

# East-India Affairs.

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Regulations passed by the Governments of  
Bengal, Fort St. George and Bombay  
1816.

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*Ordered, by The House of Commons, to be Printed,  
5 February 1819.*

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P A P E R S

RELATING TO

EAST INDIA AFFAIRS:

VIZ.

REGULATIONS

PASSED BY THE GOVERNMENTS

OF

BENGAL, FORT ST. GEORGE, AND BOMBAY,

IN THE YEAR

1816.

(Presented in pursuance of Act 53 Geo. III. cap. 155, sect. 65.)

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Ordered, by The House of Commons, to be Printed,  
5 February 1819.

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**REGULATIONS** Passed by the Governments of India:—Presented to the Honourable House of Commons, in pursuance of an Act of Parliament of the 53<sup>d</sup> Geo. III. Cap. 155, Sect. 66 :—Viz.

**I.—By the Governor General in Council of BENGAL, in the Year 1816 ;**

**N<sup>o</sup> I. to XXII.**

*Regulation.*

- I.**—For the appointment of a local commission for the superintendence of the revenues in the provinces of Benares and Behar : - - - - Passed on the 5th January 1816 - - - - p. 5
- II.**—For re-establishing the office of Canoongoe, in that portion of the province of Behar which forms the districts of Shahabad, Tirhoot, Sarun and Behar :—  
Passed on the 5th January 1816 - - - - p. 6
- III.**—For rescinding Regulation XII, 1808 : - Passed on the 12th January 1816 - - - - p. 8
- IV.**—For allowing prisoners, confined under process of the Civil Courts, to deliver petitions upon unstamped paper, in certain cases, and to make further provision for the treatment of prisoners in the civil jails : - - - - - Passed on the 9th February 1816 - - - - - ib.
- V.**—For establishing the office of Canoongoe in the district of Cuttack, the pergunnah of Puttas-pore, and the several pergunnahs dependent on it:—  
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- VI.**—For extending, for a further period of three years, the existing settlement of Cuttack, Pergunnah Puttas-pore, and its dependencies, in all cases in which the settlement may have been concluded with zemindars or actual proprietors of the land :—  
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- VII.**—For defining the tenure on which certain lands, at present included within the limits of the territories of the British Government, and subject to its general laws and regulations, are to be held as an independent Jageer by his highness Amrut Rao :—  
Passed on the 22d March 1816 - - - - p. 12
- VIII.**—For establishing the office of Superintendent and Remembrancer of Legal Affairs :—  
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- IX.**—For the appointment of a Commissioner of Revenue within that portion of the districts of the 24 Pergunnahs, Nuddeah, Jessore and Backergunge, commonly denominated the Sunderbuns :—  
Passed on the 26th April 1816 - - - - p. 14
- X.**—For preventing the exportation by sea of Salt Petre, from any of the ports subject to the Presidency of Fort William, on vessels not being the property of British subjects ; and for prohibiting the importation of that article from the interior into any of the foreign settlements, situated within the limits of the said Presidency : - - - - - Passed on the 26th April 1816 - - - - - ib.
- XI.**—For receiving, trying and deciding claims to the right of inheritance or succession, in certain tributary estates in Zillah Cuttack : - - - - - Passed on the 10th May 1816 - - - - - p. 15
- XII.**—For the establishment of a Custom-house at Cox's Bazar, for the collection of Government Customs : - - - - - Passed on the 17th May, 1816 - - - - p. 18
- XIII.**—For reducing into one Regulation, with alterations and amendments, the Rules at present in force respecting the manufacture and sale of Opium :—  
Passed on the 17th May 1816 - - - - - ib.
- XIV.**—To provide more effectually for the management of the public Jails ; and to enable the Magistrates to maintain good order and discipline in those Jails ; as well as among the prisoners employed on the public roads, or other public works.—Also to place the Jail at Allypore in the vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut ; and to provide for the transportation of convicts to the Island of Mauritius, or its immediate dependencies :—  
Passed on the 17th May 1816 - - - - - p. 34
- XV.**—For expediting the trial of Civil Suits, in which the native Officers and Soldiers, attached to regular Corps on the Military Establishment of the Presidency of Fort William, may be parties, and for giving to them certain facilities in the maintenance of their rights, claims and interests :—  
Passed on the 10th June 1816 - - - - - p. 38
- XVI.**—For extending for a further period of five years the existing settlement in the provinces ceded by the Nawaub Vizier to the British Government, in all cases in which the settlement may have been concluded with the actual proprietors of the land :—  
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- XVII.**—For the occasional revision of the regular Police and Jail establishments ; for the due support and regulation of the establishments of Choicedars ; for amending the Rules in force for the appointment and removal of Police Officers ; for modifying the constitution of the Offices of the Superintendents of Police ; and for reducing the miscellaneous business of the Courts of Circuit and Court-of Nizamut Adawlut : - - - - - Passed on the 26th July 1816 - - - - - p. 45
- XVIII.**—For annexing to the zillah of Allahabad, the pergunnah of Handya, formerly composing a part of the territories of his excellency the Nawaub Vizier :—  
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- XIX.**—For the better management of ferriss, and for levying a toll on the passage of persons and property over rivers and lakes: - - - - Passed on the 23d August 1816 - - - - p. 51
- XX.**—For modifying certain parts of Regulation III, 1811:—  
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- XXI.**—For modifying Section XLIII, Regulation XLV, 1803, which prescribes a specified weight for the copper pice to be coined at the Mint of Furruckabad:—  
Passed on the 8th November 1816 - - - - p. 57
- XXII.**—For re-enacting and reducing into one Regulation, with amendments and further provisions, the Rules in force for the appointment and maintenance of Choekedars of Police:—  
Passed on the 27th December 1816 - - - - p. 58

**II.—By the Governor in Council of FORT ST. GEORGE, in the Year 1816;**  
**N<sup>o</sup> I. to XV.**

- Regulation.*
- I.**—For declaring the contributions hitherto paid in the province of Tanjore on account of the cavilly police, appropriable to the support of the new police, established or to be established in that province; for regulating the collection and assessment of those contributions, and for extending and modifying the house tax hitherto collected for police purposes in the province aforesaid:—  
Passed on the 12th January 1816 - - - - p. 65
- II.**—For modifying some of the provisions at present in force for the collection of customs on certain articles of commerce, in the territories immediately dependent on the Presidency of Fort St. George: - - - - Passed on the 18th January 1816 - - - - p. 67
- III.**—For rescinding Regulation VI. of 1806, and for authorizing the Courts of Sudder and Foujdary Adawlut to sanction the occasional adjournment of the Civil and Criminal Courts under the Presidency of Fort St. George: - - - - Passed on the 23d April 1816 - - - - p. 69
- IV.**—For declaring the head inhabitants of villages to be Moonsifs in their respective villages to hear and decide civil suits for sums of money or other personal property to a limited amount, and for defining their jurisdiction: - - - - Passed on the 17th May 1816 - - - - - ib.
- V.** For authorizing village Moonsifs to assemble village punchayets for the adjudication of civil suits for sums of money or other personal property, without limitation as to amount or value, within their jurisdictions, and for defining the powers and authority to be vested in such village punchayets:—  
Passed on the 17th May 1816 - - - - - p. 75
- VI.**—For reducing into one Regulation the Rules which have been passed regarding the office of Native Commissioners, for modifying and extending their powers in the trial and decision of civil suits, and for authorizing them, under the designation of district Moonsifs, to discharge certain additional duties: - - - - Passed on the 17th May 1816 - - - - - p. 81
- VII.**—For authorizing district Moonsifs to assemble district punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such district punchayets: - - - - Passed on the 17th May 1816 - - - - - p. 93
- VIII.**—For the appointment of the Hindoo law officers of the provincial courts to be Sudder Ameens, or head native commissioners, for the trial of causes referred to them by the judges of the zillahs in which those courts are stationed, for confining the office of Sudder Ameen to the Hindoo law officers of the provincial courts and the Mahomedan and Hindoo law officers of the zillah courts, and for modifying and extending the power of the Sudder Ameens in the trial and decision of civil suits:—  
Passed on the 17th May 1816 - - - - - p. 99
- IX.**—For reducing into one Regulation certain Rules which have been passed regarding the office of the Zillah Magistrate, for modifying and defining his powers, and for transferring the office of Zillah Magistrate from the Judge to the Collector of the Zillah:—  
Passed on the 13th September 1816 - - - - p. 101
- X.**—For constituting the Judges of the Courts of Adawlut of the several Zillahs, Criminal Judges of their respective Zillahs, and for defining their powers:—  
Passed on the 13th September 1816 - - - - p. 113
- XI.**—For the establishment of a general system of Police throughout the territories subject to the Government of Fort St. George: - - - - Passed on the 13th September 1816 - - - - p. 122
- XII.**—For authorizing Collectors to refer claims regarding lands or crops, the validity of which claims may depend on the determination of a disputed boundary, as also certain disputes respecting the occupying, cultivating and irrigating of land, to be tried and determined by village and district punchayets, and for prescribing the rules under which the trial of such disputes shall be conducted, and the decisions of the punchayets carried into execution:—  
Passed on the 13th September 1816 - - - - p. 129
- XIII.**—For modifying and amending the Rules before enacted regarding stamped paper and stamped cadjans; and for consolidating the fees payable on the institution of suits, and on exhibits and summonses for witnesses, with the duty levied by means of stamps:—  
Passed on the 26th October 1816 - - - - p. 133



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XIV.—For amending and modifying the Rules which have been passed regarding the office of Vakeel or native-pleader in the Courts of Civil Judicature :—

Passed on the 26th October 1816 - - - p. 143

XV.—For modifying the jurisdiction of the Zillah and Provincial Courts, and the Court of Sudder Adawlut, in the trial of original suits and appeals; for amending some of the Rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits, and for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees in regular suits and appeals :—

Passed on the 26th October 1816 - - - p. 153

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III.—By the Governor in Council of BOMBAY, in the Year 1816;

N<sup>o</sup> I. to X.

Regulation.

I.—For modifying and amending the Rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature, as paupers :—

Passed on the 31st January 1816 - - - p. 162

II.—For amending part of Regulation II, 1814, intituled, “ a Regulation for establishing the office of Tullaties or Village Accountants, and defining the duties of the said office in the British Territories under the Presidency of Bombay :” - - - Passed on the 31st January 1816 - - - p. 166

III.—To explain and modify the existing Rules respecting the Records of Proceedings to be kept by the several Courts of Judicature : - - - Passed on the 10th April 1816 - - - .ib.

IV.—For the manufacture and sale of Spirituous Liquors and Toddy in the several Collectorships under the Presidency of Bombay : - - - Passed on the 17th April 1816 - - - p. 167

V.—For preventing the exportation by sea of Saltpetre, from any of the ports subject to the Presidency of Bombay, on vessels not being the property of British subjects; and for prohibiting the importation of that article from the interior into any of the foreign settlements situated within the limits of the said Presidency : - - - Passed on the 6th June 1816 - - - p. 176

VI.—For defining the date from which the Thakore of Bhownaghur, as a landholder within the Honourable Company's Pergunnah of Gogo, Dhundooka and Rampoor, shall be amenable to the jurisdiction of the courts established for the administration of justice :—

Passed on the 17th July 1816 - - - p. 177

VII.—For altering and prescribing the date on which the provisions of Regulation XIV, 1815, intituled, “ a Regulation for levying a Stamp Duty on certain Law and other Papers and Documents, under the Presidency of Bombay, and in the Territories subordinate thereto,” are to be considered in force within the Zillahs of Surat and Broach only, and for modifying part of Section XXXII. of the said Regulation, respecting Petitions to be preferred to the Governor in Council :—

Passed on the 14th August 1816 - - - p. 178

VIII.—For prescribing the manner in which manifests of Goods imported in Dows, Dingeyes, Bottellas and every other description of small craft, are in future to be drawn out and delivered into the respective Custom Houses dependent on the Presidency of Bombay :—

Passed on the 16th of October 1816 - - - .ib.

IX.—For vesting the Collector at Anjar, his Assistant and native Commissioners, with powers to hear and determine Civil Suits, and with magisterial authority for the apprehension and trial of persons charged with crimes or misdemeanors : - - - Passed on the 6th November 1816 - - - p. 179

X.—For modifying certain parts of Regulation X, 1813 :—

Passed on the 11th December 1816 - - - p. 181

I.

REGULATIONS

Passed by the Governor General in Council of *Bengal*,  
in the Year 1816.—N° I. to XXII.

A. D. 1816. REGULATION I.

A REGULATION for the appointment of a Local Commission for the superintendence of the Revenues, in the provinces of Benares and Behar :— Passed by the Governor General in Council, on the 5th January 1816; corresponding with the 22d Poose 1222 Bengal era; the 20th Poose 1223 Fussily; the 23d Poose 1223 Willaity; the 6th Poose 1872 Sumbut; and the 4th Suffer 1231 Higeree.

**W**HEREAS it has been deemed advisable to appoint a local commission, for the superintendence of the revenues of the province of Benares, and that part of the province of Behar which is comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, and for the general control of the collectors in the discharge of their public duties in the said provinces,—the following Rules have been enacted, to be in force from the 1st of February 1816; corresponding with the 20th Maug 1222 Bengal era; the 17th Maug 1223 Fussily; the 21st Maug 1223 Willaity; the 3d Maug 1872 Sumbut, and the 1st Rubee-ul-awul 1231 Higeree.

II. A Commissioner shall be appointed for the superintendence of the revenues of the province of Benares, and that part of the province of Behar which is comprised in the zillahs of Behar, Shahabad, Sarun and Tirhoot, and for the general control of the collectors in the discharge of their several public duties in the said provinces.

*Preamble.*  
*A Commissioner to be appointed for the superintendence of the revenues of the provinces of Benares and Behar, and for those provinces.*

III. The Commissioner in the provinces of Behar and Benares is hereby vested with all the duties, powers and authority which have been hitherto exercised in the province of Benares, and in the said portion of the province of Behar, by the Board of Revenue and Board of Commissioners respectively: in like manner the duties hitherto performed by the secretaries and accountants to the Board of Revenue and Board of Commissioners respectively, shall be henceforward performed, so long as this Regulation shall remain in force, by the secretary and accountant to the Commissioner in Behar and Benares.

*Duties and powers of the Commissioner in Behar and Benares.*  
*What duties are to be performed by the secretary and accountant to the Commissioner.*

IV. The general superintendence of the Mint at Benares, shall be vested in the Commissioner in Behar and Benares, so long as the present Regulation shall remain in force, with the same powers as were vested in the Board of Commissioners by Section V, Regulation I, of 1809, in this behalf.

*The superintendence of the Mint at Benares, vested in the Commissioner in Behar and Benares.*

## A. D. 1816. REGULATION II.

**A REGULATION** for re-establishing the office of Canoongoe in that portion of the province of Behar, which forms the districts of Shahabad, Tirhoot, Sarun and Behar:—Passed by the Governor General in Council, on the 5th January 1816; corresponding with the 22d Poose 1222 Bengal era; the 20th Poose 1223 Fussily; the 23d Poose 1223 Willaity; the 6th Poose 1872 Sumbut; and the 4th Suffer 1231 Higeree.

Preamble.

**WHEREAS** the office of canoongoe was heretofore established in the province of Behar, and whereas great inconvenience has been experienced both in the collection of the public revenue, and in the administration of justice, from the suppression of the said office,—the following Rules have been enacted, with a view to the revival of the office of canoongoe in all that portion of Behar which forms the districts of Shahabad, Tirhoot, Sarun and Behar, to be in force from the 1st of February 1816; corresponding with the 20th Maug 1222 Bengal era; the 17th Maug 1223 Fussily; the 21st Maug 1223 Willaity; the 3d Maug 1872 Sumbut; and the 1st Rubee-ul-awul 1231 Higeree.

Number of persons to be appointed to execute the office of canoongoe in each pergunnah, in the districts of Shahabad, Tirhoot, Sarun and Behar.

**II.** One or two persons shall be appointed to execute the office of canoongoe in every pergunnah of the districts above mentioned, unless the small extent of a pergunnah shall render it advisable to place more than one pergunnah under the same canoongoe.

In what manner they are to be selected and appointed to the office of canoongoe.

**III.** These officers shall be selected, in all practicable cases, by the collectors, from the number of the canoongoes who formerly discharged the duties, and shall be nominated for the approval of the commissioner invested with the control of the public revenue in the province of Behar; and shall not be removable from office, except for sufficient cause proved to the satisfaction of that authority, under the provisions of Regulation V, 1804, and Regulation VIII, 1809.

The office of canoongoe not to be considered hereditary. And in the original nomination and in supplying vacancies, selection to be made of persons from the families of the canoongoes, who may be best qualified to perform the duty.

**IV.** The office of canoongoe is declared not to be hereditary; but in the original nomination, and in supplying future vacancies, the collectors shall make it a rule, in all practicable cases, to select from the families of the canoongoes such persons as from character, education and acquirements shall be best qualified to perform the duty.

The salaries which may be fixed for the support of the canoongoes to be considered to preclude all claims to further pecuniary allowances under whatever denomination.

The revenue of the lands hitherto held by canoongoes generally in the province of Behar, in virtue of their offices, liable to resumption by Government; and this rule to be applicable to persons who may be appointed to the office of canoongoe under the present Regulation, as well as to those who may not be employed in the public service.

Reservation to the Governor General in Council, to continue to either of the above-mentioned classes of persons, the whole or a part of the lands hitherto held by them respectively, free of assessment.

