer, shall be liable to a fine, not exceeding 200 rupees.

XIX. Any abkaree officer may stop and detain any person carrying any spirituous or fermented liquors or intoxicating drugs without a pass, or otherwise liable to confiscation under this Act, and may seize the liquors or drugs, with the vessels, packages and coverings in which the liquors or drugs are found, and the animals and conveyances used in carrying them.

XX. If the Collector has good reason to believe, either from information given by any abkaree officer or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any spirituous or
fermented

fermented liquors or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any place, the Collector by warrant under his hand may empower any abkaree officer, above the rank of jemadar or peons, between sunrise and sunset, but always in the presence of a constable or other officer of the peace, to enter into every such place, where any such liquors or drugs are suspected to be kept or concealed, and to seize and carry away such liquors or drugs; and in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful keeping or concealing of such liquors or drugs, whom he shall find on the premises; provided, that where there is ground to suspect that such liquors or drugs are unlawfully concealed in any zenana, the officer charged with the execution of the warrant, shall follow, as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XXI. All constables and other ministerial officers of the peace are required to help the abkaree officers in the due execution of this Act, upon notice given or request made by any such abkaree officer: and any officer who, without lawful excuse, shall refuse or neglect to assist as aforesaid, on being required to do so, shall be liable to the penalty prescribed by section 27 of this Act, for abkaree officers conniving at the escape of a person arrested under this Act.

XXII. Whenever any abkaree officer, duly authorized under this Act, shall arrest any person, or shall seize any spirituous or fermented liquors or intoxicating drugs, or shall enter any house or shop for the purpose of searching for such illicit articles, he shall carry the person arrested, with the illicit articles seized, with all convenient despatch, to the Collector, and shall, within 24 hours thereafter, make a full report to the Collector of all the particulars of such arrest, seizure or search. And the Collector, after such further inquiry as he deems necessary, shall forthwith either release the person arrested, or send him in custody to a justice of the peace for the town of Calcutta.

XXIII. Every person who shall maliciously give false information against any person for being engaged in the unlicensed sale of spirituous or fermented liquors, or intoxicating drugs, or for having in his possession, or carrying, or in respect of there being in any house or shop any spirituous or fermented liquors, or intoxicating drugs, in contravention of this Act, shall be liable to a fine not exceeding 500 rupees, or to imprisonment in the common gaol for a period not exceeding six months, or to both.

XXIV. Every person who shall obstruct or molest any abkaree officer, or any person acting in aid of such officer, in the due execution of this Act, shall be liable to a fine not exceeding 500 rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XXV. Any abkaree officer who shall delay carrying to the Collector any person arrested or any illicit articles seized under this Act, or who shall neglect to report the particulars of an arrest, seizure or search, within 24 hours thereafter, shall be liable to a fine, not exceeding 200 rupees.

XXVI. Any abkaree officer who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for illicit spirituous or fermented liquors, or intoxicating drugs, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding 500 rupees.

XXVII. Any officer, employed in the abkaree department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of spirituous or fermented liquors, or intoxicating drugs, without licence, or by any licensed dealer, contrary to the terms of such licence, or act in a manner inconsistent with his duty for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken,

ACTS of 1849. broken, or the abkaree revenue defrauded, shall be liable to a fine, not exceeding 500 rupees.

XXVIII. Any abkaree officer who shall ask or take any gratuity, not authorized by any law or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing, or of omitting to do, any act in his official capacity, and any person who shall offer a bribe to any such officer, in order to induce such officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine not exceeding 500 rupees.

XXIX. Whenever any goods or chattels shall be seized by an abkaree officer, as liable to confiscation under this Act, such seizure shall, upon information, exhibited by order of the Collector, be heard and determined in a summary way, by any Justice of the Peace for the town of Calcutta; and such Justice shall cause the persons to whom such goods and chattels belong, to be summoned to appear before him, and upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and if such judgment shall be for confiscation of the goods or chattels seized, shall issue his warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Customs, Salt and Opium.

XXX. Whenever any goods or chattels shall be seized as aforesaid, and within one calendar month no person shall appear before the Collector to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Collector in the "Calcutta Gazette," and give judgment for the confiscation of such of the goods and chattels as, upon such examination, shall appear to him liable to forfeiture; and, upon confiscation thereof, shall issue his warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXXI. All fines leviable under this Act, except under section 38, shall be adjudged by any Justice of the Peace for the town of Calcutta, and the said Justice, upon information exhibited before him by order of the Collector, shall, forthwith, summon the parties accused, and upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the common gaol, for a period not exceeding six months, or until the fine is sooner paid: and no proceedings shall be taken under this section by any Justice of the Peace after the expiration of three calendar months from the date of the offence by which the fine was incurred.

XXXII. Whenever any person shall be convicted before any such Justice as aforesaid of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the common gaol, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXXIII. One-half of all fines levied from persons convicted of the illicit possession, carrying or sale of spirituous or fermented liquors, or intoxicating drugs, and of the proceeds from sale of articles confiscated, except opium, and in the case of opium confiscated, and declared by the opium examiner at the Presidency to be fit for use, a reward of 1 rupee 8 annas for each seer, shall, upon adjudication of the case, be awarded to the officer or officers who apprehended the offender, or seized the illicit articles; and the other half, or in the case of opium as aforesaid, a reward of 1 rupee 8 annas for each seer shall be given to the informer; and, if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of 200 rupees, as may appear to them fit; and the Board of Customs, Salt and Opium may direct, by general order, what class of abkaree officers shall receive rewards, and what classes shall have no title to share therein.

XXXIV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to informers, or as compensation to parties injured by any proceedings under this Act.

XXXV. No writ of *certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature, to supersede, stay, remove or in anywise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXXVI. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Commissioner of Abkaree, and, in his absence, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply), and, if he or they shall see cause, may direct that the seizure, or any part thereof, be restored, and may remit or mitigate any penalty, and discharge the party.

XXXVII. All actions and prosecutions to be commenced against the collector or any abkaree officer, or any person acting in aid of any such officer, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action and of the cause thereof shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the defendant.

XXXVIII. The collector, in respect of the duties to be performed by him, under this Act, shall have power to punish any contempt committed in his presence in open cutcherry, by fine, not exceeding 200 rupees, commutable, if not paid, to imprisonment in the common gaol, for a period not exceeding one month: Provided, that an appeal, from any order passed under this section, shall lie to the Commissioner of Abkaree, and, in his absence, to the Board of Customs, Salt and Opium; and the decision of the Commissioner or Board thereon shall be final.

ACT No. XII. of 1849.

Passed by the Honourable the President in Council of India in Council, on the 11th August 1849, with the assent of the Most Noble the Governor-General of India.

For improving the Jurisdiction of the Sudder Adawlut of Bombay, and for amending Section XXXVI., Regulation II. 1827, of the Bombay Code.

WHEREAS the jurisdiction of the Sudder Adawlut of the Presidency of Bombay has been impaired by its removal to the island of Bombay, within the jurisdiction of the Supreme Court of Judicature, there; for remedy thereof, it is enacted as follows:

I. The Sudder Adawlut of the Presidency of Bombay, and the several officers thereof, shall have the same authority in all respects, and all persons may be proceeded against and punished for contempt or disobedience of the lawful orders of the Court, or for resistance to the lawful authority of any officer in execution of any process or order of the Court, as if the Court were held in the zillah nearest to the island of Bombay.

II. The Acts and Orders of the said Sudder Adawlut, and of its officers, in execution of any process or order of the Court, shall not be liable to question in the Supreme Court of Judicature at Bombay, further or otherwise than they might severally be questioned in the said Supreme Court, if the said Sudder Adawlut were held in the zillah nearest to the island of Bombay.

ACTS of 1849.

III. Any criminal Court having cognizance of any offence under section XXXVI., Regulation II. 1827, of the Bombay code, may issue a warrant under the hand of the judge, or one of the judges, and the seal of the Court, for the arrest of the person accused; and may commit him to gaol, unless security be given to the satisfaction of the Court for his appearance to answer the charge.

IV. Offenders against Section XXXVI., Regulation II. 1827, of the Bombay code, may be tried and punished for the offence, after they have ceased to belong to the establishment of the Court to which they belong at the time of committing the offence.

ACT No. XIII. OF 1849.

Passed by the Honourable the President of the Council of India in Council, on the 18th of August 1849, with the assent of the Most Noble the Governor-General of India.

To prevent the Smuggling of Salt into Calcutta.

For preventing the smuggling of Salt into Calcutta, it is enacted as follows:

I. The Governor of Bengal may establish as many chokies as he shall deem necessary for preventing the smuggling of alimentary salt into the town of Calcutta, and upon that part of the River Hooghly which lies within the local jurisdiction of the Supreme Court, and such chokies shall be under the charge of an officer to be styled "the Superintendent of Salt Chokies," who, in the exercise of his functions, shall be subject to the control of the Board of Customs, Salt and Opium.

II. The superintendent may appoint darogahs, mohurrers, jemadars, burkundauzes, and other officers to assist him in the discharge of his duties; and the officers so appointed, beside their ordinary respective designations, shall be styled "Officers of Salt Chokies."

III. Excepting salt imported by sea, and stored under bond, as provided by Act No. XXV. 1836, it shall not be lawful to import alimentary salt into the town of Calcutta, or to carry such salt within the said town, or upon the River Hooghly, as aforesaid, in excess of the quantity of 10 seers of 80 tolahs to the seer, or to store such salt within the said town in quantities exceeding one maund, except under a rowannah or special pass from the Board of Customs, Salt and Opium, or a charchittee or pass from the said superintendent, to be granted under such rules, and on the payment of such fees, as the said Board shall direct.

IV. All alimentary salt, found within the said town or upon the River Hooghly as aforesaid, in contravention of this Act, shall be deemed contraband and liable to seizure and confiscation; and if several persons shall be found carrying salt, unprotected by a rowannah or charchittee as aforesaid, in gangs or companies, which salt shall exceed in the whole quantity 10 seers, such salt shall be deemed contraband; but no salt found in store in any house or warehouse, shall be deemed to be contraband, unless, when the search is made, there shall be found more thereof than one maund, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being found in his possession.

V. If any person shall carry, or attempt to carry within the said town or upon the River Hooghly as aforesaid, under a rowannah or charchittee, a greater quantity of salt than shall be therein specified, the excess shall be deemed contraband, and if such excess is found to be more than 1-40th part of the quantity so specified, the whole quantity shall be deemed contraband, and liable to seizure and confiscation; and the gomastah or other person in charge of the salt shall be liable to a fine of 10 rupees for every maund of salt in excess of the quantity specified in the said document; and the excess shall be calculated upon the whole despatch as provided in Section II., Regulation IV. 1832, of the Bengal Code.

VI. The

VI. The provisions contained in sections 36 to 47, both inclusive, Regulation X, 1819, and in Regulation IV, 1832, of the Bengal Code, as to the preparation, currency, renewal, production, endorsement, delivering up and falsifying of rowannahs, or other protective documents, shall be applicable within Calcutta, and on the River Hooghly as aforesaid.

VII. Whenever any salt shall be seized as contraband, the vessels, packages and coverings in which such salt shall be found, and the animals and conveyances used in carrying it, shall also be liable to seizure and confiscation.

VIII. All persons in whose possession contraband salt shall be found, except in the case provided for by section 5 of this Act, shall be liable to a fine, calculated at a rate, not exceeding five rupees for each maund, upon the quantity so found; and each one of a party of smugglers, or of the parties to the fraud on the revenue, shall be liable to the whole fine.

IX. The superintendent of salt chokies, and any of his subordinate officers, and any officer of any other department whom the Governor of Bengal shall authorize in that behalf, may stop and detain any person removing or carrying any salt, without a rowannah or charchittee, or otherwise liable to confiscation under this Act; and may seize the salt, with the vessels, packages and coverings in which the salt is found, and the animals and conveyances used in carrying it.

X. If the superintendent has good reason to believe, either from information given by any of his subordinate officers or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that contraband salt, exceeding in quantity one maund, is stored in any place, it shall be lawful for him, between sunrise and sunset, but always in the presence of a constable or other officer of the peace, to enter into every such place where any such contraband salt as aforesaid is suspected to be stored, and to seize and carry away the same; and, in case of resistance, to break open any door and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupant of the premises, with all parties whom he suspects to be concerned in the unlawful storing whom he shall find on the premises; and if the superintendent shall not be able to proceed in person to make the seizure, he may, by warrant under his hand, empower any officer of salt chokies, above the rank of a jemadar or peons, to make the same; and the officer so authorized shall proceed in the same manner, and with the same powers, as above provided in respect of the superintendent himself; provided that, where there is ground to suspect that such contraband salt as aforesaid is concealed in any zenana, the superintendent or officer authorized as aforesaid shall follow as closely as may be the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XI. All constables and other ministerial officers of the peace, are required to help the superintendent and his subordinate officers and other officers authorized to make a seizure of salt, in the due execution of this Act, upon notice given or request made by the superintendent, or any such officer; any officer who, without lawful excuse, shall refuse or neglect to help as aforesaid, on being required to do so, shall be liable to a fine not exceeding 500 rupees.

XII. Whenever a seizure of salt, in store in any place, shall be made by the superintendent, the facts of the seizure shall be recorded in an official proceeding to be placed on record in his office; and if the seizure shall be made by a subordinate officer, such officer shall report the circumstances, within 24 hours, to the superintendent.

XIII. Every person who shall maliciously give false information against any person for importing or transporting, or in respect of there being in any house or shop any salt, in contravention of this Act, shall be liable to a fine not exceeding 500 rupees, or to imprisonment in the common gaol for a period not exceeding six months, or both.

XIV. Every person who shall obstruct or molest the superintendent, or any officer of salt chokies, or any officer of another department duly authorized to make a seizure of salt, or any person acting in aid of the superintendent, or any officer, as aforesaid, in the due execution of this Act, shall be liable to a fine not

ACTS of 1849.

exceeding 500 rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XV. Any officer of Salt Chokies, or any officer of another department, duly empowered to make a seizure of salt, who, without reasonable cause, shall delay carrying any person arrested, or any illicit articles seized, under this Act, to the Superintendent, or neglect to report the particulars of an arrest, seizure or search, within 24 hours thereafter, shall be liable to a fine, not exceeding 200 rupees.

XVI. Any officer of Salt Chokies, or any officer of another department, as aforesaid, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for contraband salt, or who shall vexatiously or unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding 500 rupees.

XVII. Any officer employed in the Salt Chokie department, or any officer of another department, as aforesaid, who shall connive at the smuggling of salt, or unlawfully release or connive at the escape of any person arrested under this Act, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the revenue derived from salt defrauded, shall be liable to a fine, not exceeding 500 rupees.

XVIII. Any officer employed in the department of Salt Chokies, or any officer of another department, as aforesaid, who shall ask or take any gratuity, not authorized by any law, or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such officer, in order to induce such officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding 500 rupees.