**V.** The canoongoes appointed under this Regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances under the denomination of nankar, or any other denomination. It is also hereby declared, that the revenue of the lands hitherto held by the canoongoes generally in the province of Behar, in virtue of their offices, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons who may be appointed to the office of canoongoe under the present Regulation, and to those who may not be employed in the public service. Nothing however contained in this provision, shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons, the whole or a part of the lands hitherto held by them respectively, free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

The above rule not to be applicable to claims to rent-free lands or pensions held by canoongoes, under grants made to them, unconnected with the office of canoongoe.

**VI.** The above rule is not to be considered applicable to claims to rent-free lands or pensions held by the canoongoes, under grants made to the individuals for reasons unconnected with the office of canoongoe.

VII. The canoongoes are to execute the duties herein specified.

Description of the duties to be executed by the canoongoes.

1st. To keep a counterpart jumma wassil bawkee, or account of the collections made by the tehsildars, or by sezawuls, from lands held khaus, or under attachment.

2d. To keep an account of all lands held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to Government.

3d. To keep a list of the putwarries in each village, and a register of pottahs granted by the landholders to their under tenants.

4th. To keep a register of all transfers of estates by sale (public or private) mortgage, lease or otherwise, and to attest such transfers, at the request of the parties, without fee or gratuity, with their official signatures.

5th. To compile information regarding local boundaries of pergunnahs and estates; the number and names of villages, articles of produce, rates of rent, rules and customs established in each pergunnah; and to furnish, at the requisition of the courts of justice, and, of the collectors, all local information within their cognizance.

6th. To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity to the Regulations, or by the landholders or ryotts, and to record the same.

7th. To prepare and keep the information and accounts directed in this, or any future Regulation, in such manner and form as may be from time to time prescribed by the commissioner invested with the control of the public revenue in the said province of Behar.

8th. To report to the collector the death of a malguzar, and the names of his heirs, and to keep a register of all successions to lands.

VIII. Persons who may be selected to fill the office of canoongoe, are hereby prohibited from holding farms, or from becoming sureties for farmers or zemindars, within the local limits of their official duties.

Persons appointed to the office of canoongoe, prohibited from holding farms, or becoming sureties for farmers or zemindars within the local limits of their official duties.

IX. On the death, resignation or removal of a canoongoe, the records of the office are to be made over to his successor, and the magistrate of the zillah is enjoined, on the application of the collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

In the event of the death, resignation or removal of a canoongoe, the records of his office to be made over to his successor,

and the magistrate to interpose his authority whenever it may be necessary to enforce the surrender of such records.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding section, to deliver them up on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the Regulations for resistance to the process of the magistrate.

Persons subject to what penalties, on refusing to deliver up the records above mentioned.

XI. Nothing contained in this Regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of canoongoes, or of abolishing the office in any pergunnah where from local circumstances the duty may be performed by less than two persons, or by the canoongoes in a neighbouring pergunnah; nor from exercising the right to increase the number of canoongoes in any pergunnah where from circumstances more than two may be found necessary.

Power reserved to the Governor General in Council, in increasing or decreasing the number of canoongoes in each pergunnah, or of abolishing the office in any pergunnah where it may be deemed expedient.

XII. The collectors are enjoined to report to Government, through the usual channel, all instances wherein they may deem it expedient to increase or diminish the number of canoongoes in a pergunnah, with their reasons at large for such opinion.

Duty of collectors to report to Government, through the prescribed channel, whenever it may be deemed expedient to

increase or diminish the number of canoongoes in a pergunnah.

## A. D. 1816. REGULATION III.

**A REGULATION** for rescinding Regulation XII, 1808 :—Passed by the Governor General in Council on the 12th January 1816, corresponding with the 29th Poose 1222 Bengal era; the 27th Poose 1223 Fussily; the 1st Maug 1223 Willaity; the 12th Poose 1872 Sumbut; and the 11th Suffer 1231 Higeree.

Preamble.

WHEREAS the settlement of Serampore has, in conformity with the provisions of the Treaty of Peace and Amity, concluded on the 14th January 1814, between His Majesty the King of Great Britain and Ireland, and His Majesty the King of Denmark, been restored to the latter power, it is deemed proper to rescind the Rules and Regulations, enacted by the Governor General in Council, for the administration of Civil and Criminal Justice at Serampore, whilst that settlement remained under the British Government; the Governor General in Council has accordingly been pleased to enact as follows :

Regulation XII, 1808, and other Rules in force in Serampore, rescinded.

II. Regulation XII, 1808, and such other provisions of the existing Regulations as relate to the administration of Civil and Criminal Justice in the settlement of Serampore, are hereby rescinded.

## A. D. 1816. REGULATION IV.

**A REGULATION** for allowing prisoners confined under process of the Civil Courts, to deliver petitions upon unstamped paper in certain cases, and to make further provision for the treatment of prisoners in the Civil Jails :—Passed by the Governor General in Council on the 9th February 1816; corresponding with the 28th Maug 1222 Bengal era; the 25th Maug 1223 Fusily; the 29th Maug 1223 Willaity; the 11th Maug 1872 Sumbut; and the 9th Rubbee-ul-awul 1231 Higeree.

Preamble.

WHEREAS by Section XIX, Regulation XXVIII, 1814, the courts of criminal judicature are declared at liberty to receive petitions on unstamped paper from prisoners who may be confined in any of the criminal jails. By Section XX, Regulation IX, 1793, and Section XX, Regulation VI, 1803, the zillah and city magistrates are required to visit their respective jails at least once in every month, and to redress all well-founded complaints of ill treatment; also to be attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick; provisions for a weekly visit to the public jails by the magistrates and surgeons, are also contained in the printed Rules for the management of the public jails, which were passed by Government on the 8th February 1811. By Section LXII, Regulation IX, 1793, and Section XXXII, Regulation VII, 1803, the judges of circuit are likewise directed to visit the zillah and city jails at the stated period of the jail deliveries; and to issue to the magistrates any orders which may appear advisable for the better treatment and accommodation of the prisoners. But these rules have not yet been expressly extended to the civil jails, and the prisoners confined in them under decrees or other process of the civil courts of judicature, although in many respects the stated provisions appear to be equally applicable to such jails and prisoners. The following Rules are therefore enacted, to be in force, as soon as promulgated, throughout the whole of the provinces immediately subject to the Presidency of Fort William.

Courts of civil judicature empowered in certain cases, to receive petitions on unstamped paper from persons in confinement under a decree of court, or under any judicial process, civil or criminal.

II. In addition to the provision contained in Section XIX, Regulation XXVIII, 1814, whereby the courts of criminal judicature are declared at liberty to receive petitions on unstamped paper, from prisoners who may be confined under examination or sentence in any of the criminal jails, it is hereby provided, that the courts of civil judicature may receive petitions upon unstamped paper from prisoners who may be in actual confinement under a decree of court, or under any judicial process, civil or criminal,

criminal, if the court to which the petition may be presented shall be satisfied, by the oath of the party, or otherwise, that he is unable to pay the prescribed stamp duty, for the purpose of delivering such petition upon stamped paper; or without any oath, or proof to this effect, if the petition shall relate to any ill treatment alleged to have been sustained by the prisoner, during his confinement, from an officer of the jail or other person.

III. The judges of the zillah and city courts shall visit the civil jails at their respective stations once in every week; and shall redress all well-founded complaints of ill treatment which may be preferred to them, by the prisoners against the jailer, or other person having charge of them. They shall also be attentive at all times to the health and cleanliness of the prisoners, and be careful that the Surgeons at their respective stations attend and administer to the sick in the civil jail, in like manner as they are required to attend the criminal jail.

Judges of the zillah and city courts to visit their civil jails weekly, and redress ill treatment of prisoners.

Also to attend to health and cleanliness of the prisoners; and be careful that the surgeon attend the sick in the civil jail as in the criminal.

IV. The judges of the courts of circuit who are directed to visit the criminal jails of the zillahs and cities at the periodical jail deliveries, and to issue to the magistrates such orders as may appear to them advisable for the better treatment and accommodation of the prisoners, shall in their capacity of judges of the provincial courts, likewise visit the civil jails at each station; and are empowered to issue to the judges such instructions, being consistent with the general Regulations, as may appear requisite for the better treatment and accommodation of the prisoners in their jails; or for inquiring into and redressing, if established, any alleged grievance or undue restraint, during their imprisonment.

Judges of circuit to visit the civil jails of the zillahs and cities at the periodical jail deliveries, and empowered to issue instructions for the better treatment and accommodation of the prisoners, and for the redress of any grievance or undue restraint

#### A. D. 1816. REGULATION V.

A REGULATION for establishing the office of Canoongoe in the district of Cuttack, the pergunnah of Puttaspore, and the several pergunnahs dependent on it:—Passed by the Governor General in Council on the 16th February 1816; corresponding with the 6th Phagoon 1222 Bengal era; the 3d Phagoon 1223 Fusly; the 7th Phagoon 1223 Willaity; the 3d Phagoon 1872 Sumbut, and the 16th Rubee-ul-Awul 1231 Higeree.

WHEREAS the establishment of the office of canoongoe in the district of Cuttack, the pergunnah of Puttaspore and its dependencies, may be expected to be of great public benefit in removing the obstacles which have hitherto impeded the revision of the settlement of the district and pergunnahs above mentioned, and in otherwise facilitating the collection of the public revenue and the administration of justice; the following Rules have been enacted, to be in force from the 1st March 1816; corresponding with the 20th Phagoon 1222 Bengal era; the 17th Phagoon 1223 Fusly; the 21st Phagoon 1223 Willaity; the 2d Phagoon 1872 Sumbut, and the 1st Rubee-us-Sanee 1231 Higeree.

Preamble.

II. One or two persons shall be appointed to fill the office of canoongoe in every pergunnah of the district of Cuttack, in the pergunnah of Puttaspore, and in the several pergunnahs dependent on it, unless the small extent of a pergunnah shall render it advisable to place more than one pergunnah under the same canoongoe.

Persons to be appointed to fill the office of canoongoe, in each pergunnah in the district of Cuttack, and in the pergunnahs dependent on it.

III. These officers shall be nominated by the Collectors of Cuttack and Hidgellee, within their respective local jurisdictions, for the approval of the Board of Revenue, and shall not be removable from office, except for sufficient cause proved to the satisfaction of that authority, under the provisions of Regulation V, 1804, and Regulation VIII, 1809.

In what manner they are to be nominated and removed.

IV. The office of canoongoe is declared not to be hereditary; but in all pergunnahs in which persons may be found who formerly discharged the duties of canoongoe, the officers to be appointed under this Regulation, shall, as far as practicable, be selected from among them; and in supplying future vacancies, the collectors shall make it a rule, in all practicable cases, to select from the families of the canoongoes such persons as from character, education, and acquirements shall be best qualified to perform the duty.

The office of canoongoe not to be considered hereditary.

Mode of fixing the salaries of the canoongoes.

The revenue of lands, held by persons in virtue of their office of canoongoe, liable to resumption;

But the Governor General in Council may continue to the classes of persons mentioned in this section, the whole or any part of the lands held by them free of assessment.

The preceding section not applicable to claims to lands or pensions held by such persons under grants made to them unconnected with the office of canoongoe.

Description of the duties to be executed by the canoongoes.

Canoongoes prohibited from holding farms, or becoming sureties for farmers or zemindars, within the local limits of their official duties.

On the death, resignation or removal of a canoongoe, the records of his office how to be made over to his successor.

Persons refusing to deliver up the records of the office of a canoongoe, subject to what penalty.

V. The canoongoes appointed under this Regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted shall be considered to preclude all claims to further pecuniary allowances, under the denomination of nankar, or any other denomination. It is also hereby declared, that the revenue of all lands, the grant of which may be found to have been obtained by any person in virtue of his discharging the duties of canoongoes, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons who may be appointed to the office of canoongoe under the present Regulation, and to those who may not be employed in the public service. Nothing however contained in this provision, shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons the whole or a part of the lands held by them respectively free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

VI. The above rule is not to be considered applicable to claims to lands held free of assessment or pensions held by the canoongoes, under grants made to the individuals for reasons unconnected with the office of canoongoe.

VII. The canoongoes, are to execute the duties herein specified.

1st.—To keep a counterpart jumma wassil bawkee, or account of the collections made by the tehsildars, or by sezawuls, from lands held khaus, or under attachment.

2d.—To keep an account of all lands held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to Government.

3d.—To keep a list of the putwarries in each village, and a register of pottahs granted by the landholders to their under tenants.

4th.—To keep a register of all transfers of estates by sale (public or private) mortgage, lease or otherwise, and to attest such transfers, at the request of the parties, without fee or gratuity, with their official signatures.

5th.—To compile information regarding local boundaries of pergunnahs and estates; the number and names of villages, articles of produce, rates of rent, rules and customs established in each pergunnah; and to furnish, at the requisition of the courts of justice, and of the collectors, all local information within their cognizance.

6th.—To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity with the Regulations, or by the landholders or ryotts, and to record the same.

7th.—To prepare and keep the information and accounts directed in this or any future Regulation, in such manner and form as may be from time to time prescribed by the Board of Revenue.

8th.—To report to the collector the death of sudder malguzars, and the names of their heirs, and to keep a register of all successions to lands.

VIII. Persons who may be selected to fill the office of canoongoe, are hereby prohibited from holding farms, or from becoming sureties for farmers or zemindars, within the local limits of their official duties.

within the local limits of their official duties.

IX. On the death, resignation or removal of a canoongoe, the records of the office are to be made over to his successor, and the magistrate of the zillah is enjoined, on the application of the collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceeding section, to deliver them up on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the Regulations for resistance to the process of the magistrate.

XI. Nothing contained in this Regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of canoongoes, or of abolishing the office in any pergunnah, where from local circumstances the duty may be performed by less than two persons, or by the canoongoes in a neighbouring pergunnah; nor from exercising the right to increase the number of canoongoes in any pergunnah, where from circumstances more than two may be found necessary.

Power reserved to the Governor General in Council, of increasing or decreasing the number of canoongoes in each pergunnah, or of abolishing the office in any pergunnah, where it may be deemed expedient.

XII. The collectors of Cuttack and Hidgellee are enjoined to report to Government, through the usual channel, all instances wherein they may deem it expedient to increase or diminish the number of canoongoes in a pergunnah, with their reasons at large for such opinion.

The collectors of Cuttack and Hidgellee to report whenever they may deem it expedient to increase or diminish

the number of canoongoes in each pergunnah.

A. D. 1816. REGULATION VI.

A REGULATION for extending for a further period of three years the existing Settlement of Cuttack, Pergunnah Puttaspore, and its dependencies, in all cases in which the Settlement may have been concluded with Zemindars or actual proprietors of the land:—Passed by the Governor General in Council, on the 8th March 1816; corresponding with the 27th Phagoon 1222 Bengal era; the 24th Phagoon 1223 Fusly; the 28th Phagoon 1223 Willaity; the 9th Phagoon 1872 Sumbut; and the 8th Rubbi-us-sanee 1231 Higeree.

WHEREAS the existing settlement of the district of Cuttack, the Pergunnah Puttaspore and its dependencies, will expire with the present year 1223 Umlee; and whereas the information hitherto acquired by the Government and the revenue authorities, respecting the limits and produce of the several estates comprised within the said district and places, is too imperfect, either with reference to the rights and interests of Government or of the proprietors themselves, to afford grounds for the proper adjustment of an assessment which is to remain fixed in perpetuity; the following Rules have been enacted, to be in force from the date of their promulgation, in the district of Cuttack and in the pergunnah of Puttaspore and its dependencies.

Preamble.

II. The existing settlement of the land revenue of the district of Cuttack and of the pergunnah Puttaspore and its dependencies shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1226 Umlee, subject to the following provisions.

The existing settlement of Cuttack, and of the pergunnah of Puttaspore and its dependencies, to continue in force until the expiration of the year 1226 Umlee.

III. If any zemindars who have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the ensuing year 1226 Umlee, they shall notify the same to the collector of Cuttack, or to the collector of Hidgellee, according as the lands may be subject to the authority of either of those officers, on or before the 1st July next, corresponding with the 19th Assaur 1223 Bengal era; the 21st Assaur 1223 Fusly; the 20th Assaur 1223 Willaity; the 6th Assaur 1873 Sumbut; and the 4th Sabaun 1231 Higeree.

Zemindars who may not be willing to continue their engagements to the expiration of the year 1226 Umlee, to notify the same on or before the 1st July 1816.

IV. All zemindars who shall not make a notification to the effect and within the period above mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue during the ensuing three years, viz. until the expiration of the year 1226 Umlee, as may be specified in their engagements for the year 1222 Umlee, and is demandable from them on account of the present year 1223 Umlee, under the provisions of Regulation III, 1815.

All zemindars who may not make a notification to the effect and within the period above mentioned, declared to be responsible for the payment of the same revenue as may be specified in their engagements for the year 1222 Umlee.

V. With respect to the lands which were let to farm in the year 1222 Umlee, and which were by special indulgence continued in the occupancy of the farmers during the year 1223 Umlee, under the provisions of Regulation III, 1815, as well as lands now held khaus, the settlement of all such lands shall be formed for the ensuing three years with the zemindars or other actual proprietors of land, supposing such

The settlement of lands let to farm or held khaus, how to be adjusted.



such persons to be willing to engage for the payment of the public revenue on such terms as may appear reasonable, according to the most accurate information obtainable regarding the produce of their lands.

The collectors how to proceed in cases in which the zemindars may decline to engage for the payment of the revenue demandable from them on account of such lands, or in which no acknowledged proprietors of the lands may be forthcoming.

VI. In cases in which the zemindars may decline to engage for the payment of the revenue demandable from their lands during the ensuing three years, or in which no acknowledged proprietors of lands may be forthcoming, it will of course be the duty of the collector to consider whether the lands should be let to farm, or whether the rents should be collected directly from the great body of the ryots; or in other words, whether the lands shall be khaus, or whether (which will probably be found to be the most convenient and beneficial method) a settlement should be formed for the above period of three years, for the several villages, with the head ryot, however denominated, of each village respectively.

#### A. D. 1816. REGULATION VII.

A REGULATION for defining the tenure on which certain Lands at present included within the limits of the Territories of the British Government, and subject to its general Laws and Regulations, are to be held as an independent Jageer by His Highness Amrut Rao :—Passed by the Governor General in Council, on the 22d March 1816; corresponding with the 11th Chyete 1222 Bengal era; the 9th Chyete 1223 Fussily; the 12th Chyete 1223 Willaity; the 9th Chyete 1873 Sumbut; and the 22d Rubbi-us-sanee 1231 Higeree.

Preamble.

WHEREAS a tract of land, situated near the town of Teroha in the district of Bundlecund, has been granted as an independent Jageer by the British Government to his highness Amrut Rao, for the residence of his highness, his dependents and attendants; and whereas it is consequently necessary that the operation of the Laws and Regulations of the British Government, and the jurisdiction of the civil and criminal courts of judicature, should cease to extend to that Jageer; the following Rules have been enacted, to be in force from the date of this Regulation.

The jurisdiction of the civil and criminal courts of judicature, and the operation of the general Regulations, not to extend to the tract of land granted in Jageer to his highness Amrut Rao in Bundlecund.

II. From and after the date of this Regulation, the jurisdiction of the courts of civil and criminal judicature, and the operation of the general Regulations, shall not extend to the tract of land situated near the town of Teroha in the district of Bundlecund, which has been granted as an independent Jageer to his highness Amrut Rao, for the residence of his highness, his dependents and attendants.

Courts of criminal justice to take cognizance of crimes committed beyond the defined limits of the above mentioned Jageer, by any of his highness's followers or dependents.

III. Nothing in this Regulation shall be construed to preclude the courts of criminal justice from taking cognizance, under the existing Rules and Regulations, of any crimes or offences which may be committed in the district of Bundlecund, or in any other part of the British territories beyond the defined limits of the Jageer, by any of his highness's followers or dependents, or by any other persons ordinarily residing in the Jageer in question.

The provisions of Regulation V, 1809, and Regulation VIII, 1813, applicable to native subjects of the British Government, who may be charged

IV. The provisions of Regulation V, 1809, and of Regulation VIII, 1813, are hereby declared to be applicable to native subjects of the British Government, who may be charged with crimes and misdemeanors committed within the limits of the Jageer granted to his highness Amrut Rao, in Bundlecund.

with crimes committed within the above mentioned Jageer.

#### A. D. 1816. REGULATION VIII.

A REGULATION for establishing the office of Superintendent and Remembrancer of Legal Affairs :—Passed by the Governor General in Council, on the 29th March 1816; corresponding with the 18th Cheyete 1222 Bengal era; the 16th Cheyete 1223 Fusly; the 19th Cheyete 1223 Willaity; the 1st Cheyete 1873 Sumbut; and the 29th Rubbi-us-Sanee 1231 Higeree.

Preamble.

THE duty of determining on the propriety of instituting or defending, on the part of Government, original suits or appeals in the several courts of civil judicature, rests, under the existing Regulations, with the Governor General in Council, and with the

the several boards, acting under his authority in different departments.—With a view to afford further facilities in the discharge of a duty which so materially involves the reputation as well as the interests of the Government, it is deemed advisable that an officer should be appointed, who, in the quality of superintendent and remembrancer of legal affairs, may aid the said authorities, in such manner as may on experience be deemed most convenient, as well in the conduct of important suits and appeals when instituted, as generally in deciding on the propriety of having recourse to the established courts of justice for the recovery or maintenance of the rights and interests of Government.—It is conceived also, that the public convenience will be in other respects promoted by the appointment of an officer of this description, whose services may, in certain cases of more than ordinary importance, be available in matters of a criminal as well as of a civil nature; and who may be employed by Government in the conduct of other judicial concerns in any mode not inconsistent with the existing Regulations. The following Rules have accordingly been enacted, to be in force from the date of the promulgation of this Regulation throughout the whole of the provinces immediately subject to the Presidency of Fort William.

II. A covenanted servant of the Company shall be appointed to the office of superintendent and remembrancer of legal affairs.

A covenanted servant to be appointed to the office of superintendent and remembrancer of legal affairs.

III. It shall be competent to the Governor General in Council to avail himself of the services of the superintendent and remembrancer of legal affairs in the maintenance of the public interests, by directing him to furnish such aid in the conduct of cases in which Government may be concerned, in the civil or criminal courts of justice, as may be deemed advisable.

The superintendent and remembrancer is to furnish such aid in the conduct of cases in which Government may be concerned, in the civil or criminal courts of justice, as may be deemed advisable.

IV. It shall moreover be the immediate duty of this officer to furnish an opinion on the merits of any case that may be referred to him for the purpose, either by the Government or by any other authority duly authorized by this Regulation; distinguishing clearly in each case whether the determination of the depending question rests upon matter of fact, or upon the provisions of the Regulations of the British Government, or lastly upon the principles of the Hindoo and Mahomedan laws. In the last mentioned case, it shall be the duty of the superintendent and remembrancer uniformly to consult the proper law officer attached to the Sudder Dewanny Adawlut, and Nizamut Adawlut, previously to submitting his opinion on the subject.

And to furnish an opinion on the merits of any case that may be referred to him for the purpose, by the public authorities duly authorized by this Regulation.

V. In carrying into effect the provisions of the second and third clauses of Section III, Regulation II, 1814, and previously to determining on the propriety of authorizing a recourse to judicial process, the Board of Revenue, the Board of Commissioners in the Ceded and Conquered Provinces, the Commissioner in Behar and Benares, and the Board of Trade are authorized to call for the sentiments, and to avail themselves of the assistance of the superintendent and remembrancer of legal affairs, in such manner as they may deem expedient, under the instructions which may be communicated to them for that purpose by the Governor General in Council.

In what cases the several boards or other public authorities may avail themselves of the services of the superintendent and remembrancer of legal affairs.

VI. The provisions of Clause Third, Section XXXVII, Regulation XXVII, 1814, are hereby declared to be equally applicable to the superintendent and remembrancer of legal affairs as to the other officers and authorities adverted to in that clause.

The provisions of Clause Third, Section XXXVII, Regulation XXVII, 1814, declared to be equally applicable to the superintendent and remembrancer of legal affairs as to the authorities adverted to in that clause.

VII. *First.*—In modification of the rule contained in the Second Clause, XXXVII. Section, Regulation XXVII, 1814, the following provisions are enacted.

Clause Second, Section XXXVII, Regulation XXVII, 1814, modified by this Regulation.

*Second.*—On the occasion of vacancies occurring in the office of the vakeels of Government in the courts of justice, such courts shall not nominate any individual to succeed to the office, but shall merely report the circumstance, for the information of government, to the secretary in the judicial department.

On vacancies occurring in the office of the vakeels of Government, the courts of justice are merely to report the circumstance, for the information of Government, to the secretary in the Judicial Department.

*Third.*—It will rest with Government to ascertain, by such inquiries as they may deem necessary, which of the constituted pleaders of the court is best fitted by his qualifications and character to succeed to the vacant office, and to appoint such individual accordingly.

The Government will ascertain which of the pleaders may be best fitted to succeed to the vacant office.

Suits instituted under Clause IV, Section III, Regulation II, 1814, how to be entered on the file.

VIII. In cases in which a party preferring a petition of complaint against a collector of the land revenue, or of customs, or against a commercial resident, or other person amenable to the courts of civil judicature, for acts connected with his official duties, may not be considered entitled to redress from Government, under the provisions of Clause Third, Section III, Regulation II, 1814; and who may consequently, under the fourth clause of that section, proceed to prosecute the case in the regular course of law, such suit shall be entered on the file of the court from the date on which the petition was originally received, and the case shall be brought to a hearing and determination in the order in which it would have been heard and determined had it been originally instituted on such date.

#### A. D. 1816. REGULATION IX.

A REGULATION for the appointment of a Commissioner of Revenue within that portion of the districts of the 24-Pergunnahs, Nuddea, Jessore and Backergunge, commonly denominated the Sunderbuns:—Passed by the Governor General in Council, on the 26th April 1816; corresponding with the 15th Bysack 1223 Bengal era; the 14th Bysack 1223 Fusly; the 16th Bysack 1223 Willaity; the 14th Bysack 1873 Sumbut; and the 27th Jumadee-ul-awul 1231 Higeree.

Preamble.

WHEREAS it has appeared advisable to appoint an officer for the performance of certain duties connected with the public resources in the tract of country ordinarily called the Sunderbuns; the following Rules have been enacted, to be in force from the 1st of May 1816; corresponding with the 20th Bysack 1223 Bengal era; the 19th Bysack 1223 Fusly; the 21st Bysack 1223 Willaity; the 4th Bysack 1873 Sumbut; and the 2d Jumadee-us-sanee 1231 Higeree.

Appointment of a commissioner in the Sunderbuns, to be vested with the same authority as collectors.

II. An officer shall be appointed under the appellation of Commissioner in the Sunderbuns.—The commissioner in the Sunderbuns shall be vested, within such local limits as may be from time to time established by the Governor General in Council, with all the duties, powers and authority which have been or may be exercised by the collectors of land revenue (including the charge of the Abkarry Mehal) under the Rules and Regulations which have been or may be enacted; and shall be subject to the control and superintendence of the Board of Revenue, in the same manner as the collectors of the several zillahs situated within the limits of their authority.

And to be subject to the control of the Board of Revenue.

#### A. D. 1816. REGULATION X.

A REGULATION for preventing the exportation by sea of Salt Petre, from any of the Ports subject to the Presidency of Fort William, on vessels not being the property of British Subjects; and for prohibiting the importation of that article from the interior into any of the foreign Settlements situated within the limits of the said Presidency:—Passed by the Governor General in Council, on the 26th April 1816; corresponding with the 15th Bysack 1223 Bengal era; the 14th Bysack 1223 Fusly; the 16th Bysack 1223 Willaity; the 14th Bysack 1873 Sumbut; and the 27th Jumadee-ul-awul 1231 Higeree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the promotion of the commercial intercourse between India and Great Britain, and to the general interests of the British nation, to prohibit the exportation of Salt Petre from the ports subject to the Presidency of Fort William, otherwise than on vessels belonging to British subjects, and likewise to prohibit the importation of the said article into any of the ports, settlements, factories or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories of the said Presidency; the following Rules have been enacted, to be in force throughout the territories immediately subject to the Presidency of Fort William from the date of the promulgation of this Regulation.

Salt Petre not to be exported on any other than vessels belonging to British subjects.

II. The exportation by sea of Salt Petre, from any of the ports subject to the Presidency of Fort William, except on vessels belonging to British subjects, is hereby prohibited.

III. The importation of Salt Petre from the interior into any of the settlements, ports, factories or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories dependent on the Presidency of Fort William, except in the cases provided for in Section VIII. of this Regulation, is hereby strictly prohibited.

The importation of it from the interior, into any foreign settlements, prohibited. Exception.

IV. All Salt Petre attempted to be exported by sea from any of the ports subject to the Presidency of Fort William, otherwise than on vessels belonging to British subjects, shall be liable to seizure and confiscation, and all Salt Petre attempted to be imported into any of the foreign settlements referred to in the above section, shall be liable to seizure and confiscation, together with all boats, carriages and cattle on which it may be laden.

On breach of the foregoing Rules, the Salt Petre liable to seizure and confiscation.

V. The officers of customs are hereby required to use their utmost endeavours to enforce the above prohibition; for which purpose they are hereby authorized and enjoined to detain all Salt Petre which they may discover in the act of being shipped on board any foreign vessel lying in any of the ports subject to the Presidency of Fort William, or of being taken within the limits of the said foreign settlements, in opposition to the provisions of this Regulation: It shall be the duty of the officers of the police, on due application being made to them for that purpose, to give every requisite aid and support to the officers in the department of customs in carrying this provision into effect.

Duty of the custom officers to enforce the prohibition.

VI. Salt Petre detained under the Rule contained in the above section shall, within twenty-four hours of its seizure, be delivered to the nearest collector of government customs.

Salt Petre where to be delivered on seizure.

VII. The Rules contained in Section XXXIII, Regulation IX, 1810, shall be applicable to all Salt Petre detained on the ground of its being liable to confiscation under the provisions of this Regulation, any thing contained in the second clause of that section to the contrary notwithstanding; provided, however, that nothing shall be understood as authorizing the Board of Revenue to permit the exportation of Salt Petre on foreign bottoms, or the importation of that article into any of the foreign settlements.

Section XXXIII, Regulation IX, 1810, how far applicable to Salt Petre under seizure. Proviso.

VIII. Individuals residing within the limits of any foreign settlement shall be allowed to take within the same, such quantity, not exceeding one maund, as the collector of customs of Hooghly shall be satisfied is necessary for their private consumption or for retail sale. In all such cases, application shall be made to the said collector of government customs, who will, at his discretion, grant a pass, specifying the name of the person in whose favour it is granted, and the quantity of Salt Petre to be taken, and certifying that the same is for private use or retail sale. No pass so granted shall be in force for more than twelve hours.

What quantity allowed to be taken by individuals residing within foreign settlements.

## A. D. 1816. REGULATION XI.

A REGULATION for receiving, trying and deciding claims to the right of Inheritance or Succession, in certain Tributary Estates in Zillah Cuttack:— Passed by the Governor General in Council, on the 10th of May 1816; corresponding with the 29th Bysack 1223 Bengal era; the 28th Bysack 1223 Fusly; the 30th Bysack 1223 Willaity; the 14th Bysack 1873 Sumbut; and the 11th Jumadee-us-Sanee 1231 Higeree.

WHEREAS it is necessary that provision should be made for receiving, trying and deciding claims to the right of inheritance or succession in certain tributary estates in zillah Cuttack, which were excepted by Section XI, Regulation XIV, 1805, from the operation of the general Rules for the administration of civil justice, established in the provinces of Bengal, Behar and Orissa; and whereas the nature of the tenures by which those estates are held, the character of the inhabitants, and other local circumstances, render it expedient that the estates in question should not be subject to partition, but should descend entire and undivided to the persons respectively having the most substantial claim according to local and family usage; the following Rules have been enacted, to be in force from the date of the promulgation of this Regulation in zillah Cuttack.

Preamble.

Claims to the right of inheritance or succession to certain tributary estates in Cuttack, how to be tried.

II. All claims to the right of inheritance or succession to any of the under mentioned tributary estates, are to be heard, tried and determined, in the first instance, by the superintendent of the tributary Mohauls in zillah Cuttack.

Killah - - Neelgery,	Killah - - Kindeaparah,
Ditto - - Bankey,	Ditto - - Neahgurh,
Ditto - - Joormoo, alias Duspullah,	Ditto - - Rampore,
Ditto - - Nursingpore,	Ditto - - Hindole,
Ditto - - Angole,	Ditto - - Teegereah,
Ditto - - Talcher,	Ditto - - Burumbah,
Ditto - - Autgurh,	Ditto - - Dekenal,
Ditto - - Keonjur,	The Territory of Mohurbunge.

On what laws and usages such claims are to be decided. Proviso.

III. The superintendent, in deciding cases of the above nature, shall be generally guided by the established laws and usages of the respective tributary estates. Provided however, that the estates above enumerated shall in no case be considered liable to be divided according to the Hindoo law, but shall descend entire to the person having the most substantial claim according to local and family usage.

Suits not cognizable, if the cause of action arose before the 14th of October 1803.

IV. The superintendent is prohibited from taking cognizance of any suit, the cause of action in which shall have arisen antecedent to the 14th day of October 1803, the date on which the fort and town of Cuttack were surrendered to the British arms.

The pleaders of the civil court are to attend the superintendent's court, and entitled to fees.

V. The established pleaders of the zillah court shall attend the superintendent's court, to be held in the court house of the zillah adawlut; and they shall receive the same fees as are authorized on the pleading of causes in the zillah courts; subject of course to the prescribed rules in the cases of paupers.

The Hindoo law officer of the zillah court is to expound the Hindoolaw when requisite.

VI. The Hindoo law officer of the zillah court is to expound the Hindoo law, in all cases wherein it may be requisite for the due determination of causes pending before the superintendent.

Rules regarding the issuing of processs by the superintendent.

VII. All processes issued in suits instituted under this Regulation shall bear the official seal and signature of the superintendent; and shall be executed by the officers on his establishment, in like manner as all similar processes issued by the judge of the zillah court are executed; and any disobedience and resistance to his process shall be liable to a fine to Government to be fixed by the superintendent, subject to the confirmation of the court of Sudder Dewanny Adawlut; or, if the offender be a landholder or sudder farmer, and the case appear to call for it, by a confiscation of his estate or farm, commutable to a fine by the Sudder Dewanny Adawlut, or Governor General in Council.

Penalty for resistance of processs.

Rules to be observed by the superintendent, in the trial of all suits instituted under this Regulation.

VIII. In the trial of all suits instituted under this Regulation, the superintendent shall be guided by the general rules prescribed for the trial of civil causes before the judges of the zillah courts, subject to the special provisions contained in this Regulation, or in points not specially provided for, to any qualification of the general rules which may be found expedient, and may be sanctioned by the court of Sudder Dewanny Adawlut.

Stampt paper shall not be required in these suits.

IX. It shall not be requisite to use stampt paper for the plaints, pleadings, decrees, or any papers relative to suits instituted under this Regulation; nor shall any durkhaust on stampt paper be required for the admission of exhibits, or the issue of summonses to witnesses, in such suits, when tried in the first instance, or in appeal.

Deposit to be made on account of the pleader's fee.