XIX. Whenever the Superintendent shall arrest any person, or shall seize any contraband salt, he shall, with all convenient despatch, carry the person arrested, with the salt, and any other chattels liable to confiscation, seized therewith, before any Justice of the Peace for the town of Calcutta, and if the arrest or seizure shall be made by any of his subordinate officers, or other officer duly empowered, such officer shall immediately carry the person arrested, and the articles seized, to the Superintendent, who shall thereupon proceed as if the arrest or seizure had been made by himself. Provided, that nothing in this section shall be construed to prevent the Superintendent from releasing any persons arrested, or property seized, when he considers such persons or property to have been improperly arrested or seized.

XX. Whenever any salt or other chattels shall be seized by the Superintendent, or other duly authorized officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by the Superintendent, be heard and determined in a summary way by such Justice of the Peace as aforesaid; and such Justice shall cause the persons, to whom such salt, or other chattels belong, to be summoned to appear before him, and, upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and upon confiscation thereof shall issue his warrant to the Superintendent for the disposal thereof, according to the orders of the Board of Customs, Salt and Opium.

XXI. Whenever any salt, or other chattels shall be seized, as aforesaid, and no person shall appear before the Superintendent, within one calendar month, to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Superintendent in the Calcutta Gazette, and give judgment for the confiscation of such salt and other chattels, as, upon such examination, shall appear to him confiscable; and, upon confiscation thereof, shall issue his warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXII. All fines, leviable under this Act, shall be adjudged by any Justice of the Peace for the town of Calcutta, and the said Justice, upon information exhibited

exhibited before him by the Superintendent, shall, with all convenient despatch, and not later than three calendar months after the act for which the fine may be demandable, summon the parties accused, and, upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the common gaol of Calcutta for a period not exceeding six months, or until the fine is sooner paid.

XXIII. Whenever any person shall be convicted before any Justice, of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the common gaol, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXIV. One-half of all fines levied from persons convicted of the illicit importation, transportation or storing of salt, and of the proceeds from sale of articles confiscated, shall, upon adjudication of the case, be awarded to the officer or officers subordinate to the Superintendent, or other duly authorized officer of another department, who apprehended the offender or seized the illicit articles; and the other half of all such fines and proceeds shall be given to the informer; and if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of 200 rupees, as may appear to them fit; and such officers and informers shall further be entitled to the rewards specified in Section IV., Act No. IX. of 1835. Provided that the Board of Customs, Salt and Opium may direct, by general order, what classes of officers of Salt Chokies shall receive rewards, and what classes shall have no title to share in them.

XXV. All fines, levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to informers, or as compensation to parties injured by any proceedings under this Act.

XXVI. No writ of certiorari shall be issued at the suit of any party, out of the Supreme Court of Judicature, to supersede, stay, remove or in any wise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXVII. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply), and, if they shall see cause, may direct that the seizure, or any part thereof be restored, and remit, or mitigate the penalty and discharge the party.

XXVIII. All actions and prosecutions to be commenced against the Superintendent, or any officer of Salt Chokies, or any officer of another department duly empowered to seize contraband salt, or any person acting in aid of the Superintendent, or other officer, as aforesaid, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the defendant, one calendar month at least before the commencement of the action; and no plaintiff shall recover, in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought a sufficient sum of money shall have been paid into court, with costs, by or on behalf of the defendant.

XXIX. The term alimentary salt as used in this Act shall be held to include and apply to noonchye, puckwah, and every other kind of salt substance, used as a seasoning for food.

ACT No. XIV. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 25th August 1849, with the assent of the Most Noble the Governor-General of India.

To punish tampering with the Army or Navy.

WHEREAS the laws in force for punishing mutiny and sedition do not sufficiently provide for the punishment of all persons endeavouring to stir up mutiny and sedition among the forces of the East India Company, or to seduce them from their allegiance and duty, it is enacted as follows :—

I. Every person, who maliciously and advisedly endeavours to seduce any person or persons, serving or engaged to serve in the military or naval forces of the East India Company, from his or their allegiance to Her Majesty, or duty to the said Company, or who endeavours to stir up any person or persons belonging to either of the said services, to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall, on conviction, suffer transportation for life, or imprisonment, with or without hard labour, for any term not longer than seven years, as the court shall adjudge.

II. Any person charged with any offence, punishable under this Act, may be committed by any magistrate within the territories under the government of the East India Company, and shall be tried by the Court of Sessions, or if the offender be not within the ordinary jurisdiction of the Court of Sessions, by the Supreme Court of Judicature established by royal charter within the Presidency in which he is in custody.

III. No court shall on the trial of any offence under this Act require any futwa from any law officer.

IV. This Act shall not exempt any person governed by the articles of war from being tried by a court martial, and punished according to the articles of war, nor any person belonging to the Indian navy from being tried by a court martial, and punished according to the laws for the observance of discipline in the Indian navy; but no person shall be tried for the same offence under the said articles or laws, and also under this Act.

 ACT No. XV. of 1849.

Passed by the Honourable the President of the Council of India in Council, on the 26th October 1849, with the assent of the Most Noble the Governor-General of India.

AN ACT to amend the Law respecting the Stamped Material in use in the Presidency of Bombay.

WHEREAS it is inconvenient to specify particularly by law the stamped materials to be used in the Presidency of Bombay, it is enacted as follows :—

I. Clause 1st, Section VI., Regulation XVIII., 1827, of the Bombay Code, is repealed.

INDEXES

TO THE

ACTS OF THE GOVERNMENT OF INDIA,

FOR 1847, 1848, AND 1849.

INDEX to the ACTS for 1847.

(Nos. I. to XXIII.)

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|--------|----------|----------|---|
| A. | | | | |
| Act V. of 1840; the meaning of the words " Her Majesty's Courts of Justice " in Section IV. of, declared. [See Declaration, Affirmation, and Courts of the Justices of the Peace] | II. | - | - | -- Her Majesty's Justices of the Peace. |
| Acts XXI. of 1835 and XXII. of 1844, not to apply to Copper Currency of the Settlements of Penang, Singapore, and Malacca. [See Copper Coins] | VI. | I. | - | -- Straits Settlements. |
| Act XV. of 1842; Emigration to Mauritius from Madras, allowed under. [See Emigration] | VIII. | I. | - | Madras. |
| — XXX. of 1836; amended. [See Transportation] | X. | | | |
| — XIV. of 1839; so far as its provisions prohibit Emigration of the natives of India to the island of Ceylon, repealed. [See Emigration and Ceylon] | XIII. | I. | - | General. |
| — XXIV. of 1840; relating to the collection and disbursement of Assessments for the town of Calcutta, repealed | XVI. | I. | | |
| — XX. of 1845; containing Articles of War, repealed | XIX. | I. | | |
| — XXXI. of 1838; section XVII., modified. [See Transportation] | XXIII. | | | |
| Affirmation. [See Courts of the Justices of the Peace.] | | | | |
| Alluvial Lands. [See Lands.] | | | | |
| Appeals; defaults in the prosecution of. [See Defaults.] | | | | |
| Arrears of small rents of premises in Calcutta how to be recovered hereafter by distress. [See Distraining Bailiffs.] | | | | |
| Articles of War made for the Government of Native officers and soldiers, and regulating Courts Martial held on them. Articles of War in Act XX. of 1845 to remain in force in what particular respects | XIX. | II. | ARTICLE. | General. |
| — preliminaries to be observed before enrolling a recruit | " | I. | 1. | |
| — dismissal of Commissioned, Non-commissioned officers and soldiers shall be subservient to whose orders | " | " | 2. | |
| — certificate of discharge to be given to Non-commissioned officers and soldiers | " | " | 3. | |
| — penalty for non-commissioned officers or soldiers enlisting themselves in other regiments without a regular discharge | " | " | 4. | |

| | ACT. | SECTION. | ARTICLE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|------|----------|----------|--------------------------------|
| Articles of War; mutiny or sedition - - | XIX. | II. | 5. | |
| using or offering violence | | | | |
| against superior officer - - - | " | " | 6. | |
| disobeying commands - - - | " | " | 7. | |
| deserting the service - - - | " | " | 8. | |
| sleeping while upon posts as | | | | |
| sentries, or leaving them without being | | | | |
| relieved or without leave, or plundering | | | | |
| or injuring property under their charge | " | " | 9. | |
| abandoning or delivering up | | | | |
| any garrison, fortress, post or guard, or | | | | |
| inducing others to do the same - - - | " | " | 10. | |
| abuse of watchword - - - | " | " | 11. | |
| corresponding with the enemy, | | | | |
| or suppressing knowledge of such cor- | | | | |
| respondence - - - - - | " | " | 12. | |
| assisting or relieving the | | | | |
| enemy with money, &c., or harbouring | | | | |
| or protecting him - - - - - | " | " | 13. | |
| allowing prisoners to escape - | " | " | 14. | |
| misbehaving before the enemy | | | | |
| or inducing others to do the same - | " | " | 15. | |
| casting away arms or ammu- | | | | |
| nition before the enemy - - - - | " | " | 16. | |
| going in search of plunder to | | | | |
| the neglect of duties - - - - - | " | " | 17. | |
| doing violence to persons | | | | |
| bringing provisions to the camp, forcing | | | | |
| safe guards, or breaking into any house | | | | |
| for plunder or plundering fields or | | | | |
| gardens - - - - - | " | " | 18. | |
| raising false alarms - - - | " | " | 19. | |
| releasing or suffering state | | | | |
| prisoners to escape, conniving at the in- | | | | |
| jury of property in time of war or plun- | | | | |
| dering treasure, &c. - - - - - | " | " | 20. | |
| sentries leaving posts without | | | | |
| being relieved, or without leave while | | | | |
| placed over state prisoners, treasure, | | | | |
| magazine or dock-yard, or sleeping upon | | | | |
| their posts, or plundering property placed | | | | |
| under their charge : | | | | |
| If an officer, how to be punished. | | | | |
| If a soldier, - ditto - - - - | " | " | 21. | |
| officers or soldiers creating | | | | |
| unnecessary alarm by spreading reports | | | | |
| during operations in the field - - - | " | " | 22. | |
| in or before actions creating | | | | |
| alarm or despondency - - - - - | " | " | 23. | |
| being drunk when on duty - | " | " | 24. | |
| striking or forcing any sentry | " | " | 25. | |
| insubordination or insolence | | | | |
| of soldiers to superior officers or Courts | | | | |
| Martial - - - - - | " | " | 26. | |
| refusing to assist in making | | | | |
| field works : | | | | |
| If an officer, how to be punished. | | | | |
| If a soldier - ditto - - - - | " | " | 27. | |
| officers improperly behaving | " | " | 28. | |
| advising or conniving at de- | | | | |
| sertion - - - - - | " | " | 29. | |
| obtaining pensions or allow- | | | | |
| ances by false statements or certificates, | | | | |
| or by omitting true statements, &c. - | " | " | 30. | |
| making false returns or re- | | | | |
| ports of men, arms, ammunition, &c. - | " | " | 31. | |
| illegally extorting money or | | | | |
| property on any pretence, or exacting | | | | |
| from villagers carriage, portorage, or | | | | |
| provisions - - - - - | " | " | 32. | |
| defiling places of religious | | | | |
| worship, and insulting religious preju- | | | | |
| dices of others : | | | | |
| If an officer, how to be punished. | | | | |
| If a soldier - ditto - - - - | " | " | 33. | |

| | ACT. | SECTION. | ARTICLE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|------|----------|----------|--------------------------------|
| Articles of War; leaving arrest or confinement without authority | XIX. | II. | 34. | |
| _____ malingering, feigning or intentionally producing disease, or delaying cures and aggravating diseases | " | " | 35. | |
| _____ plundering and injuring property | " | " | 36. | |
| _____ soldiers when off duty carrying weapons | " | " | 37. | |
| _____ selling, pawning, losing or injuring horse, arms, clothes, &c. &c., how punishable | " | " | 38. | |
| _____ officers or soldiers embezzling or misapplying any money, provisions, &c., entrusted to them, or spoiling such property, how punishable | " | " | 39. | |
| _____ soldiers guilty of disgraceful conduct in maiming or injuring themselves or other soldiers | " | " | 40. | |
| _____ purloining or selling Government stores | " | " | 41. | |
| _____ stealing soldiers', officers' or others' money or goods | " | " | 42. | |
| _____ plundering or injuring property placed in charge of a sentry | " | " | 43. | |
| _____ embezzling or misapplying public money | " | " | 44. | |
| _____ committing petty offences of a fraudulent nature to the injury of the Government or any person | " | " | 45. | |
| _____ guilty of any other disgraceful conduct, how punishable | " | " | 46. | |
| _____ officers or non-commissioned officers striking or ill-treating a soldier | " | " | 47. | |
| _____ sentry sleeping upon his post in time of peace, or leaving it before relief | " | " | 48. | |
| _____ officers or soldiers enlisting a deserter | " | " | 49. | |
| _____ requiring or accepting bribes for procuring leave of absence, promotion or any other advantage for any officer or soldier | " | " | 50. | |
| _____ not doing reparation for injuries complained of to them | " | " | 51. | |
| _____ refusing to receive prisoners committed to their charge, releasing prisoners without authority, or allowing them to escape | " | " | 52. | |
| _____ quitting guards or picquets in time of peace without being relieved | " | " | 53. | |
| _____ impeding the provost marshal or his assistants, or other exercising authority, or refusing assistance to them | " | " | 54. | |
| _____ not rejoining their regiments ordered on service on being required to do so during their absence | " | " | 55. | |
| _____ occasioning false alarms in time of peace by discharging fire-arms, &c. | " | " | 56. | |
| _____ failing to repair to the parade for exercise | " | " | 57. | |
| _____ quitting their company or troop or the parade | " | " | 58. | |
| _____ absenting without leave, or without cause overstaying the period of leave | " | " | 59. | |
| _____ soldiers found two miles from the camp contrary to orders | " | " | 60. | |
| _____ absenting from the cantonment after tattoo, or from camp after retreat beating | " | " | 61. | |
| _____ Selling, losing and wasting ammunition: | | | | |
| If an officer, how to be punished. | " | " | 62. | |
| If a soldier - ditto | " | " | | |