X. When the plaintiff or defendant may appoint a pleader to prosecute or defend a suit under this Regulation, he shall deposit in the court a sum equal to the amount of the pleader's fee, unless from the oath or solemn declaration of the party, or from the evidence of two credible witnesses, the superintendent shall be satisfied of the inability of the plaintiff, or defendant to make such deposit; in which case he shall be admitted as a pauper, and the stated deposit shall not be required.

Exception in cases of paupers.

An appeal may be made from the superintendent's decision to the Sudder Dewanny Adawlut.

XI. In all suits decided and orders passed by the superintendent under this Regulation, an appeal from his decisions and orders shall lie to the court of Sudder Dewanny Adawlut, provided that the petition of appeal be preferred within three months after the decree or order appealed from shall have been passed.

XII. The

XII. The petition of appeal shall be presented to the superintendent, and shall contain a full and explicit statement of the appellant's objections to the decree or order from which he is desirous to appeal. The appellant, if not admitted as a pauper under Section X, shall at the same time tender good security for the payment of any costs which may be adjudged on the determination of the appeal by the Sudder Dewanny Adawlut, or if unable to give such security, shall make oath or subscribe a solemn declaration to his inability, or adduce two creditable persons to prove the same.

Rules to be observed on admitting a petition of appeal.

XIII. On receipt of the petition of appeal, with the prescribed security, or proof of inability required in failure thereof, the superintendent shall cause a copy to be made of the decree or order from which the appeal may be required, and within fifteen days shall certify and transmit the same, with the petition of appeal, to the court of Sudder Dewanny Adawlut.

Duty of the superintendent on receipt of a petition of appeal.

XIV. *First.*—When the court of Sudder Dewanny Adawlut may admit the appeal, they will cause a precept to be issued, under the seal of the court and the signature of the register, addressed to the superintendent, requiring him, within such period as may be limited by the precept, to furnish a complete record of all papers received and proceedings held in the case; and also to call upon the respondent or respondents for his or their answer, or to appear in person or by vakeel, within a certain time, before the Sudder Dewanny Adawlut, and deliver his or their answer to that court.

Course to be pursued if the petition of appeal be admitted by the Sudder Dewanny Adawlut.

*Second.*—The superintendent, on receipt of the precept, shall comply with the exigency thereof, as required; or in the event of his not being able to carry the same into complete execution within the prescribed period, shall certify the same to the court of Sudder Dewanny Adawlut, with notice of the period within which a further return will be made.

The superintendent to comply with the exigency of precepts of the Sudder Dewanny Adawlut.

XV. It shall be optional with appellants and respondents, in appeals to the Sudder Dewanny Adawlut, under this Regulation, to attend in person or by vakeel for the prosecution or defence of their appeals before that court; or to deliver their proceedings to the superintendent of the tributary Mehals; who, in the latter case, shall forward them, as soon as received, to the Sudder Dewanny Adawlut, and communicate to the parties any orders which may be issued by that court.

The parties may plead their own causes in appeal, or may appoint vakeels, or may deliver their proceedings to the superintendent of the tributary Mehals. Duty of the superintendent in such cases.

XVI. In cases wherein it may appear to the court of Sudder Dewanny Adawlut, that the cause in appeal has not been sufficiently investigated, and consequently that further evidence is required for the just determination of it, that court is empowered to refer the cause back for further trial and judgment to the superintendent, or to direct that further evidence be taken and transmitted to the court.

The Sudder Dewanny Adawlut may either refer the cause back to the superintendent or direct further evidence.

XVII. The provisions contained in Section III, by which the decisions passed by the superintendent are to be governed, shall be considered equally applicable to the decisions of the Sudder Dewanny Adawlut in all appeals under this Regulation.

The provisions of Section III. declared applicable to the decisions passed by the Sudder Dewanny Adawlut.

XVIII. The principles of the several provisions contained in Sections IV, V, VI, VIII, IX, and X, of this Regulation, shall also be considered applicable to all appeals from decisions or orders of the superintendent of the tributary Mehals in zillah Cuttack, which may come before the court of Sudder Dewanny Adawlut.

Also the principles of Sections IV, V, VI, VIII, IX, and X, of this Regulation.

XIX. *First.*—In cases of appeal to the Sudder Dewanny Adawlut from any decree or order of the superintendent involving a transfer of property, or any change in the actual possession of property, the decree or order appealed from shall not be carried into execution during the appeal to that court, provided the appellant shall give good and sufficient security for the performance of the final decision which may be passed upon the appeal; and in no instance shall the superintendent cause to be carried into execution any such decree or order passed by him, until the period allowed for the appeal may have elapsed.

The execution of the decree passed by the superintendent to be postponed, if the appellant shall give sufficient security.

*Second.*—In the event of the appellant's not giving security for staying the execution of the decree appealed from, and of its being consequently put into execution whilst an appeal is pending, good and sufficient security shall be taken from the respondent for the performance of the final decision which may be passed upon the appeal.

If appellant fail to give security, the decree shall be executed, provided the respondent gives sufficient security.

In case neither party shall be able to give the requisite security, the estate in dispute shall be attached.

*Third.*—In case neither party shall be able to give the requisite security, the estate in dispute shall be attached by order of the superintendent, until the security required shall be received, or until the final determination be passed by the Sudder Dewanny Adawlut upon the case.

Previous to the execution of any decree, whether of the superintendent or of the Sudder Dewanny Adawlut, a communication must be made to Government.

*Fourth.*—No decree or order, whether of the superintendent of the tributary Mehals, or of the Sudder Dewanny Adawlut, involving a transfer of the property or an actual change in the possession of any of the estates enumerated in Section II. of this Regulation, shall be carried into execution without a previous communication being made by the Sudder Dewanny Adawlut to Government; in order that sufficient time may be afforded for the adoption of any precautionary measures which may be eventually judged requisite to support and enforce the execution of the decree or order without hazard to the public tranquillity.

To what amount the decisions of the Sudder Dewanny Adawlut shall be considered final.

*XX. First.*—The judgments of the Sudder Dewanny Adawlut shall be final and conclusive in all appeals heard and determined by that court under this Regulation, within the limitation of appeals to the King in Council, prescribed by the Statute 21 George III, Cap. LXX, Section XXI, viz. five thousand pounds, or sicca rupees 43,103.

An appeal to the King in Council may be made in certain cases, and shall be received by the Sudder Dewanny Adawlut.

*Second.*—If the amount or value adjudged shall, exclusive of costs of suit, exceed the sum of 5,000 l. or sicca rupees 43,103, a further appeal will be open to His Majesty in Council; and shall be received by the Sudder Dewanny Adawlut, under the provisions which have been enacted for receiving such appeals in Regulation XVI, 1797.

#### A. D. 1816. REGULATION XII.

**A REGULATION** for the establishment of a Custom-house at Cox's Bazar, for the collection of Government Customs:—Passed by the Governor General in Council, on the 17th May 1816; corresponding with the 5th Jeyte 1223 Bengal era; the 6th Jeyte 1223 Fusly; the 6th Jeyte 1223 Willaity; the 6th Jeyte 1873 Sumbut; and the 18th Jumadee-us-sanee 1231 Higeree.

Preamble.

WHEREAS it has been deemed advisable to establish a custom-house in the southern division of the district of Chittagong, for the collection of government customs on articles of merchandize, the following Rules have been enacted, to be in force from the period of the promulgation of this Regulation.

A custom-house to be established in the southern division of Chittagong,

For the collection of duties under the general Regulations.

II. A custom house for the collection of government customs shall be established at Cox's Bazar, or at such other station in the southern division of the district of Chittagong as may be deemed expedient; and the general Rules which are at present in force, or which may be hereafter enacted with respect to the said customs in other parts of the country, shall be considered applicable to the said station of Cox's Bazar, in common with those established in other parts of the country.

#### A. D. 1816. REGULATION XIII.

**A REGULATION** for reducing into one Regulation, with alterations and amendments, the Rules at present in force respecting the manufacture and sale of Opium:—Passed by the Governor General in Council on the 17th May 1816; corresponding with the 5th Jeyte 1223, Bengal era; the 6th Jeyte 1223 Fusly; the 6th Jeyte 1223 Willaity; the 6th Jeyte 1873 Sumbut; and the 18th Jumadee-us-Sanee 1231 Higeree.

Preamble.

WHEREAS Rules have, from time to time, been enacted for the guidance of the persons concerned in the provision of opium at the agencies established on the part of Government in the provinces of Behar and Benares, and for preventing the illicit cultivation of the poppy and the illicit manufacture and sale of opium, and for regulating the internal sale and consumption of that drug; and whereas it has been deemed advisable to establish an agency in zillah Rungpore for the provision of opium to be reserved exclusively for retail sale and consumption within the provinces immediately dependent on the Presidency of Fort William; and whereas it has appeared expedient, with the view of better securing the public revenue arising



From opium, to enact further Rules for the prevention of the illicit cultivation of the poppy, and the illicit manufacture, sale and consumption of the drug, and to make provision, by better regulating its internal sale, for supplying the consumers of opium with the drug in a pure and unadulterated state, and for limiting the use of it, as far as possible, to cases in which it may be necessary or salutary; and whereas it will tend to the public convenience to consolidate the whole of the Rules in force respecting this branch of the public revenue into one Regulation, with alterations and amendments; the following Rules have been passed, to be in force throughout the provinces immediately dependent on the Presidency of Fort William, from the date of the promulgation of this Regulation.

II. Section III, Regulation XXXII, 1795; Sections VII, VIII. and IX, Regulation I, 1797; Regulation VI, 1799; Regulation XLI, 1803; Regulation V, 1807, and Regulation VI, 1809; Section XXXII, Regulation IX, 1810; Clauses 3d, 4th and 5th, Section XVII, Regulation X, 1813, together with such other parts of the same Regulation as refer to the illicit manufacture and sale of opium, and are not specially re-enacted by this Regulation, are hereby rescinded.

Specification of existing Rules rescinded.

III. The cultivation of the poppy and manufacture of opium within any of the provinces dependent on the Presidency of Fort William, excepting on account of Government, or with their sanction, are hereby prohibited.

The cultivation of the poppy and manufacture of opium prohibited. Exception.

IV. The importation of opium, the produce or manufacture of the territories of the Nawaub Vizier, the Mahratta territories, or of any foreign country, into the provinces dependent on the Presidency of Fort William, or any of them, is hereby prohibited.

The importation of opium prohibited.

V. The superintendence of the provision of opium shall, as heretofore, be entrusted to agents, or to such other officers, being covenanted servants of the Company, as the Governor General in Council shall appoint to the said duty.

A covenanted servant of the Company to superintend the provision of opium.

VI. In addition to the agencies already constituted and existing in the provinces of Behar and Benares, an agency shall be established under the commercial resident at Rungpore, within such local limits as the Governor General in Council may from time to time direct, for the provision of opium, to be reserved exclusively for retail sale and consumption within the provinces immediately dependent on the Presidency of Fort William, under the Rules hereinafter prescribed.

The commercial resident at Rungpore vested with the powers of an opium agent.

VII. The Rules contained in this Regulation respecting the functions, duties and authority of agents for the provision of opium, are to be considered equally applicable to their deputies in charge of subordinate establishments, or to any other person, being a covenanted servant of the Company, and entrusted with the superintendence of the provision of opium.

Deputies in charge of subordinate establishments, to be guided by the same Rules as agents.

VIII. Every person who may be appointed an agent for the provision of opium on account of Government, or a deputy or an assistant to such agent, previously to entering on the execution of the duties of his office, shall take and subscribe the following oath, before the Governor General in Council, or any person whom he may commission to administer it.

Form of oath to be taken by an opium agent, deputy or assistant.

“ I, A. B. appointed to the office of  
swear, that I will render true and faithful accounts of the expenditure of the sums which may be advanced to me, and of the opium produced, whenever required; and that I will not, at any time during the period of my holding the said office, have any concern in opium, or derive, directly or indirectly, any profit from my situation, excepting such as the orders of Government do or may authorize me to receive, or knowingly suffer any of my officers or dependents to derive any advantages or profits, but such as shall be duly allowed.”

“ So help me God.”

IX. The agents employed by Government in the provision of opium, shall annually, in due time, previous to the proper period for issuing the advances, make a settlement with the ryots who may choose to engage to cultivate the poppy, of the prices to be paid for the opium in the ensuing season. In this settlement, the rate per seer in sicca rupees, as well as the weight of the seer, according to the number of sicca weight contained in the seer peculiar to each pergunnah, is to be specified on the completion of such settlement; a copy and a translation of it shall be forthwith sent to the Board of Trade for their consideration, and on the agents receiving their approval

Settlements to be made annually in writing with the ryots who may choose to cultivate the poppy.



approval of it, copies of the settlement shall be sent by the agents to the several judges and collectors of land revenue or other officer in charge of the abkarry mehal within those jurisdiction the poppy is cultivated, to be fixed up in their court rooms and cutcherries; and the price settled for each pergunnah shall also be published by the agent in the pergunnah to which it relates.

Ryots may either enter into engagements to cultivate the poppy on account of Government, or decline cultivating it altogether.

X. It is left to the option of every person to enter into engagements for the cultivation of the poppy on account of Government, at such prices as may be settled for the produce, or to decline the cultivation of it altogether.

Nature of the engagements which the agents are to take from the cultivators of the poppy.

XI. The agent, or a person deputed by him, at the season of sowing the poppy, is to take an engagement from the cultivator specifying the number of begahs agreed to be cultivated, with the amount of the advance received by him, and the cultivator shall be bound to cultivate that number of begahs, or be liable to a penalty of three times the amount advanced on each begah, and proportionably for any part of the begah not so cultivated. When the poppy shall be full grown, the agent is to depute a person who shall proceed with the cultivator into the field, and with the assistance of two or three other creditable cultivators, form an estimate of what such field is likely to produce; whereupon the ryot or cultivator is to enter into an engagement to deliver so much, and should the field produce more, to deliver that also pro rato. The agent shall, as soon as practicable after the sowing season, transmit a separate list of the cultivators, from whom he may take engagements in each pergunnah, to the magistrate, and to the collector or other officer in charge of the abkarry mehal of the zillah.

Officers in the employ of the agents or their deputies, prohibited from taking any gratuity. Penalties on conviction.

XII. Officers of every description in the employment of the agents or their deputies, are prohibited from taking or receiving any fee, gratuity, perquisite or allowance, either in money or effects under any pretence whatever, from any ryots or other person employed or concerned in the provision of opium; and if any such description of person subject to the authority of the agent, shall be convicted, before the zillah or city magistrate within whose jurisdiction the offence may have been committed, of disobedience to this prohibition, he shall, besides being dismissed from his office by the officer or authority to which he may be subject, be further liable to imprisonment for any term, not exceeding six months, which the court may judge proper, together with such fine, not exceeding 200 rupees, as may appear adequate to his offence, commutable, if not paid, to a further period of imprisonment not exceeding six months; and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear proper, declare the offender incapable of serving Government in any capacity thenceforward, and will cause the same to be published.

Weights and scales for weighing the opium to be sealed by the magistrate of the district.

XIII. The weights and scales made use of in the koties or warehouses in the different pergunnahs for weighing the opium received from the ryots, are to be sealed with the seal of the magistrate of the district, and examined annually by him, or by such person as he shall think proper to appoint for that purpose, during the month of January. The agents or their officers making use of weights or scales not so sealed, or knowingly using uneven scales or incorrect weights though sealed, will be liable to such fine, not exceeding 500 rupees, as the magistrate may think proper to impose. The opium shall be fairly weighed in the presence of both parties by the beam being properly suspended to a triangle, or wooden stand or fixture, and every other mode of weighing will be considered as illegal.

How the opium is to be weighed.

Stipulations concerning ryots who may not deliver the full quantity of opium agreed for.

XIV. In the event of the cultivator failing to deliver the full quantity of opium agreed for by him in the manner specified in Section XI, if the agent shall suspect or believe the cause of failure to be in the wilful neglect of the ryot, he shall complain to the zillah or city judge within whose jurisdiction the land of the ryot may be situated; and if it shall be proved, to the satisfaction of the judge, that the failure has been owing to neglect, he is to award that the ryot shall restore the proportional advance, with interest at the rate of twelve per cent. per annum. The ryot, so failing to fulfil his contract, shall likewise be liable at the discretion of the judge to a further penalty, not exceeding the amount of interest to the payment of which he will be liable under the above provision.

Agents or their representatives how to proceed in cases

XV. In cases in which the ryots shall deliver the opium in too liquid a state, or not inspissated to what is deemed, by experienced persons, the proper state of consistence,

consistence, the agents or their officers are to appoint two or more credible opium ryots or cultivators to decide on their dherm or conscience, what surplus quantity of keirdah, shall be taken as an equivalent for the overweight arising from such want of consistence, and the parties shall abide by their award, unless it shall be proved to the satisfaction of the zillah or city judge within whose jurisdiction the opium shall be delivered to the officer of government, that the arbitrators have been guilty of partiality.

where the opium is delivered in too liquid a state.

XVI. Where the crude material shall be delivered in by the ryot or cultivator in an adulterated state, as by the mixture of foreign ingredients, the agents or their officers may immediately seize on, and declare the same confiscated, sealing it up at the same time in the presence of the ryot, and under his signature or mark, and in the presence of two or more creditable witnesses; depositing it also in a secure and separate place, and leaving the ryot to have recourse against them to the zillah or city court; for which purpose they are to keep the said opium thus sealed up for one month, and if in that time the ryot shall not lodge his complaint, it shall not afterwards be heard, and the agents shall then open the said opium and report the particulars of the case to the Board of Trade for their orders. Provided further, that in such cases the said opium ryot or cultivator shall, on failure to furnish the full quantity of opium agreed for by him, exclusive of the adulterated opium, be prosecuted in the Dewanny Adawlut of the city or zillah, and shall be liable to the penalty prescribed in Section XIV. in the case of failure by wilful neglect, viz. to refund the proportional advance, with interest, and an eventual fine.