| | ACT. | SECTION. | ARTICLE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|------|----------|----------|--------------------------------|
| Articles of War; all crimes not capital and all disorders or neglects not specified in these Articles shall be cognizable by Courts Martial, and how punishable - | XIX. | II. | 63. | |
| persons amenable to these Articles not attending when summoned, or refusing to be sworn or to answer any lawful question, or inducing others so to offend, how to be punished - | " | " | 64 | |
| persons not amenable to these Articles offending as above, or committing perjury, how to be dealt with - | " | " | 65. | |
| persons using menacing or disrespectful words, signs or gestures before a Court Martial, or disturbing their proceedings, how to be punished - | " | " | 66. | |
| officers or soldiers giving false evidence before Courts Martial, how to be punished - | " | " | 67. | |
| offences triable by a general, district or garrison Court Martial may be tried by district, garrison or regimental Courts Martial; mutiny excepted. | " | " | | |
| offences designated "disgraceful conduct" when tried by regimental Courts Martial, how to be dealt with and punished - | " | " | 68. | |
| offences committed on the line of march or on board ship, how to be tried and punished - | " | " | 69. | |
| officers or soldiers triable by Courts Martial should be put under arrest or confinement until tried or discharged - | " | III. | 70. | |
| limitation of the periods of trial of offenders - | " | " | 71. | |
| offenders may be tried at any place within the British territories other than where the offence had been committed - | " | " | 72. | |
| Commander-in-chief at any Presidency may appoint Courts Martial and confirm, mitigate or commute sentences - | " | " | 73. | |
| General Courts Martial held within or beyond the Company's territories to consist of how many commissioned officers; sentences not to be executed till confirmed by a competent authority - | " | " | 74. | |
| General Courts Martial may sentence officers or soldiers to death or transportation for crimes expressly made liable to such punishment, and in what manner shall punish commissioned officers convicted of offences of which the punishment is not defined. Powers of a General Court Martial as regards the punishment of non-commissioned officers or soldiers defined - | " | " | 75. | |
| confirmation and commutation of sentence by the Commander-in-chief - | " | " | 76. | |
| District or Garrison Court Martial to consist of how many commissioned officers, and their sentence by whom to be confirmed. | " | " | | |
| Commander-in-chief may commute sentences of such Courts Martial, and delegate or withhold from commanding officers the power of convening Courts Martial, and of confirming or commuting sentences - | " | " | 77. | |
| powers of a district or garrison Court Martial defined - | " | " | 78. | |

| | ACT. | SECTION. | ARTICLE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|------|----------|----------|--------------------------------|
| Articles of War; a Regimental Court Martial, how to be constituted, and its order by whom to be confirmed. | | | | |
| — commutation of sentence of such Court | XIX. | III. | 79. | |
| — powers of a Regimental Court Martial | " | " | 80. | |
| — Regimental Detachment Courts Martial, and Detachment or Line Courts Martial, how to be constituted; provisions relating to Regimental Courts Martial shall be applicable to those in detachments. Provision made for the execution of their sentences | " | " | 81. | |
| — officer convening Courts Martial may instruct them to omit solitary confinement and corporal punishment in their sentences, in particular cases | " | " | 82. | |
| — execution of sentence of death by a General Court Martial | " | " | 83. | |
| — sudder courts may give effect to sentence of transportation passed by a General Court Martial, and every judge, magistrate or sheriff in charge of jails, shall give effect to sentences of imprisonment with hard labour or solitary confinement, or both | " | " | 84. | |
| — soldiers sentenced to imprisonment for life may be transported beyond sea. | " | " | 85. | |
| — persons sentenced to imprisonment may be imprisoned in any public prison | " | " | 86. | |
| — soldiers who have undergone the punishment of imprisonment with hard labour, shall not be readmitted in the ranks or entitled to pensions | " | " | 87. | |
| — offenders sentenced to corporal punishment or imprisonment with hard labour, shall be dismissed with ignominy | " | " | 88. | |
| — fines or forfeitures of arrears of pay or stoppages, how to be recovered | " | " | 89. | |
| — hours of the day during which Courts Martial shall sit | " | " | 90. | |
| — proceedings of General and Inferior Courts Martial, to be conducted by officers of what standing | " | " | 91. | |
| — an interpreter to be appointed to all Courts Martial | " | " | 92. | |
| — the senior officer shall preside, and how the Subadar Major and other native officers shall take rank. In the death or absence of the president who shall preside | " | " | 93. | |
| — sentence not to be revised more than once | " | " | 94. | |
| — rule for voting at Courts Martial | " | " | 95. | |
| — what majority necessary in cases of sentence of death | " | " | 96. | |
| — forms of affirmation to be made by the interpreter, members, and the judge advocate or superintending officer | " | " | 97. | |
| — all witnesses to be examined on oath according to their own religion. Forms of affirmation for Hindoos and Mahomedans | " | " | 98. | |
| — witnesses not amenable to these Articles, how to be summoned | " | " | 99. | |
| — powers and duties of provost marshals | " | " | 100. | |
| — trials by European Courts Martial, of persons claiming to be tried by such Courts | " | " | 101. | |

| | ACT. | SECTION. | ARTICLE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|------|----------|----------|--------------------------------|
| Articles of War; Commander-in-Chief may confirm, remit or commute any sentence of death - - - - - | XIX. | VI. | 152. | |
| ----- sentence of transportation not to be carried into execution until confirmed by the Commander-in-Chief who may commute it into imprisonment - | " | " | 153. | |
| ----- competent officers may remit or mitigate sentences - - - - - | " | " | 154. | |
| ----- offenders tried by a Court Martial shall not be tried for the same offence in any other Court; persons acquitted or convicted by a Civil Court may be cashiered or dismissed - - | " | " | 155. | |
| ----- regulations concerning commissariat officers, police officers and superintendents of bazaars, and the constitution of Panchayets or jurisdiction of Courts Martial shall continue in force - | " | " | 156. | |
| ----- application of the Articles - | " | VII. | 157. | |
| ----- promulgation of the same - | " | " | 158. | |
| Assessments. [See Calcutta.] | | | | |
| Assistant Magistrates; Governor in Council may appoint a Company's military officer as in any zillah, and to confer on any the powers of a magistrate. [See Magistrate] - - - - - | IV. | - | - | Madras. |
| B. | | | | |
| Bailiffs. [See Distraining.] | | | | |
| Behar, district of, when last surveyed. [See Lands.] - - - - - | IX. | IV. | | |
| Bhurum, Pergunnah, in the district of Sylhet, when last surveyed. [See Lands.] - | IX. | IV. | | |
| Bombay Supreme Court; dispatch of criminal business in the [See Supreme Court.] | | | | |
| Books, copyright in. [See copyright.] | | | | |
| Boundaries; collectors or authorized revenue officers may fix marks on; of fields or estates - - - - - | I. | I. | - | N. W. Provinces. |
| ----- owners or occupants of fields or estates how to be required to form or repair such marks - - - - - | " | I. | | |
| ----- in default of their attending, the marks how to be erected and repaired; and the costs thereof to whom to be charged and how realized - - - - - | " | III. | | |
| ----- penalty for erasing, removing or injuring such marks, and the same how to be disposed of; if the offending party be not detected, the marks to be replaced or repaired at whose cost - - - - - | " | IV. | | |
| ----- shall be fixed under what legal power - - - - - | " | V. | | |
| ----- magistrates not to take cognizance under Act IV. of 1840 of boundary disputes; breach of peace arising therefrom, how to be prevented - - | " | VI. | | |
| C. | | | | |
| Cachar; when last surveyed - - - - - | IX. | IV. | | |
| Calcutta; survey of lands within. [See Survey.] | | | | |
| ----- powers of the Justices of the Peace for the collection and disbursement of assessments when to cease, and afterwards to be exercised by what number of Commissioners, and these how to be appointed - - - - - | XVI. | II. | - | Calcutta. |
| ----- Commissioners how to be remunerated; how many of them shall form a quorum; any one of them may issue warrants for the recovery of arrears of taxes - - - - - | " | III. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|-------|----------|---------|--------------------------------|
| Calcutta ; rules for regulating the election of Commissioners annually - - - | XVI. | IV. | | |
| ----- Commissioners shall levy taxes upon owners or users of carriages, carts and horses, and may compound with persons keeping carriages, &c. for hire, for an annual rate of tax - - - | „ | V. | | |
| ----- such taxes to be levied quarterly, and in what case exempted - - - | „ | VI. | | |
| ----- Commissioners may appropriate to purposes of this Act funds raised by assessments or taxes on carriages, &c. or other funds placed by Government at their disposal ; rates not to exceed five per cent. on the assessed value - | „ | VII. | | |
| ----- Commissioners may appoint assessors and collectors and unite the offices | „ | VIII. | | |
| ----- names of owners or occupiers of houses not necessary in warrants of distress ; identification of property sufficient - - - | „ | IX. | | |
| ----- goods and chattels shall be seizable for arrears of rates due for a year ; tenants may deduct the levy from their rents - - - | „ | X. | | |
| ----- Commissioners how to act when goods are concealed in the Zenana - | „ | XI. | | |
| ----- Commissioners may make rules for assessing and levying the taxes ; their powers defined as regards penalties for persons not performing their duties or obstructing persons acting under the Commissioners - - - | „ | XII. | | |
| ----- what preliminaries necessary before giving such rules the force of law - | „ | XIII. | | |
| ----- Commissioners may levy arrears of taxes and penalties incurred under such rules - - - | „ | XIV. | | |
| ----- application of funds to purposes enumerated - - - | „ | XV. | | |
| ----- schedules of rates on carriages, carts, horses, bullocks, &c. | | | | |
| ----- Commissioners under Act XVI. of 1847, may hold real and personal property for the improvement of, and may sue and be sued as such Commissioners | XXII. | I. | | |
| ----- Commissioners may purchase houses, buildings and grounds with the consent of the Governor ; what course to be adopted for obtaining such properties if the owners do not agree to the prices offered - - - | „ | II. | | |
| ----- Commissioners may agree with owners for the purchase of any real property - - - | „ | III. | | |
| ----- parties lawfully seised and possessed of lands, &c. may sell and convey to the said Commissioners - - - | „ | IV. | | |
| ----- amount of compensation to be determined by a jury for lands, &c. belonging to parties under legal disability except under provisions of this Act - | „ | V. | | |
| ----- Lands, &c., may be sold for annual rent-charge payable by the Commissioners - - - | „ | VI. | | |
| ----- rents where to be charged, and how recoverable in case of non-payment - | „ | VII. | | |
| ----- due notice to be given to parties interested in lands, &c., required to be purchased - - - | „ | VIII. | | |
| ----- notice how to be served - - - | „ | IX. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|-------|----------|---------|--------------------------------|
| Calcutta; parties may have amount of compensation settled by arbitration, by serving notice upon the Commissioners; in default, the matter how to be settled - | XXII. | X. | | |
| mode of appointing arbitrators for settling questions of disputed compensation - - - - - | " | XI. | | |
| in case of death of an arbitrator before determination of the matter in dispute, what course shall be taken - | " | XII. | | |
| arbitrators shall appoint an umpire - - - - - | " | XIII. | | |
| an umpire how to be appointed, in case of the arbitrators failing to appoint one within a certain period - - - - - | " | XIV. | | |
| matters how to be settled in case of death of a single arbitrator appointed by both parties, before he shall have made his award - - - - - | " | XV. | | |
| any one of the arbitrators may act if the other refuses within a certain time - - - - - | " | XVI. | | |
| arbitrators failing to give award within a certain time, the umpire may determine the matters referred to them - | " | XVII. | | |
| arbitrators or their umpire may require the production of documents and examine parties or their witnesses on oath or affirmation - - - - - | " | XVIII. | | |
| form of declaration the arbitrators and the umpire are required to make - | " | XIX. | | |
| costs of arbitration, how to be determined - - - - - | " | XX. | | |
| awards to be delivered to the Commissioners, who shall furnish a copy to the other party - - - - - | " | XXI. | | |
| submission to arbitration may be made a rule of the Supreme Court, and how enforced - - - - - | " | XXII. | | |
| awards not to be set aside for irregularity or error in form - - - - - | " | XXIII. | | |
| if owners of property refuse to settle by arbitration, the sheriff to be asked to call a jury; but if the sheriff be interested in the matter, what other course shall be adopted for that purpose - | " | XXIV. | | |
| provisions applicable to the sheriff in matters relative to reference to a jury shall also be applicable to any other person to whom the warrant may be issued for summoning a jury, and to such person the sheriff shall deliver the jurors' book on requisition - - - - - | " | XXV. | | |
| sheriff to summon a jury of ten persons to meet at a convenient time and place - - - - - | " | XXVI. | | |
| five persons to be drawn from the above number, and if a sufficient number do not appear, how the jury to be made up - - - - - | " | XXVII. | | |
| sheriff to preside at the inquiry; plaintiffs to have what privileges; sheriff may summon witnesses; jury may be required to view the place of dispute, and in what manner - - - - - | " | XXVIII. | | |
| penalties for defaults by sheriff or jurymen, and the same how applicable - | " | XXIX. | | |
| penalties of witnesses failing to appear, or refusing to be examined, or giving false evidence - - - - - | " | XXX. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|-------|----------|---------|--------------------------------|
| Calcutta; due notice of the time and place of inquiry to be served upon the parties concerned - - - - - | XXII. | XXXI. | | |
| the question of compensation to an absent party may be determined by an authorized surveyor - - - - - | " | XXXII. | | |
| jury to be qualified by oath or affirmation administered by the sheriff - - - - - | " | XXXIII. | | |
| compensation to be declared separately for lands, &c., to be purchased by the Commissioners, and for those held with them, for damage done to the latter by being severed - - - - - | " | XXXIV. | | |
| judgment for the purchase money assessed by the jury to be given by the sheriff, and preserved among the records of the Supreme Court; what effect it shall have in courts - - - - - | " | XXXV. | | |
| costs of inquiry to be decided and apportioned - - - - - | " | XXXVI. | | |
| differences in cases of such costs how to be settled - - - - - | " | XXXVII. | | |
| payment of costs how to be enforced by either party - - - - - | " | XXXVIII. | | |
| special jury for the trial of cases of disputed compensation how to be struck if required - - - - - | " | XXXIX. | | |
| rule for impanelling such special jury - - - - - | " | XL. | | |
| any other case may be tried by such special jury also - - - - - | " | XLI. | | |
| compensation to absent parties to be fixed by a surveyor appointed by two of the Calcutta magistrates - - - - - | " | XLII. | | |
| mode of nominating a surveyor - - - - - | " | XLIII. | | |
| form of declaration to be made by the surveyor - - - - - | " | XLIV. | | |
| such nomination and declaration to be annexed to the surveyor's valuation and preserved for the inspection of parties concerned - - - - - | " | XLV. | | |
| regard to be had to injury done to other lands, &c. by severing those purchased - - - - - | " | XLVI. | | |
| parties becoming dissatisfied with the surveyor's valuation may refer the matter to arbitration - - - - - | " | XLVII. | | |
| decision of such arbitration to be confined to what points of the compensation - - - - - | " | XLVIII. | | |
| any further sum awarded by the arbitrators how to be recovered in case of non-payment within certain time - - - - - | " | XLIX. | | |
| costs of such arbitration how to be decided - - - - - | " | L. | | |
| parties how to recover compensation for lands, &c. taken for or injured by the works of the Commissioners, who shall not have paid for the same - - - - - | " | LI. | | |
| purchase money how to be invested and deposited in cases where it may not have been paid to owners of lands, &c. for reasons stated, and the same how disposable by order of the Supreme Court - - - - - | " | LII. | | |
| Supreme Court may order accumulation and payment of monies in respect of lease or estate in lands, &c., less than the whole fee-simple thereof or reversions, in such manner as will benefit the parties interested - - - - - | " | LIII. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|-------|----------|---------|--------------------------------|
| Calcutta; owners shall convey lands, &c., to the Commissioners, and in default or in case of their failing to adduce good titles, what course the Commissioners shall take for obtaining possession of the said lands, &c. - - - - - | XXII. | LIV. | | |
| — In case of owners refusing to accept the purchase-money, to make out a title, or to convey the lands, &c., or if such owners be absent, the purchase-money how to be disposed of, and possession of lands, &c. taken - - - - - | " | LV. | | |
| — Supreme Court may, in a summary way, order investment and payment of purchase-money on application of the interested party - - - - - | " | LVI. | | |
| — Commissioners shall not be parties to such proceedings, but due notice to be served upon other interested parties - | " | LVII. | | |
| — Commissioners may sell for the purposes of this Act, and Act No. XVI. of 1847, lands, &c., vested in them - | " | LVIII. | | |
| — Conveyances by Commissioners of such lands, &c., how to be drawn, and to have what effect - - - - - | " | LIX. | | |
| — Commissioners may borrow money for carrying out the provisions of this Act, or Act No. XVI. of 1847, on mortgaging or assigning over rates, taxes, &c., to the party lending - - - - - | " | LX. | | |
| — Means for discharging the loans so raised by the Commissioners - - - | " | LXI. | | |
| — Mortgage of assessments, &c., to be made by deed; the same how to be drawn, and by whom executed; what shall be the rights of the mortgagees as to the repayment of the loans - - - | " | LXII. | | |
| — Expenses of mortgage, by whom to be defrayed - - - - - | " | LXIII. | | |
| — A register of all mortgages to be kept by the Commissioners' clerk - | " | LXIV. | | |
| — Right in mortgages may be transferred to other parties - - - - - | " | LXV. | | |
| — Entries to be made in the register of such transfers, <i>toties quoties</i> - - - | " | LXVI. | | |
| — Mortgages being satisfied, shall cease to be of any effect without transfer or release - - - - - | " | LXVII. | | |
| — Order of paying off mortgages how to be decided by the Commissioners - - - - - | " | LXVIII. | | |
| — Period for repayment may be fixed in the mortgage deed - - - - - | " | LXIX. | | |
| — If the period for repayment be not stipulated, either party may, after the expiration of 12 months, demand or repay the principal with interest, upon notice thereof - - - - - | " | LXX. | | |
| — All interest upon the mortgage shall cease at the expiration of the prescribed notice by the Commissioners - | " | LXXI. | | |
| — Mortgagee how to enforce payment - - - - - | " | LXXII. | | |
| — Mortgagee or mortgagees, in conjunction with one another, may require the appointment of a receiver if the debt or debts amount to 10,000 rupees - | " | LXXIII. | | |
| — Receiver by whom to be appointed, and what shall be his power. - - - | " | LXXIV. | | |
| — Schedule (A.) form of mortgage deed. | | | | |
| — Schedule (B.) form of transfer of mortgage. | | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|------|----------|---------|--------------------------------|
| Carriages, wheeled, taxed. [See Calcutta.] | | | | |
| Carts, taxed. [See Calcutta.] | | | | |
| Ceylon; emigration of Natives of India to. [See Emigration.] | | | | |
| Chapghat, Pergunnah, in the district of Sylhet, when last surveyed - - - | IX. | IV. | | |
| Chittagong, district of, when last surveyed. [See Lands] | | | | |
| Coins [See Copper.] | | | | |
| Commissioners appointed for the improvement of the town of Calcutta. [See Calcutta.] | | | | |
| Constables or subordinate peace officers no more to be appointed by Her Majesty's Court at Prince of Wales' Island, Singapore and Malacca - - - | III. | I. | - - | Straits Settlements. |
| By whom to be appointed hereafter. [See Peace Officers.] - - | " | II. | | |
| Convicts may be received in the Straits Settlements from Hong Kong - - - | XI. | - - | - - | |
| Copper Coins of certain weight and value may be issued from Government Treasuries within the Straits Settlements - | VI. | II. | - - | |
| definition of the value of, which shall be legal tender within the said Settlements - - - | " | III. | | |
| shall be legal tender only for fractions of dollars - - - | " | IV. | | |
| no other shall be legal tender | " | V. | | |
| circulation of other, not being of British or Foreign Coinage, prohibited - - - | " | VI. | " | |
| penalty for circulating other than the authorized legal coinage - | " | VII. | | |
| Governor-General in Council may direct the coining and issuing, and prescribe devices and inscriptions of - | " | VIII. | | |
| Copyright of authors shall continue in force for what period - - - | XX. | I. | - - | General. |
| provision made against the suppression of a book to the public by the proprietor's refusal to republish after the death of its author - - - | " | II. | | |
| book of registry where to be kept for the entry of the proprietorship in - - - | " | III. | | |
| false entry how punishable - | " | IV. | | |
| in books published since Act 3 & 4 Will. 4, c. 85, may be registered with certain particulars, as also assignment thereof on payment of a fee - | " | V. | | |
| persons aggrieved by any entry shall take what course for having it expunged or altered - - - | " | VI. | | |
| persons unlawfully printing or selling books in which there may be a copyright, shall be liable to actions - | " | VII. | | |
| defendants in such actions in Her Majesty's Courts required to give notice to plaintiffs of certain particulars of the objections they intend to plead - - | " | VIII. | | |
| the same as regards suits instituted in the Company's Courts - - | " | IX. | | |
| provision made for protecting the, in periodical works published in a series of books or parts - - - | " | X. | | |
| proprietors of, in such works shall have all the benefits of registration - | " | XI. | | |
| copies of works unlawfully printed shall be the property of the registered proprietor - - - | " | XII. | | |

| | ACTS. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|-------|----------|---------|--------------------------------|
| Copyright; persons may be sued in Her Majesty's or Company's Court for the recovery of such copies, or the damages for the detention or conversion thereof - | XX. | XIII. | | |
| _____ actions shall not be maintained without a previous entry in the book of registry - - - - - | " | XIV. | | |
| _____ persons sued in Her Majesty's Courts for doing things in pursuance of this Act, shall take what course in defending - - - - - | " | XV. | | |
| _____ limitation of period for legal proceedings for offences against the Act in civil and criminal actions - - - - - | " | XVI. | | |
| _____ Act not to affect obligations previously made - - - - - | " | XVII. | | |
| _____ Schedules of entries of Proprietorship and of assignment of. | | | | |
| Courts of the Justices of the Peace, not coming within the scope of the meaning of "Her Majesty's Courts of Justice," in section 4 of Act V. of 1840, as regards declaration or affirmation. [See Acts.] | II. | - | - | - - Justices of the Peace. |
| Courts established by the Governor-general in Council in Territories not subject to the Government of India; sentences of, on prisoners may be given effect to by officers in charge of the provincial jails. [See Jails.] | | | | |
| Court of Commissionera. [See Distraining Bailiffs.] | | | | |
| Courts Martial. [See Articles of War.] | | | | |
| Cuttack; Northern, Central and Southern Divisions of, when last surveyed. [See Lands.] - - - - - | IX. | IV. | | |
| D. | | | | |
| Declaration. [See Courts of the Justices of the Peace.] | | | | |
| Deeds; registration of, by persons not appointed as Registrar, or made on days other than the Court days. [See Registration.] | | | | |
| Defaults discovered in the prosecution of suits and appeals now pending or hereafter to be brought in Company's Courts not to affect judgments. - - - - - | XVII. | - | - | General. |
| Demarcation of Fields or Estates. [See Boundaries.] | | | | |
| Deputy Superintendent of Police in the Straits Settlements by whom to be appointed - - - - - | III. | II. | | |
| Distraining Bailiffs and Appraisers may be appointed by the Court of Commissioners for the recovery of rents - - | VII. | I. | - | Calcutta. |
| Distraining Bailiffs; any Commissioner may issue a warrant for the recovery of arrears of rent of premises in Calcutta not exceeding 100 rupees, upon the affidavit of persons applying for such warrant - - - - - | " | II. | | |
| _____ may seize goods upon such premises sufficient to cover rent and costs. Commissioners may discharge or suspend the warrant on application from the party owing the rent, and give reasonable time to such party to pay the rent - - - - - | " | III. | | |
| _____ in default of application what course to be taken for the sale of the goods seized, and the proceeds how to be disposed of - - - - - | " | IV. | | |

| | ACTS. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|-------|----------|---------|--------------------------------|
| Distraining Bailiffs; costs levied how to be disposed of, and entered in a book kept for that purpose - - - - | VII. | V. | | |
| -----distress for rents amounting to 100 rupees or less, to be levied hereafter under this Act; penalty of persons, except the authorized officers, levying such distress - - - - | " | VI. | | |
| ----- exemptions from the provisions of this Act - - - - | " | VII. | | |
| ----- forms of Schedules marked (A.) to (E.) | | | | |
| E. | | | | |
| Echamuttee, Pergunnah, in the district of Sylhet, when last surveyed. [See Lands.] | IX. | IV. | | |
| Emigration to Mauritius from Madras, allowed under Act XV. of 1842 - - | VIII. | I. | - - | Madras. |
| -----Governor in Council may appoint a Protector of Emigrants; and emigrants shall embark with certificates from the agent appointed by the Mauritius Government, countersigned by the Protector - - - - | " | II. | | |
| -----of natives of India to the Island of Ceylon; provisions of Act XIV. of 1839 prohibiting the, repealed - - | XIII. | I. | - - | General. |
| -----Act not to come into operation until sufficient laws shall have been made by the Ceylon Government against such natives of India emigrating to any other colony. [See Acts.] - - - | " | II. | | |
| Estates, demarcation of. [See Boundaries.] | | | | |
| F. | | | | |
| Fields, demarcation of. [See Boundaries.] | | | | |
| Fines, moonsiffs and sudder ameens exempted from - - - - | XII. | - - | - - | - - Bengal and N. W. Provs. |
| Furkyah. [See Pergunnah.] | | | | |
| G. | | | | |
| Gwalparah, district of, when last surveyed. [See Lands.] - - - - | IX. | IV. | | |
| H. | | | | |
| Hidgellee, in the district of Midnapore, when last surveyed. [See Lands.] - - | " | " | | |
| Hong-Kong, convicts from, may be received in the Straits Settlements. [See Convicts.] - - - - | XI. | | | |
| Horses taxed. [See Calcutta.] | | | | |
| I. | | | | |
| Imprisonment for life, offenders sentenced to, also made subject to transportation beyond sea - - - - | X. | - - | - - | General. |
| Improvement of Calcutta. [See Calcutta.] | | | | |
| Ittisamnuggur, Pergunnah, in the district of Sylhet, when last surveyed. [See Lands.] - - - - | IX. | IV. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|------|----------|---------|--------------------------------|
| J. | | | | |
| Jails; officers in charge of provincial, may give effect to sentences passed by criminal courts established by the Governor-general in Council in states or territories not subject to the Presidencies or within the non-Regulation Provinces - - | V. | I. | - - | General. |
| — warrant from competent officers within such states or provinces shall be authority for holding prisoners in confinement, or for transportation or punishment - - | " | II. | | |
| — officers in charge of, how to act if they doubt the legality of the warrants - | " | III. | | |
| — provisions of existing law to apply to prisoners confined under this Act - | " | IV. | | |
| Jynteeah, in the district of Sylhet, when last surveyed - - | IX. | IV. | | |
| Justices of the Peace. [See Courts of.] | | | | |
| L. | | | | |
| Lands gained from the sea or rivers by alluvion or dereliction, operation of Regulations of the Bengal Code relating to the assessment of; suspended within the Provinces of Bengal, Behar and Orissa: investigations pending before collectors and deputy collectors to be discontinued; and measures relating to the above to be hereafter taken under this Act - - - - | " | I. | - - | Bengal, Behar and Orissa. |
| — definition of the expression "Province of Orissa," as used in this Act - | " | II. | | |
| — new maps to be made according to surveys to be held every 10 years of such - - - - | " | III. | | |
| — dates of the last Revenue Surveys of certain districts and pergunnahs enumerated. Surveys hereafter made when to be considered completed - - - - | " | IV. | | |
| — deduction from the Sudder Jumma for, washed away from or lost to an estate, how to be made and in what proportion - - - - | " | V. | | |
| — added to any estate, how to be assessed - - - - | " | VI. | | |
| — islands thrown up in rivers, how to be assessed and settled. Parties aggrieved where to sue - - - - | " | VII. | | |
| — this Act not to affect suits now pending for the assessment of, or for establishing the right of Government to alluvial lands or suits open to appeal - | " | VIII. | | |
| — suits against Government relating to matters concerning this Act inadmissible, except as regards the proprietary right to islands - - - - | " | IX. | | |
| Luckimpore, district of, when last surveyed. [See Lands.] - - - - | " | IV. | | |
| M. | | | | |
| Magistrate; Governor in Council may appoint a Company's military officer as, in any zillah. [See Assistant Magistrate.] - | IV. | - - | - - | Madras. |
| Malacca. [See Convicts.] | | | | |
| Mauritius, emigration to, from Madras. [See Emigration.] | | | | |
| Midnapore, district of, except Hidgellee and Tumlook, when last surveyed. [See Lands.] - - - - | IX. | IV. | | |
| Military Law [See Articles of War.] | | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|--------|----------|---------|---|
| Military Officers in the Company's Service may be appointed magistrates and assistant magistrates in any zillah within the Madras Presidency - - - - | IV. | | | |
| Moonsiffs exempted from fines - - - - | XII. | | | - - Bengal and North-western provinces. |
| Municipal Laws. [See Calcutta.] | | | | |
| N. | | | | |
| Native Officers and Soldiers. [See Articles of War.] | | | | |
| Non-Regulation Provinces; provision made for the confinement within the provincial gaols of prisoners on whom sentence may have been passed by Courts in the. [See Jails.] | | | | |
| O. | | | | |
| Offenders when sentenced by Courts to imprisonment for life, shall be at the same time sentenced to transportation beyond sea - - - - | X. | | | General. |
| P. | | | | |
| Patna, district of, when last surveyed. [See Lands.] - - - - | IX. | IV. | | |
| Peace Officers in the Straits Settlements. [See Constables.] | | | | |
| Pergunnah Furkyah, in the district of Monghyr, when last surveyed. [See Lands.] | IX. | IV. | | |
| Plaints, Transcripts of, repealing parts of section 3, Regulation IV. 1793, and section 3, Regulation III. of 1803, relating to. [See Regulations.] - - - - | XIV. | | | Bengal. |
| Prince of Wales' Island. [See Convicts.] | | | | |
| Prisoners sentenced to imprisonment for life made also subject to transportation beyond sea - - - - | X. | | | General. |
| _____ sentenced by Courts established by the Governor-general in Council, in territories not subject to the Presidencies, or within non-regulation provinces, may be confined in the Company's Jails, within the Company's Territories. [See Jails.] | | | | |
| Printed Works. [See Copyright.] | | | | |
| R. | | | | |
| Registration of Deeds by persons not duly appointed as register, legalized - - - - | XVIII. | I. | | General. |
| Registration made on other than the Court days, legalized - - - - | " | II. | | |
| Regulations of the Bengal Code, as relate to assessment of lands gained from sea or rivers, shall cease to have effect hereafter. [See Alluvial Lands, Survey, and Lands] - - - - | IX. | | | Bengal. |
| Regulation XXIII. of 1814, Clause 3, section 9, and part of section 67 of, repealed - - - - | XII. | | | - - Bengal and North-western provinces. |
| _____ IV. of 1793, part of section 3 of, repealed - - - - | XIV. | | | " |
| _____ III. of 1803, parts of section 3 of, repealed - - - - | " | | | " |
| Rents; arrears of small; of premises in Calcutta, how to be recovered by distress. [See Distraining Bailiffs.] | | | | |
| Revenue Surveys of districts. [See Lands.] | | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|--------|----------|---------|--|
| S. | | | | |
| Sarun, district of, when last surveyed. [<i>See Lands.</i>] | IX. | IV. | | |
| Seebpore, district of, when last surveyed. [<i>See Lands.</i>] | " | " | | |
| Shahabad, district of, when last surveyed. [<i>See Lands.</i>] | " | " | | |
| Singapore. [<i>See Convicts.</i>] | | | | |
| Soldiers, Native. [<i>See Articles of War.</i>] | | | | |
| Stealing; period of transportation for, as provided in Act XXXI. of 1838, section 17, modified. [<i>See Transportation.</i>] | | | | |
| Straits Settlements; appointment of constables and peace officers at the. [<i>See Constables.</i>] | | | | |
| ----- Convicts may be received in the, from Hong Kong. [<i>See Convicts.</i>] | XI. | | | |
| Subordinate Peace Officers in the Straits Settlements. [<i>See Constables.</i>] | | | | |
| Sudder Ameens exempted from fines - | XII. | - | - | - - Bengal and North-western provinces |
| Suits; defaults in the prosecution of. [<i>See Defaults.</i>] | | | | |
| Supreme Court at Bombay; any one of the judges of the, may sit apart from the other judge or judges for the dispatch of criminal business - | XXI. | I. | - | Bombay. |
| ----- may transact business out of term - | " | II. | | |
| Surveys of districts hereafter made, when to be deemed as completed - | IX. | IV. | | |
| Survey of lands within Calcutta, by an officer who may invite owners and occupiers of lands to appear before him - | XV. | I. | - | Calcutta. |
| Survey of Lands; power and duty of such officer or his subordinates, in making the survey - | " | II. | | |
| ----- Penalty for persons obstructing or molesting such officers - | " | III. | | |
| ----- Owners or occupiers of lands may be summoned by the surveying officer, by a special notice to each; persons objecting to produce any title deeds, shall not be required to do so - | " | IV. | | |
| ----- Persons may be summoned to appear before the surveying officer as witnesses; in default of attendance or refusing to give evidence, such witnesses how to be dealt with - | " | V. | | |
| ----- Surveying officer may swear the witnesses by oath or affirmation or solemn declaration - | " | VI. | | |
| ----- Persons giving false evidence, shall be guilty of perjury - | " | VII. | | |
| T. | | | | |
| Taxes. [<i>See Calcutta.</i>] | | | | |
| Transcription of Plaints; regulations relating to. [<i>See Plaints.</i>] | | | | |
| Transportation beyond Sea; offenders sentenced by Courts, not included in Act XIV. of 1844, to imprisonment for life, also made subject to - | X. | - | - | General. |
| ----- Act XXXI. of 1838, section 17, as provides for the minimum period of, for offences therein mentioned, repealed - | XXIII. | - | - | - - Her Majesty's Courts. |
| Tumlook, in the district of Midnapore, when last surveyed. [<i>See Lands.</i>] | IX. | IV. | | |