Agents how to proceed where cultivators deliver in adulterated opium.

XVII. If any zemindar or other proprietor of land, or any farmer of land, or their representatives, should exact more from the ryots on account of their poppy lands than the established rates, the agent or the ryot from whom such exactions may be made, is to be at liberty to prosecute the person guilty of such exactions in the zillah or city Dewanny Adawlut, the judge of which shall forthwith inquire into the same, and, on proof of the exaction, shall adjudge the person guilty of the offence to restore the amount levied in excess of the established rate, with a further penalty of treble the amount.

Proprietors and farmers of lands how to be proceeded against in case they attempt to increase the rents of the poppy lands.

XVIII. The opium agents and their native officers of every description, are declared amenable to the Dewanny Adawlut of the city or zillah within the jurisdiction of which they may be stationed, for all acts done by them in their official capacity: provided however that any person conceiving himself aggrieved by the act of an opium agent or of any ministerial officer acting under his authority, shall, in the first instance, make application for redress to the agent himself; and in the event of his not being satisfied with the order which the agent may pass upon such application, it shall then be competent to him either to lay his case by petition before the Board of Trade, or at once to seek redress in the Dewanny Adawlut, or the city or zillah within the jurisdiction of which he may reside. The rules contained in Regulation II, 1814, shall be considered applicable to all cases that may arise under the operation of this Section, and the course therein prescribed shall be observed in the admission of such cases.

Agents and their officers liable to be sued in the zillah Dewanny Adawlut for breach of Regulations, under the restrictions herein specified.

Rules contained in Regulation II, 1814, applicable to cases under this Section:

XIX. The opium agents shall not, in their official capacity, prefer any suit to any of the courts of Dewanny Adawlut without the previous sanction of the Board of Trade.

Agents are not to prefer any suit without the sanction of the Board of Trade.

XX. The judges of the Dewanny Adawlut of the several cities or zillahs are to take cognizance of all causes respecting opium, instituted by an agent or his representative against the ryots or others concerned in the provision or manufacture of that article, or by the latter against the former, as well as suits preferred under the provisions of Section XVII. of this Regulation against zemindars or other proprietors of land, and proceed to try and decide upon the same with as little delay as possible, and without attending to the order in which they may stand on the file. In all matters relating to the trial and decision of such suits, the payment of costs and the execution of decrees not expressly provided for in this Regulation, the courts shall be guided by the general rules and usages observed in other suits cognizable by them.

Judges to take cognizance of all causes respecting opium, with as little delay as possible.

Courts to be guided by general rules in cases not expressly provided for in this Regulation.

XXI. Nothing however contained in the above Sections shall be construed to authorize the courts of Dewanny Adawlut to interfere in cases the cognizance of which is vested by this Regulation in the collectors of land revenue or other officers in charge of the abkarry mehal.

Judges not to interfere with the powers vested in collectors and others, for the cognizance of certain suits.

Civil process to be issued to the agents under a sealed cover, and to be returned by them in like manner.

**XXII.** When any process shall be issued by a court of civil judicature, or a collector, assistant collector, or officer in charge of the abkarry mehal, to an agent, the judge or the register of the court, or the collector, assistant collector or officer aforesaid, is to transmit the process under a sealed cover, addressed to the agent in the form of a letter, and superscribed with his name and official appellation. The agent is immediately to acknowledge the receipt of the process by an endorsement to that effect on the instrument, and to return it under a sealed cover addressed to the officer from whom it may have issued.

Communication by letter between agents and their officers and their vakeels, respecting suits in which they are concerned, to be free of postage.

**XXIII.** To facilitate the communication between the agents and their officers of kotees, and their vakeels in the zillah or city courts or the provincial courts of appeal, and the Sudder Dewanny Adawlut and the mookhtars employed by them, with the collector or other officer in charge of the abkarree mehal, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in office, or after their removal, they are permitted to forward, free of postage, any instructions which they may have to transmit to their vakeels and agents aforesaid. The instructions are to be enclosed under a sealed cover directed to the vakeel or mookhtar. The instructions so sealed and directed, are to be transmitted, under a sealed cover, addressed to the register of the court, or the collector or other officer before whom the cause may be depending, and superscribed with the name and official appellation of the person dispatching it, or that which he bore when the cause of action arose. The register of the court, collector or other officer, immediately on receiving the instructions, is to deliver them sealed to the vakeel or mookhtar to whom they may be directed. In like manner, the vakeels in any of the courts or mookhtars aforesaid, to whom the pleading of such suits or appeals may be committed by agents or their head officers of kotees, are authorized, either whilst their constituents remain in office, or after they shall have been removed, to forward any papers which they may have to convey to their constituents by the public dawk free of postage. The papers are to be enclosed in a cover sealed with the seal of the vakeel or mookhtar, and the judge, or the register to the court, or the collector or other officer before whom he is employed, shall transmit the papers so sealed, in a cover, sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Rules in such cases.

Board of Trade may take upon themselves the prosecution or defence of the suits.

**XXIV.** In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves or entrust to an officer specially appointed for the purpose, the superintendence of the prosecution or defence of any suit or appeal in which they or their officers may be engaged, either in a zillah or city court, or in a provincial court of appeal, or in the Sudder Dewanny Adawlut, or before a collector of the land revenue or other officer in charge of the abkarry mehal, or before the Board of Revenue, the Board of Commissioners or the Commissioner in Behar and Benares, instead of leaving the superintendence of the conduct of the suit or appeal to the agent, or any of his officers or dependents.

Board of Trade may authorize an appeal, if dissatisfied with a decree or judgment.

**XXV.** If the Board of Trade shall be dissatisfied with a decree or judgment passed against an agent or any of his officers on suits in which they may have been engaged in any court of civil judicature, or before a collector of land revenue or other officer in charge of the abkarry mehal, under the rules hereinafter prescribed, either with or without their orders or the orders of the Governor General in Council, they may authorize an appeal under the prescribed rules.

The provisions of Clause IV. to X. inclusive, of Section X, Regulation XXXI, 1793, extended.

**XXVI.** The provisions contained in Clauses 4th, 5th, 6th, 7th, 8th, 9th, and 10th, Section X, Regulation XXXI, 1793, are hereby extended to the under mentioned officers employed under the agents for the provision of opium.

The Dewan,  
Naib Dewan,  
Cash-keepers,  
Mohurrers,  
Nagree Writers,  
Godown-keepers,

Gomashtahs of kotees,  
Cash-keepers Ditto,  
Mohurrers Ditto,  
Purkeas,  
Dandidars.

Register of the officers above enumerated to be formed, copy to be transmitted to specified public functionaries.

**XXVII.** A register of the names and stations of the officers enumerated in the preceding Section shall be formed, and a copy of such register in the native languages shall be transmitted, once in every year, to the judge and magistrate and the collector or other officer in charge of the abkarry mehal of the zillah in which such officer

officer may reside. It shall also be the duty of the agent to keep the judge and magistrate, and the collector or other officer aforesaid, informed of any intermediate change of those officers.

XXVIII. The following Rules are enacted for the prevention of the illicit culture of the poppy and the illegal manufacture, sale, purchase, importation, transportation or possession of opium.

Objects of the following Sections.

XXIX. The several magistrates and the collectors or other officers in charge of the abkarry mehal, on the receipt of the lists of the opium ryots or cultivators directed to be furnished to them by Section XI. of this Regulation, shall transmit to the several police and abkarry darogas under their respective authority, a copy of the list of the cultivators residing in the pergunnahs within the respective jurisdictions of each daroga, with directions to prevent persons, who may not have entered into engagements with the opium agent, from cultivating the poppy; and all darogas within whose jurisdictions there may be no opium cultivation on the part of Government, shall be annually instructed by the several magistrates and collectors or other officers aforesaid, to use their endeavours to prevent the illicit culture of the poppy.

Duties of the magistrates, and other public officers, on the receipt of the lists furnished to them, under Section XI. of this Regulation, defined.

XXX. Ryots receiving advances for the cultivation of the poppy on account of Government, who may be guilty of embezzlement of the opium, for the provision of which they may have received advances from Government, or of otherwise illegally disposing of it, shall be liable to prosecution before the collector of the land revenue or other officer in charge of the abkarry mehal of the district, and on conviction shall be liable to a fine of 8 rupees per seer, and confiscation of the opium, if it can be seized, and when it cannot be seized, to a fine of 16 rupees per seer, on the quantity proved to have been embezzled or otherwise illegally disposed of. In addition to the above penalties, the offenders shall be liable to imprisonment for a period not exceeding 6 months, and to further imprisonment not exceeding six months more, in the event of the fine not being duly discharged.

Penalty against ryots, convicted of embezzlement of opium.

XXXI. Any person who shall cultivate the poppy in opposition to the prohibition contained in Section III. of this Regulation, shall be liable to prosecution before the collector of the land revenue or other officer in charge of the abkarry mehal of the district, and on conviction shall be subject to a penalty, to be calculated at the rate of 20 sicca rupees per begah for whatever quantity of land shall have been so illegally cultivated; and if the poppy plants shall be growing on the said land, and the opium shall not have been extracted therefrom, the plants shall be destroyed. If the opium shall have been extracted and shall be seized, the same shall be confiscated. If the opium shall have been extracted and shall not be seized, the cultivator of the said land shall be subject to a penalty of 32 sicca rupees per begah, instead of 20 sicca rupees per begah, as above directed. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding six months, and to further imprisonment not exceeding six months more, in the event of the fine not being duly discharged.

Persons illicitly cultivating the poppy, liable to prosecution and penalty on conviction.

XXXII. All zemindars, talookdars and other proprietors of land, whether malgoozary or lakheraj, all sudder farmers and under renters of land of every description, all dependent talookdars, all naibs, gomastahs and other local agents, all sezawuls, tehsildars and other native officers employed in the collection of the revenue and rents of lands on the part of Government or the Court of Wards, are hereby declared accountable for giving the earliest information to the police or abkarry darogas, to the magistrates, collectors of land revenue, or officers in charge of the abkarry mehal, collectors of customs, opium agents or their deputies, of all poppy which may be illegally cultivated within the limits of the estate or farm held or managed by them.

Landholders of every denomination, as well as their subordinate officers, to give the earliest information of all poppy illegally cultivated within the limits of their estates. To whom the information is to be given.

XXXIII. Any landholders or other description of persons above noticed to whom such responsibility is declared to attach, who may wilfully or knowingly neglect to give the information hereby required to the nearest police or abkarry daroga, the magistrate, the collector of land revenue or officer in charge of the abkarry mehal, the collector of government customs, the superintendent of salt chokies, the opium agent, or his deputy or assistant, shall, on proof of such neglect before the collector of the land revenue or other officer in charge of the abkarry mehal, be liable to the penalty, with the exception of imprisonment, stated in Section XXXI, for whatever quantity of land shall be illegally cultivated with the poppy on their respective estates or farms, or on the lands under their management, unless

Penalty in the event of their neglect or connivance being established.

unless it shall clearly appear to have been so cultivated without their knowledge or connivance.

Native officers of Government to give similar information to the authority under whom they are placed. The officer in charge of the abkarry mehal to be immediately made acquainted with the information obtained.

**XXXIV.** All native officers of Government of whatever description are hereby strictly enjoined, under pain of dismissal from office and such punishment as shall be specially prescribed, to give immediate information to the authority under whom they are placed, of all poppy which may be illegally cultivated within their knowledge; and the magistrate or other authorities above alluded to who may receive information of such illicit culture, shall immediately transmit the information so received to the collector of the zillah or other officer in charge of the abkarry mehal.

Duties of a police or abkarry daroga on receiving intelligence of the cultivation of the poppy, in opposition to the provisions contained in Section III. of this Regulation.

**XXXV.** Whenever a police or abkarry daroga shall obtain intelligence of any land within his jurisdiction having been cultivated with the poppy, in opposition to the prohibition contained in Section III. of this Regulation, he shall immediately proceed to the spot, and if the information be correct, shall attach the crop so illegally cultivated, and report the same without delay to the authority to which he may be subject. Such police or abkarry daroga shall, at the same time, take security from the cultivator of the said ground for his appearance before the collector or other officer in charge of the abkarry mehal; and in the event of such cultivator not giving the required security, he shall send him in custody to the magistrate or the collector or other officer in charge of the abkarry mehal, according to the authority under which such daroga is placed, with the necessary witnesses to prove the quantity of land which may have been cultivated by him with the poppy.

Police and abkarry darogas declared liable to fine and imprisonment if convicted of permitting or conniving at the illicit cultivation of the poppy, in addition to dismissal from office.

**XXXVI.** Any police or abkarry daroga who shall knowingly permit the cultivation of the poppy within his jurisdiction, or who shall in any respect be convicted of conniving at the illicit cultivation of the poppy, shall besides being liable to dismissal from office for neglect of duty under the existing Regulations, be further subject, on conviction before the magistrate of the zillah, to the payment of the fine stated in Section XXXI, for whatever quantity of land shall have been so illegally cultivated within his jurisdiction, with his knowledge or connivance; the fine, if not duly paid, shall be commutable to imprisonment for a period not exceeding six months.

Subordinate officers of the opium agents declared subject to certain penalties on conviction of the like offences.

**XXXVII.** Any subordinate officer of the opium agents, who shall be convicted of conniving in any way at the illicit cultivation of the poppy, shall in like manner be liable to dismissal from office, and to pay, on conviction before the magistrate, the fine (commutable as above) stated in Section XXXI, for whatever quantity of opium shall have been so illegally cultivated with his knowledge and connivance, and likewise to imprisonment for a period not exceeding six months.

Landholders may attach illicit crop of poppy grown within their own estates. Immediate information to be given to police or abkarry daroga. Their duties.

**XXXVIII.** Proprietors and farmers of land, in whose estates or farms any poppy shall be grown in opposition to the provisions of this Regulation, shall be at liberty to attach such illicit crop of poppy grown within their own estates; such persons shall immediately report the same to the nearest police or abkarry daroga, who shall proceed thereupon in conformity to the rules contained in Section XXXV, of this Regulation.

What opium shall be considered contraband, and liable to seizure and confiscation.

**XXXIX.** All opium, excepting that which may have been manufactured on account of the Government, or sold by their authority, which may be found within the provinces dependent on the Presidency of Fort William, will be considered as contraband, and shall be liable to seizure and confiscation, together with the boats, carriages, cattle and packages used in the storing or transport of it.

Rule to be observed by purchasers of opium at the public sales, when desirous of exporting it by sea. Certificate.

**XL.** Persons who may be desirous of exporting by sea, opium purchased at the Company's sales, shall produce a certificate from the Board of Trade, or one of their authorized officers, signifying that the opium in question was so purchased. The certificate must specify the purchase, lot, the mark and number of each of the chests applied for, the name of the purchaser, the costs of the opium, and the date of the sale. Any opium not corresponding with the certificate shall be liable to confiscation.

Opium not corresponding with the certificate, liable to be confiscated.

Officers empowered to seize opium, together with the cattle, carriages, boats and other articles.

**XLI.** The following officers are hereby declared to possess authority to seize all opium, together with the cattle, carriages, boats and other articles, which under the provisions of this Regulation may be liable to seizure and confiscation, viz. the opium agents, their deputies and assistants, zillah and city magistrates, collectors of land revenue or officers in charge of abkarry mehal, or both, where the offices may be

be separate, collectors and deputy collectors of customs, superintendents of salt chokies, and their subordinate officers respectively, being above the rank of peons, burkundoses or ordinary chuprossees; provided however that no person shall break open any boat, carriage, chest, cask, box, bale, package or other article suspected to contain opium, except under a warrant from the magistrate or collector of the district, or other officer in charge of the abkarry mehal; and any person detaining on such suspicion, otherwise than under the orders of one of these two last mentioned officers, any boat, carriage, cask, chest, box, bale or package, shall be liable, if no contraband opium be found, and if the detention appear to have been made without sufficient cause, to be adjudged by the collector of the zillah or other officer in charge of the abkarry mehal, to pay to the party injured the damages he may have sustained by such detention. Provided further that all native officers making a seizure under the powers vested in them by this Regulation, shall within 24 hours of making such seizure, communicate their having done so, with a report of the circumstances connected with the seizure, to the authority to which they may be respectively subject; and any magistrate or other officer to whom a seizure may be thus communicated shall immediately transmit the report to the collector of the zillah or other officer in charge of the abkarry mehal, to whom all opium so seized shall be delivered.

Boats, carriages, &c. not to be broken open

Exception.

Remedy to the party injured.

Duty of the native officers on making such seizure.

Information to be immediately communicated to the collector, or other officer in charge of the

abkarry mehal, to whom all opium so seized shall be delivered

**XLII.** All native officers of Government of whatever description are hereby strictly enjoined, under pain of dismissal from office and the penalties hereinafter specially provided, to assist in suppressing the illicit manufacture, sale, purchase, importation, transportation or possession of opium, by seizing the same if authorized to do so, or if not vested with power of seizure, by giving immediate information to the authority to which they may be respectively subject, of all instances of such illicit manufacture, sale, purchase, importation, transportation or possession of opium which may come to their knowledge: any magistrate or other officer to whom such information may be given shall immediately transmit the same to the collector of the zillah or other officer in charge of the abkarry mehal.

Duties of native officers in the suppression of the illicit manufacture, sale, purchase, importation, transportation or possession of opium.

Duty of the magistrate or other officer to whom such information may be communicated.