INDEX to the ACTS for 1848.

(Nos. I. to XXVII.)

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|--------|----------|---------|--------------------------------|
| A. | | | | |
| Abkaree; Persons guilty of the offence punishable under section 7, Act XXV. of 1840, shall, on conviction, be punished by magistrates - - - - - | XXIII. | I. | - - | - - Bengal Presidency. |
| Act VI. of 1848; section 3 of, amended in respect of free ports - - - - - | VII. | I. | | |
| — XII. of 1839, and | | | | |
| — XII. of 1840; repealed - - - - - | IX. | I. | | |
| — VII. of 1843; section 35, repealed - - | XIX. | I. | | |
| — XXV. of 1840; a clerical error in, amended - - - - - | XXIII. | I. | | |
| — IV. of 1848; extended to the Straits Settlement - - - - - | XXVI. | I. | | |
| — XII. of 1844; amended - - - - - | XXVII. | | | |
| Arracan Proviuce, Ports in, exempted from the operation of section 3, Act VI. of 1848. [See Duties.] | | | | |
| Assessments in the Straits Settlement. [See Straits Settlement.] | | | | |
| B. | | | | |
| Bunganapilly, the Jagheer of, restored to the Jagheerdar. Authority of the Agent under Act X. of 1843, to cease from 1st January 1849, as to the district of - | XXV. | I. | - - | - - Madras Presidency. |
| — proceedings of the Agent and his assistants before the above date shall stand good - - - - - | " | II. | | |
| — the Foujdaree Adawlut shall continue to exercise their appellate jurisdiction, both as to criminal and civil proceedings, held by the Agent before the above date - - - - - | " | III. | | |
| — agent and assistants, how to be absolved from all responsibility for the administration of - - - - - | " | IV. | | |
| — control of the British Government to continue unabated over - - | " | V. | | |
| C. | | | | |
| Calcutta, Improvement of. [See Improvement.] | | | | |
| Collectors in the Lower Provinces of the Bengal Presidency may impose daily fines on proprietors or farmers of lands for better enforcing their attendance. [See Fines.] | | | | |
| Commissions to be issued by the Supreme Court at Calcutta for taking affidavits. [See Supreme Court.] | | | | |
| Commissioners. [See Court of.] | | | | |
| Coroner's Juries. [See Juries.] | | | | |
| Coroners Jury; Act IV. 1848, extended to the Straits Settlement - - - - - | XXVI. | | | |
| Court of Commissioners; proceedings of, held under certain proclamations, declared valid - - - - - | XII. | I. | - - | Calcutta. |
| — powers given to the Commissioners by the 1st proclamation shall extend and be deemed to have extended to matters determined under the several proclamations - - | " | II. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|-------|----------|---------|--------------------------------|
| Court of Commissioners; proceedings held by Commissioners singly declared valid - | XII. | III. | | |
| rules, orders, forms of procedure and tables of fees declared valid - | " | IV. | | |
| process of the Court, on whatever day made returnable, declared valid - | " | V. | | |
| Courts under the Royal Charter, and Insolvent Courts; officers in, prohibited from accepting rewards from persons holding any office in any bank or public company, and carrying on dealings - | XV. | I. | - - | General. |
| Courts under the Royal Charter; the above provision shall not affect certain class of officers - | " | II. | | |
| officers may hold unpaid offices in societies for charitable or scientific purposes - | " | III. | | |
| penalty for offending against this Act - | " | IV. | | |
| Courts of District Moonsiffs in the Madras Presidency; stamp duties substituted for institution fees in. [See District Moonsiffs.] | | | | |
| Courts (Civil) in the Madras Presidency; refund of stamp duties in certain cases. [See Stamp Duties.] | | | | |
| Criminal Courts: subordinate. [See Nizamut Adawlut and Foujdaree Adawlut.] | | | | |
| D. | | | | |
| District Moonsiffs; Stamp duties to be levied instead of institution fees in civil actions in the Courts of. [See Regulations.] - | XVII. | II. | - - | - - Madras Presidency. |
| Duties on goods imported by sea on foreign bottoms equalized with those charged on goods imported on British bottoms - | VI. | I. | - - | General. |
| Duties; the same as regards goods exported on foreign bottoms - | " | II. | | |
| on goods carried from port to port within the Company's territories abolished - | " | III. | | |
| salt and opium excepted - | " | IV. | | |
| on goods imported from and exported to ports in the Straits of Malacca, Tenasserim Provinces and Province of Arracan, to remain unaffected by Act VI. 1848 - | VII. | I. | | |
| drawback not allowable upon re-export of goods from port to port within the Company's territories to which section 3, Act VI. of 1848 may extend | " | II. | | |
| E. | | | | |
| Estate of the late Nuwab of Surat; administration of the. [See Nuwab.] | | | | |
| Export Duties. [See Duties.] | | | | |
| F. | | | | |
| Fines may be imposed by Collectors daily on proprietors or farmers of lands for non-attendance when summoned - | XX. | I. | - - | Bengal Division. |
| Fines; Collector shall report the imposition and levy of, to the Commissioner of Revenue - | " | II. | | |
| Collector's orders shall be appealable to the superior authorities - | " | III. | | |
| maximum amount of, leviable by the Collector - | " | IV. | | |
| power of imposing, under certain regulations, to remain unaffected - | " | V. | | |
| meaning of the term Collector defined - | " | VI. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|-------|----------|---------|--------------------------------|
| Fines; Act not to extend to the North-Western Provinces - - - - | XX. | VII. | | |
| Foreign Bottoms; duties on goods imported on. [See Duties.] | | | | |
| Forgery; charges of, in respect to papers put in evidence in civil or criminal cases, inadmissible before Mofussil magistrates - | I. | I. | - - | -- Bengal Presidency. |
| ----- Civil or Criminal Court may commit the accused party to the magistrate. Powers vested in Sessions Judges in cases of, by section 6, Regulation II. of 1807, to remain unaffected - - - - | " | H. | | |
| ----- form of indictment for, triable in Courts established by Royal Charter, to be observed in future - - - - | XXII. | I. | - - | -- Her Majesty's Courts. |
| Foujdaree Adawlut in the Madras Presidency; power of, to review sentences passed by subordinate Courts. [See Nizamut Adawlut.] | | | | |
| G. | | | | |
| Gaming. [See Wagers.] | | | | |
| Gangs of Thieves and Robbers; persons belonging to. [See Robbers.] | | | | |
| Governor-general may exercise powers of the Governor-general in Council during his absence from Calcutta, except such as may be exercised by the President in Council, and the power of making laws - - - - | XXIV. | I. | | |
| ----- Act when to take effect - - - - | " | II. | | |
| I. | | | | |
| Import Duties. [See Duties.] | | | | |
| Improvement of Calcutta; Commissioners may appoint surveyor, clerk and other officers - - - - | II. | I. | - - | Calcutta. |
| ----- powers to be exercised by Commissioners, surveyor and clerk for constructing aqueducts, for bringing water into the town from places without the local limits of the Supreme Court, and the duty of district magistrates in such cases - - - - | " | II. | | |
| ----- Commissioners may execute works by contracts with individuals, and the powers vested in such contracting parties - - - - | " | III. | | |
| ----- compensation to be made by Commissioners for damage done to houses, buildings, &c.; and in case of disagreement as to the amount of such compensation, the same how to be adjusted - - - - | " | IV. | | |
| ----- penalty for persons obstructing Commissioners, &c., in the execution of their duty - - - - | " | V. | | |
| ----- Commissioners, &c., may enter into buildings without being liable to an action - - - - | " | VI. | | |
| ----- the management and control over streets and public thoroughfares, and the buildings, materials, implements, &c., shall be the property of and vested in the Commissioners as Trustees - - - - | " | VII. | | |
| ----- Commissioners may pave and water the streets and thoroughfares - - - - | " | VIII. | | |
| ----- Commissioners shall keep in repair streets and thoroughfares, and shall be liable to be indicted for not sufficiently repairing the same - - - - | " | IX. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|------|----------|---------|--------------------------------|
| Improvement of Calcutta ; penalty for displacing or making any alteration in the pavements, flags or other materials in any street without the Commissioners' consent, or causing obstructions thereto | II. | X. | | |
| Commissioners shall open streets and thoroughfares according to plans and estimates approved by the Governor of Bengal | " | XI. | | |
| Commissioners in conformity with Act XXII. of 1847, shall purchase houses, buildings and grounds for the execution of such plans, and proceed with the works without further reference to the said Governor | " | XII. | | |
| sewerage and drainage of the town, how to be made | " | XIII. | | |
| provision made for the supply of water for domestic and other purposes of the town | " | XIV. | | |
| sewers, drains, buildings, canals, aqueducts, tanks, wells, &c., applied to public use, shall be the property of, and vested in the Commissioners | " | XV. | | |
| provision made for effectual draining and cleansing of the whole town | " | XVI. | | |
| sewers, how to be improved, and stagnant pools, &c., drained off | " | XVII. | | |
| notice to be given to the Commissioners before laying the foundation of any new house or making any drain. In default of such notice what shall be the penalty | " | XVIII. | | |
| persons may at their expense make or branch drains into any public sewer | " | XIX. | | |
| Commissioners may contract with owners of houses for such works to be executed by the surveyor | " | XX. | | |
| effluvia arising from private sewers and drains how to be prevented | " | XXI. | | |
| what precautionary measures to be taken against danger when public thoroughfares, or sewers, or drains are making or are under repair | " | XXII. | | |
| provision made for cleaning the streets, ways and thoroughfares, and for the removal of dust, dirt, filth, &c. | " | XXIII. | | |
| Commissioners may sell the dust, filth, &c. so collected, and apply the money for the purposes of this Act | " | XXIV. | | |
| Commissioners may sink wells and place pipes, &c. for watering the streets, and excavate tanks for public convenience | " | XXV. | | |
| Commissioners may make bye-laws for the purposes of health and cleanliness on certain points mentioned | " | XXVI. | | |
| such bye-laws how to be of force | " | XXVII. | | |
| bye-laws how to be given publicity to | " | XXVIII. | | |
| provisions relative to offences against this Act shall apply to offences against the bye-laws | " | XXIX. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|------|----------|---------|--------------------------------|
| Improvement of Calcutta; Commissioners may direct prosecutions for public nuisances, order proceedings for the recovery of penalties and for the punishment of persons offending, and direct the expenses to be paid from the funds at their disposal | II. | XXX. | | |
| Commissioners may sue and be sued | " | XXXI. | | |
| nuisances to continue liable to be adjudged at common law, and persons guilty of nuisance at common law not to be exempted from prosecution or action in respect thereof | " | XXXII. | | |
| Commissioners may contract for the supply of water, and purchase water-works, streams of water, &c., or take or grant leases thereof | " | XXXIII. | | |
| Commissioners may enter upon lands without consent of owners for constructing water-works and prepare plans with books of reference; the same where to be deposited, and notice of such intended works how to be given | " | XXXIV. | | |
| parties concerned how to be notified, and objections of persons aggrieved by such intended works how to be attended to and disposed of | " | XXXV. | | |
| Commissioners may make, alter or discontinue the water-works | " | XXXVI. | | |
| in making the works the Commissioners shall keep within the limits of the deviation as marked in the plan, nor deviate into lands not mentioned | " | XXXVII. | | |
| Commissioners shall have the right of only laying pipes, culverts, aqueducts, &c., in lands taken by virtue of compulsory powers of purchase | " | XXXVIII. | | |
| Commissioners may deposit on lands within a certain distance from the works, building materials, and compensate the owners for such temporary occupation or any injury done thereto | " | XXXIX. | | |
| previous notice to be given to owners of the intended occupation of lands, and the same how to be set apart | " | XL. | | |
| Commissioners may settle the rent with the owners of the lands | " | XLI. | | |
| reservoirs to be made for the irrigation of adjoining lands and for irrigating the same in those parts where the roads, &c. may be injured from the making of the reservoirs | " | XLII. | | |
| provision made for repairing streets, drains, &c. which may receive any damage on account of the construction of any work | " | XLIII. | | |
| water-works, tanks, &c. shall be maintained by and continue under the control of the Commissioners, and they may erect new ones for gratuitous supply of water | " | XLIV. | | |
| owners and occupiers of houses may deduct one-eighth from the rates payable by them for insufficient supply of water | " | XLV. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|--------|----------|---------|--------------------------------|
| India Navy; Offenders under sentence of transportation how to be dealt with previous to carrying their sentences into execution - - - - - | XXVII. | IV. | | |
| ----- Governor-general in Council and Governors in Council may direct any officer to hold courts martial - - | " | V. | | |
| ----- any officer of the, shall be eligible to act on any court martial although not commissioned to any ship or vessel - - - - - | " | VI. | | |
| ----- in the absence of a sufficient number of officers of the, courts martial how to be constituted - - - - - | " | VII. | | |
| ----- Provisions of this and Act XII. of 1844 shall be considered as of one Act - - - - - | " | VIII. | | |
| Indictment for forgery. [See Forgery.] | | | | |
| Institution Fees in the District Moonsiff's Court in the Madras Presidency. [See District Moonsiffs.] | | | | |
| J. | | | | |
| Juries on Coroners' Inquests limited to five jurors - - - - - | IV. | I. | | General. |
| ----- penalty for non-attendance of jurors when summoned, and the mode of recovering such penalty - - - - - | " | II. | | |