**XLIII.** When any opium shall be seized and delivered to the collector of the zillah, or the assistant collector in places where such officers are appointed, the collector or assistant collector (as the case may be) shall issue a publication notifying that if no claimants thereto shall appear within one month, it will be confiscated. If any claimant shall in consequence appear within the limited period, the collector is to investigate and decide on his right to the opium; and in the event of his deciding against the claimant, or of no person appearing to claim the opium, he is to declare the opium confiscated, to be applied in such mode as may be prescribed by the Governor General in Council.

When any opium shall be seized and delivered to the collector or assistant collector, rules to be observed.

**XLIV.** All boats, carriages, bales, casks, chests, boxes or packages, on which or in which any contraband opium may be loaded or concealed, together with all horses, bullocks or other cattle employed in its transportation, are hereby declared to be liable to confiscation, and they shall be delivered to the collector of the zillah or other officer in charge of the abkarry mehal, by whom they shall on the confiscation of the opium be sold, and the proceeds disposed of in the manner hereinafter prescribed.

Boats, bullocks or other cattle, and the carriages on which contraband opium may be loaded, liable to confiscation.

**XLV.** All persons who may be proved to have purchased contraband opium, or in whose possession contraband opium may be found, shall be liable to prosecution before the collector of land revenue or other officer in charge of the abkarry mehal; and on conviction, shall be subject to a fine of 8 sicca rupees per seer on the quantity of contraband opium which they may have purchased or may have in their possession, in addition to the confiscation of the opium when it can be seized, and when it cannot be seized, 16 sicca rupees per seer of 80 sa. wt., to be recoverable by suit or information before the collector of the zillah within whose jurisdiction the offender may reside. In cases in which the above fine shall not amount to sicca rupees 500, the said offender shall likewise be liable, at the discretion of the collector or other officer in charge of the abkarry mehal, to a further fine not exceeding such sum as shall make the total fine imposed amount to sa. rs. 500. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding 6 months, and to further imprisonment not exceeding 6 months more in the event of the fine not being duly discharged.

Penalties against persons proved to have purchased contraband opium, or having it in their possession.



Landholders and local agents, and native officers, employed in the collection of the revenue or rents of lands, on the part of Government or Court of Wards, declared subject to what penalties.

**XLVI.** All zemindars, talookdars or other proprietors of land, whether malgoozary or lakheraj, all farmers of land holding farms immediately of Government, all naibs, gomastahs or other local agents, all sezawals, tehsildars or other native officers employed in the collection of the revenue or rents of lands on the part of Government or Court of Wards, (when not themselves the purchasers or possessors of the opium) are declared liable to the like penalty, recoverable as above described; for all contraband opium which may be proved to have been sold within the limits of the lands in their possession or management with their connivance or knowledge, that it to say, 8 rupees per seer when the opium may be seized, and when it cannot be seized, 16 rupees per seer of 80 sa. wt.

Rewards to be granted to native officers and others giving information regarding the illicit culture of the poppy, or illegal transfer of contraband opium.

**XLVII.** All native officers of Government or other persons who may give information of the illicit culture of the poppy, or the illegal manufacture, sale, purchase, importation, transportation or possession of opium, or who may be actively concerned in promoting any lawful seizure of contraband opium or attachment of crops under this Regulation, shall, on the attachment of land illegally cultivated with the poppy or the seizure and confiscation of contraband opium, be entitled to the rewards hereinafter prescribed.

What other public officers shall be entitled to rewards.

**XLVIII.** The opium agent of Behar and his deputies, the commercial residents at Ghazeeapore and Rungpore, or other officers to whom the superintendence of the provision of opium at those places may be entrusted, the collectors and deputy collectors of customs and the superintendents of salt chokies, shall be entitled to the rewards hereinafter prescribed in the cases hereinafter specified.

Amount of the reward to be given to the person on whose information the penalty may be levied, if the crop be destroyed or opium be not seized.

**XLIX.** In any cases in which the fine of 16 rupees per seer on opium embezzled by ryots cultivating on account of Government, shall be levied *when the opium may not be seized*, in conformity to Section XXX. of this Regulation, or in which the penalty specified in Sections XXXI, XXXIII, XXXVI, and XXXVII shall be levied, on account of the illegal cultivation of the poppy, when the crop shall be destroyed, or when the opium produced shall not be seized, one half of such fine shall be paid to the person in consequence of whose information the fine shall have been so levied, whether he be an officer of Government or not.

Valuation of opium seized. In what proportions and to what persons rewards are to be distributed.

**L.** All illicit opium that may be seized shall be valued at 10 rupees per seer, and the person or persons who may give information of opium illegally cultivated, sold, purchased or transported within, or imported into any of the provinces dependent on the Presidency of Fort William, or of any description of contraband opium, provided such opium be attached and confiscated in consequence of his or their information, shall be entitled to a reward calculated at the rate of 2 rupees 8 annas per seer of eighty sicca weight on the quantity of opium so attached, and also to one fourth of any fine that may be levied conformably to this Regulation in consequence of the confiscation of the opium in question. The subordinate officers of Government to whom the information may be given, and who may be immediately concerned in making the attachment, shall be entitled to the same reward, that is to say, to 2 rupees 8 annas per seer of 80 sicca weight on the opium confiscated, and to one fourth of the fine levied, subject however to the discretion of the collector of the land revenue or other officer in charge of the abkarry mehal, or in case of appeal from the order of confiscation passed by that officer, subject to the discretion of the authority by which the final judgment shall be passed, to make the distribution of the reward to one or more persons, as their conduct may respectively appear to merit. The opium agent of Behar and his deputies, the commercial residents at Ghazeeapore and Rungpore, or other officers to whom the superintendence of the opium agency at those places may be entrusted, the collectors and deputy collectors of customs and the superintendents of salt chokies, shall be entitled to a reward of 5 rupees per seer of 80 sicca weight, on the quantity of opium so attached by the subordinate officers acting under their controul respectively, and to one half of the fine levied, subject however to the discretion of the Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares, as the case may be, to make the distribution of the reward to one or more of the above officers, as may be deemed fair and reasonable on a consideration of the circumstances of the case.

Specification of rewards in the event of contraband opium being seized by the officers of Govern-

**LI.** In case any attachment should be made of such opium exclusively by the officers of Government, and not upon information given by other persons, the opium agent of Behar or his deputy, the commercial resident of Ghazeeapore or Rungpore, the collectors or deputy collectors of customs, and the superintendents of salt chokies,

by whose subordinate officers the seizure may have been affected, shall be entitled to a reward of five rupees per seer of eighty sicca weight on the quantity of opium confiscated, as well as to one half of any fine that may be levied thereupon, and the subordinate officers concerned in making the seizure shall be entitled to a reward of five rupees per seer of eighty sicca weight, on the quantity of opium confiscated in consequence, as well as to one half of any fine that may be levied thereupon.

ment, and not upon information given by other persons.

LII. The opium agent of Behar or his deputy, the commercial resident of Ghazepore or Rungpore, or other officers to whom the superintendence of the provision of opium at those places may be entrusted, the collectors or deputy collectors of customs and the superintendents of salt chokies, shall be entitled to one half of the amount proceeds of the sale of any confiscated boats, carriages, bales, casks, chests, boxes, packages, horses, bullocks or other cattle, which may have been seized by their subordinate officers respectively. One quarter of the amount proceeds of the sale of such confiscated articles shall be paid to the subordinate officers concerned in effecting the seizure, if the seizure be made on information given, and one quarter of the amount proceeds thereof shall be paid to the informer in consequence of whose information the boats, carriages, &c. may have been seized and confiscated. In cases where the seizure may have been made exclusively by the officers of Government, and not on information, the subordinate officers concerned in making the seizure shall be entitled to one half of the amount proceeds of the sale of the confiscated articles above mentioned.

Rule to be observed in the distribution of the proceeds of the sale of any confiscated boats, carriages, &c. &c.

In the event of the seizure being made on information.

In the event of the seizure being made by the officers of Government exclusively.

LIII. The following rules have been enacted for regulating the internal consumption of opium, and for preventing the illicit sale of that drug,

Object of the succeeding Sections declared.

LIV. The retail sale of opium in the interior shall be considered a branch of the abkarry revenue, and shall be conducted under the superintendence and directions of the collectors of land revenue or other officers entrusted with the charge of the abkarry mehal, subject to the controul of the Board of Revenue, the Board of Commissioners in the ceded and conquered provinces, and the Commissioner in the provinces of Benares and Behar respectively.

The retail sale of opium forms a branch of the abkarry revenue.

LV. The collectors or other officers entrusted with the charge of the abkarry mehal shall, once every year or oftener, state to the Board of Revenue, the Board of Commissioners, and the Commissioner of Behar and Benares, the quantity of opium which may be required for their respective districts, and shall be supplied with the same in the mode which the Governor General in Council shall direct.

The Collectors are to indent upon their immediate superiors for a supply of opium.

LVI. Shops shall be established on the part of Government for the retail sale of the drug, at such places as may be deemed most convenient for supplying the wants of the community.

Shops to be established.

LVII. The sale of opium at the shops which may be established by Government, shall be conducted by persons nominated for that purpose by the collectors or other officers in charge of the abkarry mehal respectively, with such other establishment as may be deemed necessary, either at a fixed monthly salary, or to be paid by a commission on the amount sale of the opium, or partly by both, as may be considered to be most expedient.

The shops are to be conducted by persons to be appointed by the officer in charge of the abkarry mehal.

LVIII. The person so nominated shall receive a sunnud drawn up in the form No. 1. annexed to this Regulation, and shall enter into a corresponding engagement. The person so nominated shall moreover give such security as the collector or other officer in charge of the abkarry mehal shall require.

Sunnud to be given to the person so nominated; and security to be required from him.

LIX. Any breach of the conditions of his engagement shall render the offender liable to dismissal from his office, and to a fine not exceeding five hundred rupees, or in the event of the fine not being duly discharged, to such imprisonment, not exceeding six months, as the collector may deem adequate to the degree of offence committed.

Penalty for breach of the conditions of his engagement.

- LX. In cases in which it may be deemed advisable, the collectors or other officers in charge of the abkarry mehal may, with the sanction of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, authorize individuals to vend opium by retail under regular licenses.

Officers of the abkarry mehal may authorize the retail sale of opium, if sanctioned by their immediate superiors.

LXI. In cases in which an arrangement of this nature may be judged advisable by either of the above mentioned authorities, due notice shall be publicly given of such intention, and of the periods at which licenses will be granted to individuals for

Rule to be observed in the event of such an arrangement being deemed advisable.



for the retail sale of that article, and the conditions on which such licenses will be granted.

Mode to be adopted by persons desirous of obtaining a license. Engagement to be required from a licensed retail vender.

**LXII.** In such cases; any persons desirous of obtaining such a license shall present a derkhaust or written application to that purport, to the collector or other officer in charge of the abkarry mehal, specifying the place at which he is desirous of establishing his shop; and on his application being acceded to, shall furnish such security for the due performance of his engagements as the collector or officer aforesaid shall deem sufficient.

License to be granted on security being furnished, and a correspondent kubooleat to be taken.

**LXIII.** On the person so applying having furnished the security referred to in the preceding Section, a license for one year shall be granted to him agreeably to the form No. 2. affixed to this Regulation, and a correspondent kubooleat be taken from him.

In what portions, by whom, and at what rate of daily tax, opium is to be furnished to the licensed retail venders.

**LXIV.** The opium shall be furnished to the licensed venders in monthly portions, and it shall be the duty of the Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares respectively, to determine the terms on which the opium is to be supplied, and the amount of the daily tax which they shall be required to pay, in addition to the price of the opium which they may clear out. The Boards aforesaid shall cause the highest price or rates of duty to be fixed that can be done, without risk of giving rise to the illicit manufacture and sale of opium.

Such licenses when to be considered forfeited.

**LXV.** On any breach of the conditions of his engagement, not being an offence specifically provided for, the license granted to the opium vender shall be considered forfeited, and the offender shall be liable to a fine not exceeding fifty rupees, and in the event of the fine not being duly discharged, to such imprisonment, not exceeding one month, as the collector or other officer in charge of the abkarry mehal may deem adequate to the offence committed. The offender shall likewise forfeit his security to such extent as the collector may judge necessary to indemnify Government for the loss occasioned by his default, over and above the amount payable by him in the ordinary course, under the engagement contracted with the collector or other officer entrusted with the abkarry mehal up to the date of the resignation of his sunnud.

Conditions under which a licensed retailer of opium may surrender his license, specified.

**LXVI.** Persons licensed to vend opium shall be at liberty to surrender their licenses; and shall be relieved from their engagements on making application for that purpose to the collector, and paying a sum equal to the daily tax for one month, over and above the amount payable by them in the ordinary course, under their engagements contracted with the collector or other officer in charge of the abkarry mehal, up to the date of the resignation of their licenses.

A separate license required for each shop.

**LXVII.** Any license which may be issued under the rules of this Regulation, shall only be considered to authorize the establishment of one shop. If any vender shall be desirous of establishing more than one shop, he shall take out a separate license for each: but all licensed venders of opium shall be held answerable for the due performance of the conditions of their licenses by the persons to whom they may entrust the management of any shop, in the same manner as they are themselves responsible for their own acts; and any licensed vender of opium, selling the drug elsewhere than in the shop specified in his license, shall be held liable to the penalties prescribed for the illicit vend.

The licensed vender declared responsible for the acts of the persons employed by him in the management of any shop.

Special licenses.

**LXVIII.** The Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares, may likewise, in cases where it may appear advisable, authorise the collectors or other officers in charge of the abkarry mehal, to grant, on application from any person, whether licensed vender or otherwise, desirous of vending opium at any temporary haut, a special license for that purpose, specifying the name of such haut and the number of days for which the license shall have effect. This license shall be drawn out (*mutatis mutandis*) in a form similar to No. 2. annexed to this Regulation.

Form of license.

Commission allowed to officers in charge of the abkarry mehals.

**LXIX.** The collectors or other officers entrusted with the abkarry mehals, shall be allowed a commission of five per cent. on the net amount realized by them on the sale of opium under the provisions of this Regulation.

Penalty for any attempt to sell adulterated opium.

**LXX.** If in any case adulterated opium be attempted to be delivered out or offered for sale, directly or indirectly, by any of the venders (or persons employed by them) nominated by the collector or other officer in charge of the abkarry mehal, to conduct the

the sales at the shops established on account of Government, or by any licensed vender of opium, the license granted to him shall be forfeited, and he shall be subject, on conviction before the collector, to a fine not exceeding five hundred rupees, and to such imprisonment not exceeding six months as the collector of the zillah may judge proper; the opium shall be confiscated and destroyed, and all boats, carriages, cattle and packages of whatever description on which or in which it shall be found, shall be seized and confiscated. The person giving information of the fact shall, on the conviction of the offender, be entitled to a moiety of whatever fine the collector or other officer in charge of the abkarry mehal may deem it proper to impose on the offender.

Reward to informer on the conviction of the offender.

LXXI. If the person so charged shall deny that the opium is adulterated, the collector of the zillah shall refer the opium for examination to the surgeon of the station, or where there may be no surgeon, shall summon and examine two or more of the most respectable native doctors or other competent judges on the point; and for this purpose the collector or other officer in charge of the abkarry mehal, shall always retain a certain quantity of all despatches of opium which he may deliver to the venders, as a sample with which to compare the opium sold by them.

Mode of establishing the adulteration of opium.

LXXII. The rules prescribed in Regulation X, 1812, respecting the sale of spirituous liquors in the vicinity of military cantonments, shall likewise be applicable to the sale of opium under the provisions of this Regulation.

The provisions of Regulation X, 1812, extended, as far as regards the sale of opium in the vicinity of military cantonments.

LXXIII. The rules contained in Regulation X, 1813, and Regulation XVII, 1814, respecting the recovery of arrears due from persons selling spirituous liquors and intoxicating drugs, shall, as heretofore, be applicable to persons licensed to vend opium.

The rules contained in Regulation X, 1813, and Regulation XVII, 1814, to be considered applicable to persons licensed to vend opium.

LXXIV. No opium shall be sold, except at the shops established on the part of Government, or by persons duly authorized under license by the collectors or other officers in charge of the abkarry mehal.

Opium to be sold only at the established shops, and by licensed venders.

LXXV. Any unauthorized person who shall sell any quantity of opium whatever, whether large or small, shall, on conviction before the collector of land revenue, be subject to such fine not exceeding five hundred rupees, or in lieu of it to such imprisonment not exceeding six months, as the collector may judge proper; provided however that this rule shall not be construed to extend to native doctors bonâ fide administering opium as medicine in cases of actual sickness.

Penalty prescribed for the illicit sale of opium.

Not to extend to native doctors administering opium as medicine.

LXXVI. No person, not appointed or licensed to vend opium by the collector or other officer in charge of the abkarry mehal, or not otherwise duly authorized by Government, shall have in his possession a greater quantity of opium than two tolahs weight of the weight in use at the public shops in the districts; if a greater quantity of opium shall be found on, or in the possession of any person not duly authorized, the opium shall be deemed and considered contraband, and shall be liable to confiscation, together with the animals, carriages and articles of whatever description on which or in which it may be found; and if the offender shall be unable to shew any sufficient or reasonable cause for having a larger quantity than two tolahs in his possession, he shall be further subject, on conviction before the collector of land revenue, to the penalties prescribed in Section XLVI. for the purchase and possession of contraband opium. The person or persons through whose means the offence may be detected, shall on the conviction of the offender, be entitled to the rewards specified in Sections L. and LI. of this Regulation.

Opium when to be deemed contraband. How to be disposed of, and the offender how to be dealt with.

Rewards to persons thro' whose means the offence may be detected.

LXXVII. Provided however that nothing contained in the above Section shall be construed to apply to authorized opium cultivators, having newly extracted opium in their possession, during the usual period between the full growth of the poppy and the delivery of the opium to the agent.

Above rule to be considered not applicable in certain cases.

LXXVIII. The collectors or other officers in charge of the abkarry mehal shall furnish the abkarry darogahs and the darogahs of police with a list of the persons licensed to vend opium, and it shall be the duty of persons holding the office of abkarry or police darogahs to apprehend and send in to the authority under whom they may be placed, all persons engaged in the illicit sale of opium; provided however it shall be their duty at the same time to send the necessary witnesses to prove the fact. In all cases in which such persons guilty of the illicit sale of opium, or in which ryots

Lists of licensed venders of opium to be furnished to the abkarry and police darogahs.

Duties of those officers, and of the magistrate and officers in charge of the abkarry mehal, defined.

guilty of the illegal culture of the poppy shall be sent in to the magistrate, it shall be his duty, immediately on their arrival, to send the persons so charged, together with the witnesses who may have been sent along with them, to the collector of land revenue or other officer in charge of the abkarry mehal, who will pass judgment on the case under the rules hereinafter prescribed.

Duties of the different Boards of Revenue, Commissioners, and Trade, specified.

**LXXIX.** It shall be the duty of the Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares, and the Board of Trade, to furnish the several officers under their control with such detailed instructions in respect to the prevention of the illicit culture of the poppy, and the illegal manufacture, sale, purchase, importation, transportation and possession of opium, as they may deem necessary, with a view of better securing that object, consistently with the provisions of this Regulation.

What suits under this Regulation are cognizable by the officer in charge of the abkarry mehal.

**LXXX.** All suits, complaints and informations, for the recovery of any fine or penalty recoverable by Government or by the informer, on account of the illicit cultivation of the poppy, the illicit manufacture, sale, purchase, importation, transportation or possession of opium (excepting complaints or charges preferred against public officers for a breach of their official duty under the rules of this Regulation, the cognizance of which is reserved to the magistrates), are hereby declared cognizable exclusively by the collector of land revenue or other officer in charge of the abkarry mehal: any thing in the existing Regulations to the contrary notwithstanding; and the investigation thereof shall be conducted under the following rules.

Circumstances under which complaints shall not be admitted.

**LXXXI.** No suit, complaint or information of the nature above mentioned, shall be admitted or proceeded upon by the collector or other officer vested with the cognizance of the same, unless it shall be preferred within the period of six months after the act for which the fine or other penalty may be demandable shall have been committed, excepting in cases in which the same shall be prosecuted on the part of Government, and good and sufficient cause be shewn why the suit was not preferred within the period of six months from the commission of the act whereupon the fine or other penalty is demandable.

Exception.

Stamp paper not to be required in such complaints, nor for the execution of engagements.

Such documents to be admitted in evidence in courts of judicature, &c. although not written on stamp paper.

Further duties of the officer in charge of the abkarry mehal, and magistrates.

**LXXXII.** Petitions and other papers presented in suits, informations and complaints preferred under this Regulation before a collector of land revenue or other officer in charge of the abkarry mehal, shall not be required to be written on stamp paper; and all engagements contracted between Government or its officers and individuals under this Regulation, shall be received and admitted in evidence in the different courts of judicature, and by the collectors of land revenue and other officers in charge of the abkarry mehal, although not written on stamp paper.

**LXXXIII.** Whenever a collector or other officer in charge of the abkarry mehal shall have strong grounds to believe, either from charges preferred or evidence given on oath, or from his own personal knowledge, that the poppy is actually growing in the field of any ryot, contrary to the prohibition of this Regulation, he shall cause the crop to be immediately attached, if not already attached, by a competent officer, and the poppy to be destroyed. In the same manner, if he shall have good grounds to believe that any person actually has upon him or in his possession a quantity of contraband opium, he shall immediately issue his warrant for the seizure of the same; and in both these cases it shall be competent to the collector to issue a warrant for the immediate apprehension of the persons so charged or suspected of the illicit culture of the poppy, or the illegal possession of opium, summoning at the same time any witnesses that may appear necessary. The collector or other officer in charge of the abkarry mehal, together with the magistrate of the district, is likewise hereby authorised to seize, detain and search all boats, carriages, bales, chests and packages of every description in which he may have sufficient grounds to suspect that opium is concealed,

Additional duty of the officer in charge of the abkarry mehal.

**LXXXIV.** In all other cases in which any person may be accused, before the collector or other officer in charge of the abkarry mehal, of acts rendering him liable to any of the penalties prescribed in this Regulation, the collector or such other officer shall issue a summons, with or without requisition of security, to be served by a single chupprassy, requiring the attendance of the person charged either in person or by vakeel, as the case may appear to the collector to require, to answer to the charge, on or before a certain day to be specified in the summons; and if it be necessary to require bail, the extent of the bail shall be stated in the summons.—The collector or other officer aforesaid shall, at the same time, summon such witnesses as may be

named by the informer, and as he may judge it necessary to examine in proof of the accusation, to attend at the time appointed for the attendance of the accused.

LXXXV. In all cases in which the party accused or suspected may be apprehended, whether under the warrant of the collector or other officer in charge of the abkarry mehal, or by the police and abkarry darogahs, in the cases provided for in Sections XXXI, LXXIX. and LXXXIV. of this Regulation, or shall attend in person, the investigation by the collector or other officer aforesaid shall be commenced immediately on the arrival of the party at his cutchery, and shall be prosecuted with the least possible delay, consistently with a due inquiry into the facts: and generally all cases of this nature, tried before the collector or other officer in charge of the abkarry mehal under this Regulation, shall, as far as practicable, be proceeded upon on the day specified in the summons for the attendance of the party or his vakeel, unless it shall be necessary to postpone the investigation, in order to procure the necessary evidence.

Investigation to be commenced with the least possible delay.

LXXXVI. The collectors or other officers in charge of the abkarry mehal are hereby authorized to summon witnesses and administer oaths, or cause the execution of solemn declarations in lieu thereof, in respect to all matters brought before them under this Regulation, conformably with the provisions of Section VI, Regulation IV, 1793, and Section II, Regulation I, 1803, corresponding with Section VII, Regulation III, 1803, and Clause VI, Section XXV, Regulation VIII, 1803, for the conquered and ceded provinces; provided that if any witness shall refuse to take the oath required from him, he shall be sent to the judge of the zillah or city court, to be confined as prescribed by the Regulations in similar cases.

The officer in charge of the abkarry mehal authorized to administer an oath to the witnesses in all matters under this Regulation.

The refusal of a witness to take the oath, provided against.

LXXXVII. The collector or other officer in charge of the abkarry mehal shall, in the summoning and the examination of witnesses, and in the general conduct of the investigation, be guided (except when otherwise prescribed) by the rules prescribed for the guidance of the magistrates in the trial of persons charged with offences punishable by them; provided however that in suits brought by any of the officers of Government, the personal attendance or deposition of the prosecutor shall not be required, but the prosecution shall be conducted by any agent or vakeel the prosecutor may choose to appoint for that purpose.

Officers in charge of the abkarry mehal to be guided by the Regulations enacted for the guidance of the magistrates. Exception.

LXXXVIII. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a collector or other officer entrusted with the abkarry mehal under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations; and any person causing or procuring another person to commit the offence of perjury as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said Regulations.

Penalty for perjury or subornation of perjury, in cases before the officer of the abkarry mehal stated.

LXXXIX. Persons resisting any process issued by the collector or other officer entrusted with the abkarry mehal, in any case depending before him under this Regulation, shall be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV, 1793, Regulation VI, 1795, and Regulation XXVII. 1803, under the provisions therein specified.

Resistance of process how punishable.

XC. Whenever the collector or other officer in charge of the abkarry mehal shall require the assistance of police darogas or other police officers, in the apprehension of persons charged before them, in attaching crops or seizing contraband opium, or generally in serving any process, he shall apply by a Persian roobakaree to the magistrate, who is authorized and enjoined to cause his police officer to carry the requisition of the collector or officer aforesaid into effect, as far as may be practicable and consistent with law.

Mode to be adopted by an officer of the abkarry mehal, requiring the assistance of the magistrate.

Assistance to be afforded by the magistrate, consistent with law.

XCI. Whenever any person may be adjudged to pay a fine or to be imprisoned for the illicit culture of the poppy, or the illegal vend, purchase, transportation or possession of opium under these rules, he shall be immediately sent with a roobakaree to the judge of the city or zillah, stating the purport of the order passed against the person in question; and the judge shall on those grounds give the necessary directions for the execution of the order accordingly, and shall transmit the fine, when levied, to the treasury of the collector.

Persons convicted to be sent to the zillah or city judge.

Duty of the judge.

Persons sentenced under this Regulation to imprisonment, to be confined in the Dewanny jail.

**XCII.** All persons sentenced to imprisonment under the provisions of this Regulation, and all persons confined for non-payment of the fines to which they may be liable, shall be confined exclusively in the Dewanny jail.

Reward paid on the part of Government in the event of no fine being levied from a convicted offender.

**XCIII.** In cases in which it may be necessary to imprison the offender, and in which a fine cannot or may not be levied from him, a reward of ten rupees shall be paid on the part of Government to the informant or informants, in lieu of his or their share of the fine to which the offender may have become liable under the provisions of this Regulation.

Rules to be observed in regard to persons who may not have been convicted of the charges imputed to them.

**XCIV.** Persons who, after the investigation prescribed by these rules, shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released, and the expence, to which they have been actually subject on account of the inquiry, shall be paid to them by the collector or other officer in charge of the abkarry mehal on the part of Government. Should it further appear on investigation, that the inquiry originated in malice or in motives clearly vexatious and unwarranted on the side of the informant, it shall be competent for the collector or other officer aforesaid to order such informant to discharge the amount of any diet money which may have been paid to the witnesses, and to pay to the party aggrieved such moderate fine, not exceeding however, in any case, twenty rupees, as may appear reasonable, or to be confined for a period not exceeding fifteen days. Orders passed under this rule, shall be enforced in the same manner as other fines imposed under the provisions of this Regulation.

Duties of the authorities appointed to control the officers in charge of the abkarry mehal.

**XCV.** It shall be the duty of the Board of Revenue, the Board of Commissioners, and the Commissioner in Behar and Benares, to require from the officers under their control such periodical reports or returns, regarding their discharge of the duty entrusted to them under the provisions of this Regulation, as may appear to those Boards best calculated to enable them to judge whether the inquiries held by those officers on the trial of the cases cognizable by them are duly and speedily conducted, and whether the parties impleaded suffer any inconvenience which can be avoided.

How persons may proceed to complain, who deem themselves aggrieved by the investigation or judgment of the collector.

**XCVI.** Persons dissatisfied with the judgments passed or acts done by the collectors or other officers in charge of the abkarry mehal under this Regulation, shall be at liberty to prefer an appeal, either in person or through an authorized agent, or through the medium of the collectors or other officers by whom the judgment may have been passed, by petition to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares respectively; and those Boards, after calling for such information as they may require from the collectors or other officers aforesaid, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to them conformable to the principles of substantial justice. Provided however that no such appeal shall be received, unless it shall be preferred within the period of one month after judgment shall have been passed by the collector. It shall be the duty of the collector, on any petition of appeal being presented to him for transmission to the Board, to cause the date on which it may be so presented to be endorsed on it, and to transmit the petition without delay; and whenever any party shall appeal directly to the Board, such appellant shall, within the period above prescribed, give notice of his having done so to the collector or other officer against whose decision he may have appealed.

Duty of the officer in charge of the abkarry mehal with respect to the payment of rewards.

**XCVII.** In all cases in which the opium agents or their deputies, the collectors or deputy collectors of customs, or superintendents of salt chokies, shall be entitled to any of the rewards prescribed in this Regulation, the collector of land revenue or other officer in charge of the abkarry mehal, shall report the case to the Board to which he may be subject, and await their orders for the distribution and payment of the same: in other cases in which any informer, subordinate officer of Government, shall become entitled to such reward, the collector shall adjudge and record the distribution of the same at the time of deciding the case, and if an appeal be not preferred under the provisions of the above Section, he shall proceed to the payment immediately on the expiration of the period allowed for such appeal. If the case be appealed, the distribution and payment of the rewards shall rest with the authority by which the final decision may be passed.

By whom the rewards shall be paid in the event of an appeal from the collector's decision.

Cases cognizable by the courts of civil judicature defined.

**XCVIII.** If any disputes should arise between an opium agent or any officer of Government, and any person, on any matter relative to the cultivation, provision, transportation,

transportation, sale, purchase or possession of opium not provided for in this Regulation, either party is to be at liberty to apply for redress to the courts of civil judicature, and the case shall be tried and decided upon under the general laws, regulations and usages ordinarily observed in the civil courts.

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No. 1.

FORM of Sunnud to be granted to Persons appointed to conduct the retail sale of Opium on the part of Government.

“ Whereas by the authority of the Governor General in Council, I, *A. B.* have appointed *C. D.* to conduct the sale of opium at the shop or shops established on the part of Government at *Pergunnah Zillah* at the haut or hauts held at *dependent on the above shop or shops*, it is required of him, as a condition of this appointment continuing in force, that he duly and faithfully perform and abide by the following conditions :

“ That he will not adulterate the drug. That he will not be concerned directly or indirectly in the sale or traffic of opium on his account, or on the account of any other person, except that of Government. That he will not knowingly sell to the same person, in the same day, a larger quantity of opium than two tolas weight. That he will confine the sale of the drug to the above mentioned shop entrusted to his charge, and to the above mentioned places annexed as dependencies of the shop aforesaid. That he will not allow purchasers to remain at the shop for a longer time than may be necessary to supply them with the quantity of opium which they may respectively require. That he will not open the shop before sunrise, nor keep it open after sun-set. That he will regularly and punctually render a true and just account of the sales made by him, after the Form prescribed and at the periods directed by me.

“ Given under my hand and seal, this *day of*

“ 18

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No. 2.

FORM of License to be granted to Persons authorized to vend Opium.

“ License, No. *for the sale of opium at* *during the year* *Form of License.*  
*B. S. or F. S.*

“ Whereas by the authority of the Governor General in Council, I, *A. B.* authorize *C. D.* to open a shop for the sale of opium in the city (town or village) of *in* *for the year* *B. S. or F. S.* ; it is required of him, as a condition of this License remaining in force, that he duly and faithfully perform and abide by the following articles : on the breach of any of which this License shall be forfeited.

“ 1st. That he pay to Government a daily tax of *sicca* rupees.

“ 2d. That he will not adulterate the opium.

“ 3d. That he will sell no opium not purchased or procured by my authority.

“ 4th. That he confine his sale of opium to the shop for which his license is granted, and on no account sell any opium without the limits of the above city, (town or village,) or establish a second shop within such limits, without taking out another license for the same.

“ 5th. That he prevent gaming and disorder within his shop.

“ 6th. That he do not harbour thieves or riotous persons, but on the contrary give information to the nearest magistrate, or police officer, of any suspected persons who may resort to his shop.

“ 7th. That he do not receive any goods or wearing apparel, or other property in barter for opium.

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“ 8th. That

" 8th. That he do not open his shop before sunrise, nor keep it open after sunset, and that he do not harbour any persons in it during the night.

" 9th. That he will have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription to the following effect, in the current language of the country.

" Licensed vender of opium."

" 10th. That he will restore this License to be cancelled on or before the day of B. S. or F. S.

" 11. All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said C. D. on account of the said shop during the aforesaid period, beyond the tax required to be levied by the Regulations, and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he continues to conform to the above special conditions, and to the Government Regulations that relate to him.

" Given under my hand and seal this day of

" 18

" A. B. Collector."

Registered.  
No. of

#### A. D. 1816. REGULATION XIV.

A REGULATION to provide more effectually for the management of the Public Jails; and to enable the Magistrates to maintain good order and discipline in those Jails; as well as among the Prisoners employed on the public roads, or other public works—Also to place the Jail at Allypore, in the vicinity of Calcutta, under the inspection and controul of the Court of Nizamut Adawlut; and to provide for the transportation of Convicts to the Island of Mauritius or its immediate dependencies :—Passed by the Governor General in Council, on the 17th May 1816; corresponding with the 5th Jeyte 1223 Bengal era; the 6th Jeyte 1223 Fusly; the 6th Jeyte 1223 Willaity; the 6th Jeyte 1873 Sumbut, and the 18th Jumadee-us-sanee 1231 Higeree.

Preamble.

WHEREAS rules for the better management of the public jails have been prescribed at different times, by the Governor General in Council, and court of Nizamut Adawlut; and it is advisable to provide by a Regulation for the due observance of such rules, as well as of any future rules which may be sanctioned by Government for the same purpose, or for the treatment of prisoners employed on the public roads or other public works; and whereas it is necessary to vest the magistrates with authority to punish certain offences, when committed by prisoners under their charge, or by the native officers employed in the custody of prisoners, who may not be subject to a military tribunal, with a view to maintain good order and discipline in the public jails, and other authorized places of confinement; and to enforce a due observance of the prescribed rules for the employment of prisoners; and whereas it is judged expedient to place the jail at Allypore in the vicinity of Calcutta, being the general receptacle of convicts under sentences of perpetual imprisonment and transportation, as well as of convicts sentenced to temporary imprisonment and banishment, under the immediate inspection and controul of the court of Nizamut Adawlut; and whereas it is necessary to extend the provisions of Clause Third, Section II, Regulation IX, 1813, to authorize the sending of convicts, under sentence of transportation, to the Island of Mauritius, or any of its immediate dependencies; the following rules have been enacted for the several purposes aforesaid, and shall be considered in force, from the time of their promulgation, throughout the several provinces immediately subject to this Presidency.