| ----- provision made for preventing coroner's inquisitions from being quashed on account of technical defects - - - - - | " | III. | | |
| ----- Coroner may appoint a deputy to act for him during his absence, subject to the Governor's approval - - - - - | " | IV. | | |
| Jury; The above extended to Prince of Wales' Island, Singapore and Malacca - - - | XXVI. | | | |
| L. | | | | |
| Lands; Ryots or tenants of, how to be served with notices prescribed by sections 9, 10, 11 and 13 of Regulation V. of 1812, in cases where the residence of the ryots is not in the zillah in which the land to which the notices refer, is situated - - | VIII. | | | Bengal Presidency. |
| ----- limitation of the period for filing suits to contest the awards of revenue authorities under Regulations VII. of 1822, IX. of 1825 and IX. of 1833 [See Suits] - - - - - | XIII. | | | |
| M. | | | | |
| Magistrates may take recognizances from persons required to keep the peace, though such persons have not been convicted of any specific offence. [See Penal Recognizances.] | | | | |
| Malacca; Assessments in. [See Straits Settlement.] | | | | |
| ----- [See Coroner's Jury.] | | | | |
| Mandvee; The lapsed state of, annexed to the Bombay Presidency, and shall be subject to the Regulations and Acts - | X. | I. | | -- Bombay Presidency. |
| ----- suits on certain subjects mentioned, not cognizable by the Civil Courts - | " | II. | | |
| ----- Governor in Council may exempt the widows and relatives of the late Rajah of Mandvee from the jurisdiction of Courts - - - - - | " | III. | | |
| ----- Schedule containing the territorial description of the Pergunnah of Soowangiah, constituting the lapsed state of | " | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|--------|----------|---------|---------------------------------|
| Mochulkas to be taken by magistrates from persons for keeping the peace. [See Penal Recognizances.] | | | | |
| Moonsiffs; Stamp duties substituted for institution fees in the courts of district. [See District Moonsiffs.] | | | | |
| Municipal Fund. [See Straits Settlement.] | | | | |
| Municipal Law. [See Improvement.] | | | | |
| Murder by Thuggee; Definition of the expression of [See Thugs.] | III. | | | |
| N. | | | | |
| Navy. [See Indian Navy.] | | | | |
| Nizamut Adawlut in the Bengal Presidency and Foujdaree Adawlut in the Madras Presidency may order the subordinate Courts to revise unlawful sentences passed on prisoners punished without reference | XI | II. | | Bengal and Madras Presidencies. |
| _____ may revise sentences not warranted by evidence, or when too severe | " | III. | | |
| _____ may call for proceedings of subordinate courts in any criminal trial and pass proper orders, but shall not enhance the punishment or punish persons acquitted | XIX. | IV. | | |
| Notices prescribed to be served on ryots by sections 9, 10, 11 and 13, how to be served. [See Ryots.] | | | | |
| Nuwab of Surat; Persons and properties of the widows and family of the late, named in the Schedule annexed, exempted from being seized by writ or process | XVIII. | I. | | Bombay. |
| _____ property of the late, how to be administered and disposed of | " | II. | | |
| _____ Limitation of suits instituted in Civil Courts in respect of persons within the provisions of clause 2, section 21, Regulation II. of 1827, Bombay Code | " | III. | | |
| _____ priority of registration of deeds shall not invalidate such as may be registered by persons mentioned in clause 2, section 21, Regulation II. of 1827, within six months after the passing of this Act | " | IV. | | |
| _____ Schedule. | | | | |
| O. | | | | |
| Officers of the Supreme Courts prohibited from trading. [See Courts.] | | | | |
| P. | | | | |
| Peace; what measures to be taken by Magistrates for the maintenance of the, in their respective jurisdictions. [See Penal Recognizances.] | | | | |
| Penal Recognizances; Magistrates may take, from persons for the maintenance of the peace in their respective jurisdictions, though not convicted of any offence | V. | II. | | Bengal Presidency. |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|------|----------|---------|--------------------------------|
| Penal Recognizances; Magistrates may also take securities, if necessary - - - | V. | III. | | |
| ----- magistrates may order recognizances to be taken if for one year; what shall be the penalty in case of default - - - | " | IV. | | |
| ----- what course to be taken when the parties are to be bound for more than one year - - - | " | V. | | |
| ----- persons not to be kept in prison for default, longer than the period for which the recognizances have been required - - - | " | VI. | | |
| ----- Sections 5, 6 and 7, of Regulation VIII. of 1818, Bengal Code, made applicable to persons confined, and to sureties who have given securities under this Act - - - | " | VII. | | |
| ----- penalty of recognizances when forfeited, how to be enforced - - - | " | VIII. | | |
| ----- penalty of security bonds, how recoverable on recognizances being forfeited - - - | " | IX. | | |
| ----- sentences and orders passed under this Act shall be appealable - - - | " | X. | | |
| ----- mochulkas and security bonds taken under general regulations by Criminal Courts, may be enforced in manner prescribed by sections 8 and 9 of this Act - - - | " | XI. | | |
| ----- forms of mochulkas and security bonds. | | | | |
| Perjury; Principal Sudder Ameens in civil cases pending before them, vested with the powers of Judges under clause 2, section 14, Regulation XVII. of 1817, to commit persons charged with, or subornation of - - - | I. | III. | | Bengal Presidency. |
| ----- Sessions Judges may try persons committed by themselves as Civil Judges under the above clause - - - | " | IV. | | |
| ----- revenue officers acting judicially, included in the expression Civil Courts, for the purposes of this Act - - - | " | V. | | |
| Port to Port; Duties on goods carried from, within the Company's territories, abolished. [See Duties.] | | | | |
| Ports in the Straits' Settlement, Tenasserim and Arracan Provinces exempted from the operation of section 3, Act VI. of 1848 - - - | VII. | I. | | |
| Prince of Wales' Island, assessments in. [See Straits' Settlement.] | | | | |
| ----- [See Coroner's Jury.] | | | | |
| Principal Sudder Ameens vested with the powers of Judges, under Clause 2, section 14, Regulation XVII. of 1817, to commit persons chargeable with Perjury. [See Perjury.] - - - | I. | III. | | |
| Prisoners; punishment of, by subordinate courts. [See Nizamut Adawlut.] | | | | |
| R. | | | | |
| Recognizances from parties for keeping the peace. [See Penal Recognizances.] - | | | | |
| Regulation IV., 1825, section 4 of, Bengal Code, repealed - - - | V. | I. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|-------|----------|---------|--------------------------------|
| Regulation XVII. of 1817, clause 2, section 14, of, Bengal Code, extended to Principal Sudder Ameens - - - - - | I. | III. | | |
| Regulation V., 1812, sections 9, 10, 11 and 13 of, Bengal Code, modified - - - - - | VIII. | | | |
| Regulations of the Bombay Code, modified; viz., section 21, Regulation II. of 1827; section 6, Regulation XVI. of 1827; sections 9, 16, 36 and 49 of Regulation XVII. of 1827. [See Mandvee] - - - - - | X. | II. | | |
| Regulation X. of 1819, sections 49, 50, 85 and 93 of, Bengal Code, repealed - - - - - | XVI. | I. | | |
| ditto - ditto, part of section 48, ditto - - - - - | " | I. | | |
| Regulation X. of 1826, section 2 of, Bengal Code, repealed. [See Salt] - - - - - | " | I. | | |
| Regulation VI. of 1816, section 16, and clause 2, section 57, of Madras Code, repealed - - - - - | XVII. | I. | | |
| Regulation II. of 1834, sections 4 and 5 of, Madras Code, repealed - - - - - | " | I. | | |
| Regulation XIII. of 1816, parts of, and section 7, Regulation VII., 1818, Madras Code, as relate to Stamp Duties instead of Institution Fees, extended to the District Moonsiffs' Courts. [See District Moonsiffs] - - - - - | " | II. | | |
| Regulation IX., 1831, section 5 of, Bengal Code, repealed - - - - - | XIX. | I. | | |
| Regulation VIII. of 1818, sections 5, 6 and 7 of Bengal Code, shall be applicable to persons confined under Act V. of 1848, and to sureties giving security under that Act - - - - - | V. | VII. | | |
| Revenue Authorities, Limitation of the period of filing suits against awards of, under Regulations VII. of 1822, IX. of 1825, and IX. of 1833. [See Suits] - - - - - | XIII. | | | |
| Robbers, Persons belonging to gangs of, how punishable - - - - - | XI. | I. | | General. |
| persons guilty of the offence of belonging to such gangs, or of receiving property stolen by them, may be committed by any magistrate and tried by any court - - - - - | " | II. | | |
| futwas not necessary for trial of offences under this Act - - - - - | " | III. | | |
| Ryots, Notices or demands prescribed to be served on, by sections 9, 10, 11 and 13 of Regulation V., 1812, how to be served, if their usual places of residence are not in the zillah where their lands to which the notices refer are situated - - - - - | VIII. | | | |
| S. | | | | |
| Salt, Customs duty no more leviabie upon, imported into the North-Western Provinces from the other Provinces of the Bengal Presidency - - - - - | XVI. | II. | | - - Bengal Presidency. |
| Securities for persons bound to keep the peace. [See Penal Recognizances.] | | | | |
| Sentences passed by Subordinate Criminal Courts in the Bengal and Madras Presidencies, how to be dealt with by the Superior Courts when they appear unlawful. [See Nizamut Adawlut.] | | | | |
| Sessions Judges may try persons committed by themselves as Civil Judge, under clause 2, section 14, Regulation XVII. of 1817, for perjury or subornation of perjury. [See Perjury] - - - - - | I. | IV. | | - - Bengal Presidency. |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|-------|----------|---------|--------------------------------|
| Singapore, Assessments in. [See Straits Settlement.] ----- [See Coroner's Jury.] | | | | |
| Stamp Duties substituted for Institution Fees in the District Moonsiffs' Courts in the Madras Presidency. [See District Moonsiffs.] ----- certificate to be granted for refund of, on dismissal of suits in Civil Courts on application from parties - | XVII. | III. | - - | - - Madras Presidency. |
| ----- refund of such duties how to be regulated - - - - - | " | IV. | | |
| Straits Settlement; Ports exempted from the operation of section 3, Act VI. of 1848. [See Duties.] ----- houses, shops and other buildings in the, how to be assessed - | IX. | II. | | |
| ----- produce of lands in, to be assessed in what manner - - | " | III. | | |
| ----- value of net produce of lands how to be ascertained - - | " | IV. | | |
| ----- to facilitate the collection of assessment, owners and occupiers of lands to be required to furnish to the Collector certain particulars concerning the produce of the lands; penalty for persons refusing to furnish such particulars - - - - - | " | V. | | |
| ----- wheeled carriages, horses, &c. &c., how to be taxed; payment how to be enforced in case of default - - - - - | " | VI. | | |
| ----- collectors of assessment and taxes by whom to be appointed - | " | VII. | | |
| ----- payment of assessment how to be enforced in case of default - | " | VIII. | | |
| ----- collectors may sue for the recovery of arrears through Courts of Justice, in lieu of proceeding by warrant of distress - - - - - | " | IX. | | |
| ----- parties aggrieved may appeal to the Court of Quarter Sessions | " | X. | | |
| ----- limitation of time for preferring the appeal - - - - - | " | XI. | | |
| ----- moneys collected from assessment and taxes to be called "Municipal Fund," and the same how to be appropriated - - - - - | " | XII. | | |
| ----- the chief civil authority of the settlement may appoint a municipal committee from among the resident rate-payers for the management of the "Municipal Fund" - - - | " | XIII. | | |
| ----- the committee may make rules and regulations for carrying out the objects specified in sections 12 and 13 - - - - - | " | XIV. | | |
| ----- collector shall annually publish a statement of the receipts and disbursements - - - - - | " | XV. | | |
| ----- owners of wheeled carriages let to hire, required to enter such carriages in a register to be kept at the police-office. Penalty for non-entry - | " | XVI. | | |
| ----- penalty for not placing a numbered board on the carriages as required - - - - - | " | XVII. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|-------|----------|---------|--------------------------------|
| Straits Settlement; Quarter Session and police fees, fines, &c. &c., to be paid into the Municipal Fund - - - - | IX. | XVIII. | | |
| assessments not to be affected by mistake in the names of persons or things or amounts - - - - | " | XIX. | | |
| exemptions. | | | | |
| Coroner's Jury in. [See Coroner's Jury.] | | | | |
| Subordinate Criminal Courts, Revision of the sentences of. [See Nizamut Adawlut.] | | | | |
| Suits, Period limited for filing, against awards of revenue authorities under Regulations VII. of 1822, IX. of 1825 and IX of 1833, Bengal Code, before the passing of this Act - - - - | XIII. | I. | - - | - - Bengal Presidency. |
| such, shall be admissible for how many years after the passing of this Act against awards passed before this Act - - - - - | " | II. | | |
| period limited for filing, against awards finally passed after the passing of this Act - - - - - | " | III. | | |
| Supreme Court may issue commissions to persons for taking affidavits and solemn affirmations in causes pending before it | XIV. | I. | - - | Calcutta. |
| such affidavits to be deemed as if taken in Court - - - - - | " | II. | | |
| penalty for making false affidavits or solemn affirmations - - - - | " | III. | | |
| Supreme Courts, officers of, prohibited from trading. [See Courts.] | | | | |
| Surat, administration of the estate of the late Nuwab of. [See Nuwab.] | | | | |
| T. | | | | |
| Tax. [See Straits Settlements.] | | | | |
| Tenasserim Provinces, Ports in the, exempted from the operation of section 3 of Act VI. of 1848. [See Duties.] | | | | |
| Thieves, Gangs of. [See Robbers.] | | | | |
| "Thug," "Thuggee," "Murder by Thuggee," meaning of, as used in Acts - - - - | III. | - - | - - | General. |
| W. | | | | |
| Wagers declared null and void, and suits respecting wagers not to be allowed in any Court - - - - - | XXI. | I. | - - | General. |
| courts established by Royal Charter instead of directing an issue to be tried on a feigned wager may examine witnesses orally in open Court - - - - | " | II. | | |

INDEX to the ACTS for 1849.

(Nos. I. to XV.)

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|------|----------|---------|--------------------------------|
| A. | | | | |
| Abkaree; collection of revenue from the retail sale of spirituous or fermented liquors or intoxicating drugs to be under the Collector of Calcutta, subject to the control of the Commissioner of Abkaree and the Board of Customs, Salt and Opium | XI. | II. | - - | Calcutta. |
| Collector may appoint officers for the collection of the revenue and prevention of smuggling | " | III. | | |
| penalty for selling by retail any spirituous or fermented liquors, &c., without a license | " | IV. | | |
| sale of what quantity of English or foreign beer, wines or spirits, or Bengal spirituous or fermented liquors or intoxicating drugs, shall be deemed a retail sale | " | V. | | |
| sale of quantities larger than those specified above prohibited; penalty for breach of this prohibition; importation of spirituous or fermented liquors and intoxicating drugs under passes from the Collector for wholesale to retail dealers, or for exportation, not prohibited | " | VI. | | |
| Board of Customs, Salt and Opium shall regulate the form of licenses | " | VII. | | |
| persons taking out a license shall execute a counterpart of the same | " | VIII. | | |
| persons taking out a license shall pay the duty fixed with the Board's sanction | " | IX. | | |
| Collector may recall a license for default or any other cause | " | X. | | |
| license-holders may surrender their license on payment of an additional tax for 15 days | " | XI. | | |
| Justices of the Peace shall not grant licenses to persons not holding licenses for the retail of liquors or drugs to open hotels, punch-houses, boarding-houses, &c., where spirits may be sold | " | XII. | | |
| payment of arrears of duty on account of license how to be enforced | " | XIII. | | |
| penalty for breach of conditions of a license | " | XIV. | | |
| penalty for persons not holding licenses having in possession or carrying within Calcutta, without a pass, spirituous liquors in quantities specified in section V. | " | XV. | | |
| such spirituous liquors, &c., will besides be seized and confiscated with vessels, packages and conveyances | " | XVI. | | |
| officers may enter and inspect places where spirituous liquors, &c. are sold | " | XVII. | | |
| licenses to be shown on the demand of any abkaree officer, and in default, what shall be the penalty | " | XVIII. | | |
| officers may detain persons carrying spirituous liquors, &c. without a pass, and may seize the same | " | XIX. | | |
| what steps to be taken on information being received by the Collector of the concealment of illicit spirituous liquors, &c. | " | XX. | | |
| penalty for peace officers refusing to help the abkaree officers in the execution of this Act | " | XXI. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|-------|----------|---------|-----------------------------------|
| Abkaree; Proceedings to be adopted by the abkaree officers and the Collector on the arrest of persons and seizure of illicit articles - - - - - | XI. | XXII. | | |
| ----- penalty for persons giving false information of illegal sale or deposit of spirituous liquors, &c. - - - - - | " | XXIII. | | |
| ----- penalty for resistance of proceedings, and for breach of the peace arising therefrom - - - - - | " | XXIV. | | |
| ----- officers delaying to produce before the Collector persons arrested, or illicit articles, or neglecting to report an arrest, seizure or search, shall be liable to what punishment - - - - - | " | XXV. | | |
| ----- penalty for officers vexatiously seizing goods or arresting persons - - - - - | " | XXVI. | | |
| ----- penalty for officers conniving at the escape of persons arrested, or at the illegal sale of spirituous liquors, &c. - - - - - | " | XXVII. | | |
| ----- officers taking unauthorized gratuities for doing or omitting to do any official acts, and persons offering bribes to such officers shall be liable to what penalty - - - - - | " | XXVIII. | | |
| ----- judicial procedure for determining cases concerning seizure of confiscated goods or chattels, and the sale thereof - - - - - | " | XXIX. | | |
| ----- ditto for declaring goods liable to forfeiture, and their final disposal, when no claimant appears within one month after notice - - - - - | " | XXX. | | |
| ----- all fines, except those under section 38, to be adjudged by a Justice of the Peace for Calcutta. Offenders in default of payment shall be liable to imprisonment not exceeding six months. Time for taking proceedings under this section limited - - - - - | " | XXXI. | | |
| ----- repetition of offences by the same offender how to be punished - - - - - | " | XXXII. | | |
| ----- informers how to be rewarded out of the fines levied and proceeds of articles confiscated, and when there is no fine realized - - - - - | " | XXXIII. | | |
| ----- fines, the disposal of which is not provided for, shall belong to Government, but the board may grant any portion thereof to informers, or to injured parties - - - - - | " | XXXIV. | | |
| ----- information or judicial proceedings before any Justice of the Peace not to be affected by a Writ of <i>Certiorari</i> , except in case of an erroneous judgment - - - - - | " | XXXV. | | |
| ----- the Abkaree Commissioner or the Board may call for the proceedings of the Justice of the Peace, and may restore confiscated property and remit any penalty - - - - - | " | XXXVI. | | |
| ----- limitation of period for the commencement of any action or prosecution against the Collector or any abkaree officer, and notice thereof to be given one month before the commencement of the action. Tender of sufficient amends before or of money after the action shall bar the plaintiff from recovering damages - - - - - | " | XXXVII. | | |
| ----- penalty for contempt in the Collector's Cutcherry: appeal to lie to the Commissioner of Abkaree, and in his absence to the Board of Customs, Salt and Opium, whose decision shall be final - - - - - | " | XXXVIII. | | |
| Act XXXI. of 1845 repealed - - - - - | VI. | I. | | |
| ----- XXI. of 1839 and | | | | |
| ----- III. of 1842, extended to the town of Madras. [See Magistrates] - - - - - | VIII. | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|------|----------|---------|--------------------------------|
| Act IV. of 1835. | | | | |
| — I. of 1837, and | | | | |
| — XXXII. of 1838, extended to the Presidency of Madras. [See Justices of the Peace.] | IX. | | | |
| — I. of 1842, and | | | | |
| — XXVI. of 1845, repealed. [See Abkaree] | XI. | I. | | |
| — Acts of Parliament. [See Statutes.] | | | | |
| Administrator-general may apply for and obtain, instead of the ecclesiastical registrar, letters of administration of estates of British subjects dying intestate within the Bengal Presidency or its subordinate territories, if no next of kin establish their claim to the administration of the estate, or the executors of estates refuse to prove the will | VII. | I. | | Bengal. |
| estates, effects and interests vested in the ecclesiastical registrar of the Supreme Court, and all books and papers under his control appertaining thereto, transferred to the, with all powers, as the registrar might exercise | " | II. | | |
| the ecclesiastical registrar shall be the first, and shall cease to be ecclesiastical registrar, and the administrator-general shall receive the commissions to which he was entitled as registrar | " | III. | | |
| on future vacancies the, shall be appointed by the Governor-general in Council | " | IV. | | |
| shall not hereafter be deemed an officer of the Supreme Court, and not otherwise accountable to it than any ordinary executor or administrator | " | V. | | |
| what security to be given by the | " | VI. | | |
| rate of commission to which he shall hereafter be entitled for the discharge of his duties | " | VII. | | |
| no person other than the, shall be entitled to any Commission as executor of any will, but an executor may have the benefit of any legacy left to him | " | VIII. | | |
| assets, where to be kept and how invested | " | IX. | | |
| accounts of estates, how to be kept, and receipts and payments, how entered. Books shall be open for public inspection on payment of a fee | " | X. | | |
| schedules of estates to be filed in the Supreme Court twice a year, and published in the Calcutta Gazette. Copies to be delivered to the Secretary of the Presidency, and sent to the Court of Directors for publication | " | XI. | | |
| Governor-general in Council shall appoint auditors to examine the accounts of the | " | XII. | | |
| the auditors shall vouch for and report to Government the correctness of the accounts | " | XIII. | | |
| auditors may summon the, and others, and call for books and papers, and what course shall be taken by them in case of default | " | XIV. | | |
| costs of the preparation and publication of the Schedules, how to be adjusted | " | XV. | | |
| | U | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|------|----------|---------|--------------------------------|
| Administrator-general; auditors shall report to the Governor-general in Council the substance of any objections they may take to the correctness of the schedules | VII. | XVI. | | |
| ----- Governor-general in Council shall refer such report to the Advocate-general that he may proceed summarily by petition for an account against the; the Court shall examine parties or refer the accounts to be taken in the ordinary way - - - - | " | XVII. | | |
| ----- costs of reference and examination how to be defrayed - | " | XVIII. | | |
| ----- power of Court to make orders upon such petitions, and effect of such orders - - - - | " | XIX. | | |
| ----- may grant certificates entitling claimants to a principal share of the effects of British subjects dying intestate to receive sums if they do not exceed 500 rupees, and no letters of administration be taken out for three months - - - - | " | XX. | | |
| ----- shall not be bound to grant such certificate unless satisfied of the title of the claimant and the value of the effects - - - - | " | XXI. | | |
| ----- receipt from the person getting the certificate of money or security belonging to such estates, shall be a discharge with respect to the claim of any other person upon the person paying the same. Any next of kin, or representative, or creditor of the deceased, shall have remedy for recovery against the person receiving the money | " | XXII. | | |
| ----- may take out letters of administration if he discovers any fraud or misrepresentation, or that the value of the estate exceeds 500 rupees - | " | XXIII. | | |
| ----- may charge a fee of 3 per cent. on the amount of the certificate - - - - | " | XXIV. | | |
| ----- penalty for perjury committed on examination authorized by this Act - - - - | " | XXV. | | |
| Alimentary Salt. [See Salt.] | | | | |
| Army, tampering with the. [See Military or Naval Forces.] | | | | |
| Arrack imported into the Straits Settlements. [See Duty.] | | | | |
| Asiatic Rum imported into the Straits Settlements. [See Duty.] | | | | |
| B. | | | | |
| Bank, Union. [See Union Bank of Calcutta.] | | | | |
| Board of Revenue at Madras, powers of the, may be vested in a member of the board on being deputed by the Governor in Council to any district on a commission. [See Commissioner.] | | | | |
| Branding Convicts, practice of, abolished. [See Regulations] - - - - | II. | II. | - - | General. |
| British subjects dying intestate within the Bengal Presidency, administration of the estates of. [See Administrator-general.] | | | | |
| C. | | | | |
| Commissioner; Governor in Council may depute a member of the Board of Revenue as, to any district with the powers of the Board of Revenue collectively - | X. | I. | - - | Madras. |
| ----- effect of the special commission which may be given to such member - - - - | " | II. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|------|----------|---------|--------------------------------|
| Commissioner; commission to be published in the "Fort Saint George Gazette," and the revocation or other determination of the same | X. | III. | | |
| documents belonging to such commission shall be deemed records of the said Board | " | IV. | | |
| Convicts; practice of branding, abolished. [See Regulations] | II. | II. | - - | General. |
| Criminal Courts having cognizance of offences under section 36, Regulation II. 1827, of the Bombay Code, may issue warrants under the hands of the Judges, or one of the Judges for the arrest of the accused | XII. | III. | - - | Bombay. |
| offenders against the said law may be tried and punished after removal from the establishment of the Court to which they belong at the time of committing the offence | " | IV. | | |
| Criminal Lunatics. [See Lunatics.] | | | | |
| Custody of Criminal Lunatics. [See Lunatics.] | | | | |
| Customs. [See Duty.] | | | | |
| D. | | | | |
| Drugs; intoxicating. [See Abkaree.] | | | | |
| Duty; Customs or Excise, on any greater or less than the given quantity, how to be regulated | V. | | - - | General. |
| E. | | | | |
| Estates; administration of, of British subjects dying intestate within the Bengal Presidency. [See Administrator-general.] | | | | |
| Excise. [See Duty.] | | | | |
| F. | | | | |
| Foreign Territories; persons in the Company's service, and subjects of the British Government committing offences within, who may be apprehended within the British territories, shall be amenable to the law for offences committed in the territory of any foreign prince or state | I. | II. | - - | General. |
| the committing magistrate shall, before trial, report the case to Government | " | III. | | |
| Government may order the trial before any competent court | " | IV. | | |
| if the offence be committed in, in which there is a Court established by authority of the Governor-general in Council, the offender may be made over for trial before such Court | " | V. | | |
| in committing such offender for trial what shall be the forms of warrant and bail-bond, pending the order of Government and after receipt of such orders | " | VI. | | |
| Order of Government shall be full authority for the trial and punishment of the offender within or out of the British territories | " | VII. | | |
| meaning of "Government" defined | " | VIII. | | |
| Commissioners vested with the delegated authority given to the Government may receive reports and give orders under this Act | " | IX. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|-------|----------|---------|--------------------------------|
| I. | | | | |
| International Jurisdiction. [See Foreign Territories and Offences.] | | | | |
| Intoxicating Drugs. [See Abkaree.] | | | | |
| J. | | | | |
| Justices of the Peace; powers of two, within the Madras Presidency or its subordinate places, vested in one Justice of the Peace appointed to be a magistrate | IX. | I. | - - | Madras. |
| ----- one Justice of the Peace appointed as magistrate, may issue a warrant of distress for the recovery of arrears of assessment | " | II. | | |
| L. | | | | |
| Leaguer of Arrack or Asiatic Rum imported into the Straits Settlements. [See Duty.] | | | | |
| Liquors. [See Abkaree.] | | | | |
| Lunatics may be acquitted by a competent court or jury for an offence proved to have been committed by them from unsoundness of mind | IV. | I. | - - | General. |
| ----- a special verdict to be given to that effect on acquitting them | " | II. | | |
| ----- after verdict to be kept in custody for such time and in such manner as the Government may order | " | III. | | |
| ----- who have been acquitted before the passing of this Act may be kept in custody in like manner | " | IV. | | |
| ----- on being restored to soundness of mind shall not be discharged unless by order of Government | " | V. | | |
| ----- Government may remove such, to a lunatic asylum or other place of safe custody; afterwards remand them to the prison from which they were removed, or order them to be discharged if no longer to be kept in custody | " | VI. | | |
| ----- Meaning of the word "Government" defined | " | VII. | | |
| M. | | | | |
| Madras; power of police magistrates for the town of, for the trial and punishment of simple larcenies and other felonies. [See Magistrates.] | | | | |
| ----- Commissioner of Revenue at. [See Commissioner.] | | | | |
| Magistrate; powers given by Acts XXI. 1839, and III. 1842, to any Justice of the Peace for the town of Calcutta, for the trial and punishment of certain simple larcenies and other felonies and assaults on board of merchant ships, extended to any, for the town of Madras | VIII. | I. | - - | Town of Madras. |
| ----- the above Acts how to be read in respect of the town of Madras and the Madras Roads | " | II. | | |
| ----- powers of a single, who is also Justice of the Peace within the Madras Presidency. [See Justices of the Peace.] | | | | |
| Malacca; duty on Arrack or Asiatic Rum imported into. [See Duty.] | | | | |
| Marking Convicts; the practice of, abolished | II. | II. | - - | General. |
| Military Pensions exempted from seizure. [See Pensions.] | | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|------|------------|---------|--------------------------------|
| Military or Naval Forces of the East India Company; attempt to seduce persons serving in the, or to stir up mutiny among them, how punishable - - - | XIV. | I. | - - - | General. |
| _____ offenders under this Act may be committed by any magistrate, and tried by the Court of Sessions or by the Supreme Court - - - | " | II. | | |
| _____ futwa not requisite in the trial of such offences - - - | " | III. | | |
| _____ persons not exempted from being tried by a Court Martial under the Articles of War and laws for the discipline of Indian Navy; but no person shall be tried for the same offence under the said laws and also this Act - | " | IV. | | |
| Mutiny. [See Military or Naval Forces.] | | | | |
| N. | | | | |
| Naval Pensions exempted from seizure. [See Pensions.] | | | | |
| Navy; tampering with the. [See Military or Naval Forces.] | | | | |
| O. | | | | |
| Offences cognizable under Section 36, Regulation II. of 1827, of the Bombay Code. [See Criminal Courts] - - - | XII. | III. & IV. | | |
| Offences committed by persons of unsound mind. [See Lunatics.] | | | | |
| Offences committed in foreign territories by British subjects. [See Foreign Territories.] | | | | |
| P. | | | | |
| Pensions; Military, Naval and Superannuation, or those of any out-pensioner of Chelsea or Greenwich Hospital, exempted from seizure by process of court at the instance of a creditor - - - | VI. | II. | - - - | General. |
| _____ assignment of such by pensioners declared null and void - - - | " | III. | | |
| _____ application of Act excepted in certain cases - - - | " | IV. | | |
| Prince of Wales' Island; duty on arrack or Asiatic rum imported into. [See Duty.] | | | | |
| R. | | | | |
| Regulation V. of 1809; | | | | |
| _____ VIII. of 1813; | | | | |
| _____ I. of 1822, section 6; | | | | |
| _____ IX. of 1822; | | | | |
| _____ VIII. of 1829, of Bengal Code. | | | | |
| _____ II. of 1829; | | | | |
| _____ XII. of 1832, Madras Code. . . | | | | |
| _____ XI. of 1827, section 4 of, rescinded, Bombay Code [See Foreign Territories] - - - | I. | I. | | |
| _____ IV. of 1797, section 11; | | | | |
| _____ VII. of 1803, section 35; | | | | |
| _____ XVII. of 1817, clauses 2, 3 and 4, section 12 of, Bengal Code | | | | |
| _____ VII. of 1802, section 35 of, Madras Code. | | | | |
| _____ II. of 1807, part of clause 1, section 3; | | | | |
| _____ XVII. of 1817, part of sections 9 and 10 of, Bengal Code. | | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. | | | | | | | | | | |
|--|------------------|-------------|---------------|--------------------------------|--|------------------|--|------------------|--|-----------|-------|-----|--|--|
| Regulation VI. of 1811, part of section 3 ; | | | | | | | | | | | | | | |
| — II. of 1822, part of sections 5 and 6, of Madras Code - - - | | | | | | | | | | | | | | |
| — XIV. of 1827, part of Chapter II., of Bombay Code, and all Regulations authorizing the practice of branding or publicly exposing convicts rescinded. [See Convicts, Branding and Tusheer] | II. | I. | | | | | | | | | | | | |
| — XII. of 1814, Bengal Code, repealed - - - - - | VI. | I. | | | | | | | | | | | | |
| — II. of 1802, Section 24 of, Bengal Code, repealed - - - - - | XI. | I. | | | | | | | | | | | | |
| — II. of 1827, Section 36 of, Bombay Code, amended - - - - - | XII. | III., IV. | | | | | | | | | | | | |
| — X. of 1819, Sec- <table border="0" style="display: inline-table; vertical-align: middle;"> <tr> <td style="border-right: 1px solid black; padding-right: 5px;">tion 36 to 47 of</td> <td style="padding-left: 5px;">Bengal Code</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;">IV. of 1832 -</td> <td style="padding-left: 5px;">made applicable</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"></td> <td style="padding-left: 5px;">within Calcutta,</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"></td> <td style="padding-left: 5px;">and on the River</td> </tr> <tr> <td style="border-right: 1px solid black; padding-right: 5px;"></td> <td style="padding-left: 5px;">Hooghly -</td> </tr> </table> | tion 36 to 47 of | Bengal Code | IV. of 1832 - | made applicable | | within Calcutta, | | and on the River | | Hooghly - | XIII. | VI. | | |
| tion 36 to 47 of | Bengal Code | | | | | | | | | | | | | |
| IV. of 1832 - | made applicable | | | | | | | | | | | | | |
| | within Calcutta, | | | | | | | | | | | | | |
| | and on the River | | | | | | | | | | | | | |
| | Hooghly - | | | | | | | | | | | | | |
| — XVIII. of 1827, Clause 1, Section 6, of Bombay Code, repealed. [See Stamped Materials] - - - - - | XV. | I. | | | | | | | | | | | | |
| Rum, Asiatic, imported into Straits Settlement. [See Duty.] | | | | | | | | | | | | | | |
| S. | | | | | | | | | | | | | | |
| Salt; Governor of Bengal may establish chokies for preventing the smuggling of, into the town of Calcutta within the local jurisdiction of the Supreme Court, and place such chokies under a superintendent - - - - - | XIII. | I. | - - | Calcutta. | | | | | | | | | | |
| — the superintendent may appoint darogahs, and other officers who shall be styled "Officers of Salt Chokies" - | " | II. | | | | | | | | | | | | |
| — import of, into the town of Calcutta, in excess of 10 seers, and the storing thereof in quantities exceeding one maund prohibited, except under a pass or charchittee - - - - - | " | III. | | | | | | | | | | | | |
| — found within the said town or upon the River Hooghly in contravention of this Act, shall be deemed contraband, and liable to confiscation - - - - - | " | IV. | | | | | | | | | | | | |
| — excess of quantity more than what is covered by a rowannah, shall be deemed contraband, and if the excess exceeds a certain proportion, the whole shall be liable to confiscation. Persons carrying such, how to be punished. The excess how to be calculated - - - - - | " | V. | | | | | | | | | | | | |
| — sections 36 to 47, Regulation X. 1819, and provisions of Regulation IV. 1832, Bengal Code, regarding rowannahs, made applicable within Calcutta and on the River Hooghly - - - - - | " | VI. | | | | | | | | | | | | |
| — vessels, packages and coverings containing contraband, and the animals and conveyances carrying it, shall also be liable to confiscation - - - - - | " | VII. | | | | | | | | | | | | |
| — penalty for persons in possession of contraband - - - - - | " | VIII. | | | | | | | | | | | | |
| — Superintendent of chokies and other authorized officers may detain persons carrying contraband, and may seize also the salt, &c. - - - - - | " | IX. | | | | | | | | | | | | |
| — power of the superintendent to enter into any place where contraband, may be stored, and to carry away the same, and to arrest persons suspected to be concerned in the storing thereof - - | " | X. | | | | | | | | | | | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|---|-------|----------|---------|--------------------------------|
| Salt; Constables and other officers of the peace shall help the superintendent and other authorized officers in the execution of this Act. Penalty for officers refusing to help - - - - - | XIII. | XI. | | |
| — the facts of such seizure to be placed on record by the superintendent. Seizures made by subordinate officers to be reported to the superintendent within 24 hours - - - - - | " | XII. | | |
| — penalty for persons giving false information against persons for importing or transporting or in respect of storing in contravention of this Act - - - - - | " | XIII. | | |
| — penalty for persons obstructing the superintendent or the authorized officers in the execution of this Act, and additional penalty if an affray or breach of the peace shall happen in consequence - | " | XIV. | | |
| — penalty for officers empowered to make seizures, delaying to carry persons arrested or the illicit articles seized, to the superintendent, or neglecting to report the particulars thereof within 24 hours - - - - - | " | XV. | | |
| — penalty for officers vexatiously or unnecessarily seizing goods or persons - | " | XVI. | | |
| — penalty for officers conniving at the smuggling of, or releasing or conniving at the escape of persons arrested or evading the provisions of this Act - | " | XVII. | | |
| — penalty for officers receiving unauthorized gratuities and for persons offering a bribe - - - - - | " | XVIII. | | |
| — proceeding to be adopted by the superintendent after the arrest of persons or seizure of contraband. The superintendent may release persons or property, when he considers such persons or property improperly arrested or seized - | " | XIX. | | |
| — seizures of, and chattels to be heard and determined by a Justice of the Peace, and upon confiscation shall issue his warrant to the superintendent for the disposal thereof - - - - - | " | XX. | | |
| — what course to be taken for the disposal of confiscated goods when no claimant appears within one calendar month - | " | XXI. | | |
| — fines to be adjudged by a Justice of the Peace, and the said Justice shall within a limited period summon the parties accused and examine into the matter. Fines shall be commutable to imprisonment in default of payment - | " | XXII. | | |
| — Repetition of offences how punishable - | " | XXIII. | | |
| — fines levied, how to be disposed of. If no fines are realized, officers and informers how to be rewarded - - - - - | " | XXIV. | | |
| — fines, the disposal of which is not provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant a portion thereof to informers or to injured parties - - - - - | " | XXV. | | |
| — writs of <i>certiorari</i> shall not affect any information or judicial proceeding before any Justice of the Peace; and no judgment shall be quashed except for error - | " | XXVI. | | |
| — the Board may call for proceedings and direct the seizure or part thereof to be restored, and remit or mitigate the penalty of parties - - - - - | " | XXVII. | | |

| | ACT. | SECTION. | CLAUSE. | TERRITORIAL SCOPE OF THE ACTS. |
|--|-------|----------|---------|--------------------------------|
| Salt; Limitation of the period for the commencement of any action against the superintendent or any other officer, and notice thereof to be given within one month; tender of sufficient amends before or of money after the action shall prevent the plaintiff from recovering damages - - - - - | XIII. | XXVIII. | | |
| — Definition of the term Alimentary Salt Sedition. [See Military or Naval Officers.] | " | XXIX. | | |
| Singapore; Duty on Arrack or Asiatic Rum imported into. [See Duty.] | | | | |
| Smuggling of Salt into Calcutta. [See Salt.] | | | | |
| Spirits. [See Abkaree.] | | | | |
| Stamped Materials; law respecting the use of, in the Bombay Presidency, amended by repealing Clause 1, Section 6, Regulation XVIII. of 1827, Bombay Code Statutes; part of Clause 159, Chapter LII. of the, passed in the 33d year of King George the Third, as relates to the sale of arrack or other spirituous liquors, within the town of Calcutta, repealed - | XV. | I. | | |
| Sudder Adawlut; authority of the, to remain unimpaired notwithstanding its removal to the Island of Bombay - - - - - | XI. | I. | | |
| — the Acts and Orders of the, not questionable in the Supreme Court further than if the Court were held in the nearest zillah - - - - - | XII. | I. | - - | Bombay. |
| " | " | II. | | |
| T. | | | | |
| Tampering with the Army or Navy. [See Military or Naval Forces.] | | | | |
| Tusheer; public exposure of convicts by, abolished - - - - - | II. | II. | - - | General. |
| U. | | | | |
| Union Bank of Calcutta; legalizing an agreement entered into between the creditors of the, and the executive committee of the said Bank, which suspended payment in 1847, the same containing certain arrangements and conditions for an amicable adjustment of its debts, according to a schedule of assessment - - - - - | III. | I. | - - | Calcutta. |
| — payment of the sum assessed shall be a bar to all legal proceedings taken by creditors after executing the agreement against shareholders who shall have paid their shares of contribution - - - - - | " | II. | | |
| — the agreement not to affect creditors who shall not have executed the agreement, nor to prevent creditors who have executed the agreement from taking legal steps against persons who shall not have paid their contributions - - - - - | " | III. | | |
| — Any writ of <i>scire facias</i> issued or suits commenced against any shareholder before payment of his assessment may be prosecuted and continued afterwards if the suitor chooses so to do - - - - - | " | IV. | | |
| — schedule of assessment to be filed within one month in the office of the record-keeper of the Supreme Court as an evidence of the sums assessed against persons therein named - - - - - | " | V. | | |
| Copy of agreement annexed to the Act. | | | | |

EAST INDIA.

ACTS passed by the Right Honourable the
GOVERNOR-GENERAL of INDIA in Council,
and the Honourable the PRESIDENT of the
COUNCIL of INDIA in Council, in 1847, 1848,
and 1849; with INDEXES.

(Presented pursuant to Act of Parliament.)

*Ordered, by The House of Commons, to be Printed,
7 February 1851.*

[*Price 1s. 8d.*]