By what rules, for the management of the public jails, the magistrates to be guided.

II. The magistrates and their officers who have charge of the public jails, shall be guided by the printed rules which have been prescribed by the Governor General in Council, or court of Nizamut Adawlut, for the better management of those jails, and by such rules for the same purpose as may be hereafter sanctioned by the Governor General in Council, and transmitted for the guidance of the magistrates by the court of Nizamut Adawlut.



III. The magistrates who have charge of prisoners employed on the public roads, or on other public works, shall in like manner be guided by any rules, for the treatment of such prisoners, which have been or may be hereafter transmitted to them by the court of Nizamut Adawlut, with the sanction of Government.

And by what rules, for the treatment of prisoners employed on the public roads, or other public works.

IV. For the purpose of enabling the magistrates to maintain good order and discipline among the prisoners confined in the public jails or other authorized places of confinement, and to enforce a due observance of the prescribed rules by the employment of the prisoners under their charge; they are hereby vested with authority to punish, on a summary inquiry, the offences specified in the following section of this Regulation.

Magistrates authorized to punish certain offences, committed by prisoners, on a summary inquiry.

V. *First.*—A contumacious refusal to work, by any prisoner sentenced to hard labour, or though not so sentenced, who may be subject to labour, under any provision in the Regulations; or under the discretion declared to be vested in the magistrate by the orders of the court of Nizamut Adawlut, with respect to prisoners not exempted from labour by the sentences of the criminal courts, and not incapable of bodily labour from age, sickness or other infirmity.

Specification of offences which the magistrates are empowered to punish, under the preceding section.

*Second.*—Wilful neglect and indolence in the performance of any prescribed work by a prisoner subject to labour, as described in the above clause; especially after previous admonition.

*Third.*—Wilful disobedience to any of the written rules for the observance of prisoners and internal economy of a public jail; which may have been translated into the current language of the country, and suspended on a board, within the jail, for general information, as directed in the printed jail rules now in force.

*Fourth.*—Refractory behaviour by prisoners; such as resistance to the jailor, guards or other public officers, in the regular discharge of their proper functions; abusive language to any such officers; and generally any culpable behaviour towards them, which may not involve a serious act of criminality, such as cannot be duly punished by the magistrates, and should therefore be brought before the court of circuit.

*Fifth.*—Any other instance of disorderly conduct by a prisoner; such as riot, insurrection, attempt to escape, taking off or loosening or attempting to loosen, by filing, cutting, or otherwise, his own irons, or those of other prisoners, with a view to escape; conspiring with other prisoners for the purpose of insurrection or escape, or for any other criminal purpose; abusing or assaulting another prisoner, and generally any misconduct committed by a prisoner, whilst in custody, which under the Regulations in force, or from its aggravated nature, may not exceed the competency of the magistrate, and therefore be more properly cognizable by the court of circuit.

VI. *First.*—The powers vested in the magistrates for the punishment of the offences specified in the preceding section, which, on a summary inquiry, may appear to have been committed by any of the prisoners under their charge, are declared to be as follows; due regard being had to the nature of the offence, the condition of the prisoner, and every other just consideration applicable to the case.

In what manner and to what extent, the magistrates may punish the offences specified.

*Second.*—In cases of a contumacious refusal to work, or of wilful neglect and indolence in the performance of any prescribed work, within the first or second clause of Section V. of this Regulation, the magistrate may cause the prisoner to be moderately corrected with a ratan; and in the instance of a prisoner's pertinaciously refusing to work, may likewise order his diet allowance to be reduced, in such degree as may be consistent with his support, until he shall perform the work required from him.

Contumacious refusal to work, or wilful neglect, and indolence in the performance of any prescribed work, how punishable.

*Third.*—The offences specified in the third, fourth, and fifth clauses of the preceding section, shall be punishable, according to the nature and circumstances of the case, by stripes with a ratan, not exceeding the general limitation prescribed for this mode of punishment by a magistrate, viz. thirty ratans, or by close, and as far as practicable, by solitary confinement; or when a prisoner may have attempted to escape, by the substitution of heavy fetters for those in ordinary use, which are directed by the jail rules to be of a light and uniform construction; by the temporary addition of neck-chains of a moderate weight, when the prisoner may have been refractory or turbulent, or guilty of any act of violence; and in aggravated or emergent cases of this nature, by the further restraint of handcuffs, whilst such restraint,

What punishment may be inflicted for the offences specified in the Third, Fourth, and Fifth clauses of the preceding Section.

which



which is never to be imposed without necessity, shall appear to be requisite for the safeguard of the prisoner, or to prevent his doing mischief to others.

Powers declared to be vested in magistrates may be exercised by joint magistrates, and by assistant magistrates, not stationed at the same place with the zillah and city magistrates. The magistrates may also refer any cases to their assistants at the sudder stations. Rule to be observed in such references. In what case the assistant may exercise the same powers as the magistrate.

VII. The powers declared to be vested in magistrates by this Regulation, may of course be exercised by joint magistrates and assistant magistrates, who are not stationed at the same place with the zillah or city magistrates, and who, under the general Regulations, are invested with the authority of magistrates, with respect to prisoners under their immediate charge. The zillah and city magistrates are further empowered to refer to their assistants at the sudder stations, any cases within the provisions of this Regulation; observing the rule prescribed in Section XXI, Regulation IX, 1807; viz. that the order of reference direct, whether the assistant is to submit his proceedings for the magistrate's decision, or to pass his own determination on the case referred to him. If the assistant be authorized to determine the case referred to him, he is empowered to pass the same order as might have been passed by the magistrate; but his decision will be open to revision by the magistrate, if the latter see cause for it, as provided in the section above cited, with respect to all judgments passed by the assistant to a magistrate, who is not vested with the full powers of magistrate.

What record to be kept of the summary inquiries, and convictions, provided for by this Regulation.

VIII. It shall not be necessary to make a detailed record of the evidence, or of any part of the proceedings held in the summary inquiries authorized by this Regulation; nor shall it be requisite to examine witnesses upon oath, except in cases of a serious nature, involving offences specifically provided for by the general rules in force for the administration of criminal justice. But a record shall be kept of every summary conviction and punishment; stating the name of the prisoner, the offence charged against him, the substance of the evidence and conviction; or the magistrate's personal view when the facts of the case may have taken place within his view; and the punishment ordered, with the date of the order, to be signed by the public officer by whom it may be passed. The record so authenticated shall be kept ready for the inspection of the judge of circuit on his visiting the jail at the ensuing jail delivery, that a reference may be made to it in the event of any complaints being preferred by the prisoners. Should the judge of circuit see cause to disapprove the order of a magistrate or his assistant, in any instance, he will notice the same to the magistrate, with any instructions which may appear necessary and may be consistent with the Regulations in force; or if the magistrate or his assistant, appear in any instance to have been guilty of any gross neglect or other misconduct, such as is required to be reported to the Nizamut Adawlut by Section LXIII, Regulation IX, 1793, and Section XXX, Regulation VII, 1803, or by any other Regulation in force, the judge of circuit, after calling for any requisite explanation, shall report the same accordingly.

The authenticated record to be ready for inspection of the judge of circuit who may visit the jail at the ensuing jail delivery.

Judge of circuit how to proceed, if he disapprove the order of the magistrate, or his assistant.

Provision for the punishment of watchmen, guilty of gross neglect or misconduct, in the discharge of duty, contained in Section VI, Regulation III, 1812, extended to burkundazes, pykes, and other inferior officers attached to a public jail, or employed in the charge of prisoners; or generally in the performance of any public duty under a magistrate, police darogah, or other person in charge of the police.

IX. *First.*—Section XI, Regulation III, 1812, whereby all descriptions of watchmen subject to a cutwal or darogah of police, who may be proved guilty of gross neglect or misconduct in the discharge of their duty, are made liable to corporal punishment, not exceeding thirty stripes of a ratan, by sentence of the local magistrate, instead of fine or imprisonment, when the offender may appear a fit object of corporal punishment by stripes, and the magistrate shall be of opinion that the infliction thereof will operate as a better example than the penalty of fine or imprisonment; is hereby extended, under the same provisions and restrictions, to instances of gross neglect or misconduct in the discharge of their respective duties, which may be established against any burkundaze, pyke, or other inferior officer attached to a public jail, or employed in the charge of prisoners, or generally in the performance of any public duty, under a magistrate, police darogah, or other person in charge of the police.

Magistrates to prevent any mal-treatment of prisoners by the native officers having charge of them.

Complaints of prisoners to be immediately inquired into. And how redressed, if proved to be well founded.

*Second.*—The magistrates shall be careful to prevent any mal-treatment of prisoners, by any of the native officers attached to their respective jails, or in charge of prisoners employed on the public roads. All complaints of prisoners, against the officers having charge of them, shall be immediately inquired into by the magistrates, and if proved to be well founded, the offenders shall be liable to immediate dismissal, besides a fine, not exceeding one month's salary, or imprisonment not exceeding six months; or when the offender may be a burkundaze, pyke or other inferior officer, to corporal punishment with a ratan, in pursuance of the rule contained in the preceding clause.

*Third.*—It

*Third.*—It is not of course intended that the two foregoing clauses of this section should be considered applicable to any military guards, sepoy, or officers, or to persons of any denomination, who are subject to a military tribunal. In the event of any such persons being guilty of a neglect of duty, or other misconduct involving an offence cognizable by a court martial, whilst employed in the custody of prisoners, the magistrate will continue to observe the rule prescribed for such cases in Section X, Regulation XI, 1806.

The two foregoing clauses not applicable to military guards, or any persons subject to a military tribunal.

Section X, Regulation XI, 1806, to be observed, as heretofore, in cases of neglect, or other misconduct, by such persons, which may be cognizable by a court martial.

*X. First.*—If any convict, under sentence of imprisonment, shall, from his uniform good behaviour and industrious performance of the work assigned to him, or from his meritorious conduct in preventing the escape of other prisoners, or rendering any other public service, appear to the magistrate, having charge of him, to deserve a remission of the further punishment to which he may be liable under his sentence, or of any part of it; a report of the circumstance of the case, with a copy of the sentence passed upon the prisoner, shall be transmitted by the magistrate to the court of Nizamut Adawlut; who are hereby declared empowered (except in cases of prisoners of state, which shall be reported for the orders of Government, in conformity with the principle of Section III, Regulation XIV, 1810) to remit the further punishment adjudged against the prisoner, in whole or in part, if there appear to be sufficient cause for it.

Magistrates how to proceed when a convict, under sentence of imprisonment, may appear, from his good conduct, to deserve a remission or mitigation of his remaining punishment.

*Second.*—In cases of short imprisonment, adjudged by the magistrate or his assistant, wherein the object would be defeated by the delay attending a reference to the Nizamut Adawlut as directed in the above clause, the magistrate is empowered to order the discharge of a prisoner who may appear to deserve a remission of punishment on the grounds specified; provided that his reasons for every such order be recorded on his proceedings, to be submitted when required for the information of the judge of circuit who may hold the ensuing jail delivery.

In what cases the magistrate may order the discharge of a prisoner, under the circumstances stated, without a previous reference to the Nizamut Adawlut.

*XI.* The jail at Allypore, in the vicinity of Calcutta, being a receptacle for convicts under sentences of perpetual imprisonment and transportation, as well as for other convicts under sentence of banishment, who are sent to that jail, from all the zillah and city jurisdictions under this Presidency, and it appearing expedient that the occasional inspection of this jail, for which special provisions are contained in the third and fourth clauses of Section II, Regulation XIV, 1811, should be committed to the judges of the Nizamut Adawlut; the following provisions are enacted for this purpose.

Reasons for placing the jail at Allypore, in the vicinity of Calcutta, under the immediate inspection and controul of the judges of the Nizamut Adawlut.

*XII. First.*—So much of Section LXII, Regulation IX, 1793, as directs that the judges of circuit shall visit the zillah jail of the twenty-four pergunnahs once in every three months, or oftener if they think proper, and issue to the magistrate such orders as may appear to them advisable for the better treatment and accommodation of the prisoners, shall not be hereafter considered applicable to the jail at Allypore, under charge of the magistrate of the suburbs of Calcutta.

Provision for this purpose, with regard to the inspection of the jail at Allypore.

*Second.*—The duty above mentioned, with respect to the jail at Allypore, shall be performed by one of the judges of the Nizamut Adawlut; either in rotation, or in such manner as may, from time to time, be determined by the judges of that court.

This duty to be performed by one of the judges of the Nizamut Adawlut, in rotation or as may be determined by that court.

*XIII.* The foregoing section is not meant to restrict the authority, or alter the established duties of the Calcutta court of circuit, with respect to the proper zillah jails of the zillah denominated the suburbs of Calcutta, in pursuance of Regulation XIV, 1814, and which are distinct from the Allypore jail. Nor is it intended to affect the powers and functions of the court of circuit, with regard to any of the prisoners under the charge of the magistrate of the suburbs of Calcutta, except such as are confined in the Allypore jail, referred to in the third and fourth clauses of Section II, Regulation XIV, 1811, or are considered to belong to that jail, though employed on the public roads, or other public works, under the direction of the magistrate of the suburbs of Calcutta.

Explanation of the foregoing section, as not meant to restrict the authority, or alter the duties, of the Calcutta court of circuit, with respect to the proper zillah jails of the suburbs of Calcutta, which are distinct from the Allypore jail.

Further explanation, what prisoners under charge of the magistrate of the suburbs of Calcutta are within the intention of the preceding section.

*XIV.* It is further hereby explained that nothing in the present Regulation is meant to alter the established jurisdiction of the court of circuit, with respect to the trial of serious offences committed by prisoners in the Allypore jail, or by any other prisoners under charge of the magistrate of the suburbs of Calcutta; the cognizance of

All prisoners under charge of the magistrate of the suburbs of Calcutta declared subject to trial before the court of circuit, or commitment by

the magistrate, for serious offences, under the Regulations in force.

Provisions in Clause Third, Section II, Regulation IX, 1813, extended to vest a discretion in the Governor General in Council, for sending convicts under sentence of transportation, to the island of Mauritius.

of which, on commitment by the magistrate, may belong to that court, under the Regulations in force.

XV. The provisions contained in Clause Third, Section II, Regulation IX, 1813, for sending convicts under sentence of transportation, to any of the British settlements in Asia, at the discretion of the Governor General in Council, and for employing such convicts within the limits of such settlements, as well as for transferring them from one place to another when found requisite, are hereby extended to the exercise of a similar discretion by the Governor General in Council, in sending convicts under sentence of transportation to the island of Mauritius, or its immediate dependencies, as well as to the employment of them at the place to which they may be transported; and the removal of them to any other place, if there should be occasion for it.

### A. D. 1816. REGULATION XV.

A REGULATION for expediting the trial of civil suits in which the native officers and soldiers attached to regular corps on the Military establishment of the Presidency of Fort William may be parties, and for giving to them certain facilities in the maintenance of their rights, claims and interests.—Passed by the Governor General in Council, on the 10th June 1816; corresponding with the 29th Jheyte 1223 Bengal era; the 30th Jheyte 1223 Fussily; the 30th Jheyte 1223 Willaity; the 15th Jheyte 1873 Sumbut; and the 13th Rujub 1231 Higeree.

Preamble.

WHEREAS by the local distribution of the regular forces on the military establishment of the Presidency of Fort William, the native officers and soldiers are liable to be stationed at places remote from their homes and families; and whereas the constitution and nature of the service render it generally impracticable to grant to the native officers and soldiers a frequent or prolonged leave of absence from their military duties, in consequence of which, material difficulty and embarrassment have been unavoidably experienced by them in maintaining and preserving their just rights, claims and interests; and whereas the fidelity and courage exhibited by the native troops, in various wars on the continent of India, and the zeal and alacrity which they have uniformly displayed in voluntarily embarking on foreign expeditions, entitle them to the favourable consideration of Government; the Governor General in Council, with the view of manifesting his sense of their good conduct, and of affording to them every facility in the maintenance of their rights, claims and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice and for the collection of the land revenue, has enacted the following rules, to be in force, from the period of their promulgation, throughout the territories immediately dependent on the Presidency of Fort William.

Provisions of certain Regulations modified.

II. Such parts of the Regulations in force as prohibit the courts of civil justice from corresponding by letter with parties in depending suits, or as direct that no pleadings shall be received in any civil cause except from the parties or their authorized pleaders; such parts of the Regulations in force as require generally, that depending causes shall be brought to trial according to the order in which they may stand on the file; and such parts of the Regulations in force as prohibit the courts from furnishing copies of decrees, or from receiving mokhtarnamahs on any other paper than the prescribed stamp paper, are hereby declared to be subject to the modifications contained in the following sections of this Regulation.

Native officers and Soldiers may authorize any person to institute and conduct suits in which they may be a party.

III. *First.*—Whenever a native officer or soldier on the military establishment of the Presidency of Fort William may be desirous of instituting a regular or summary suit in any of the local courts of civil judicature, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a mokhtarnamah or power of attorney, drawn up according to the form No. 1. in the appendix to this Regulation, authorising and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in appeal,

appeal, in the same manner as if the party were himself personally present and consenting.

*Second.*—Such mokhtarnamah shall not be required to be written on stamp paper, but shall be executed by the native officer or soldier in the presence of the commanding officer of the corps or detachment to which he may belong, who shall countersign the same, in testimony of its having been voluntarily executed.

The mokhtarnamah need not be written on stamp paper.

*Third.*—The mokhtarnamah so executed is to be transmitted by the commanding officer, under cover of a public letter drawn up in the form No. 2. of the appendix, addressed to the register of the court in which the suit is to be instituted; and upon the receipt of such letter, a notice shall be issued by the court for the purpose of procuring the attendance, either personally or by a constituted vakeel, of the person nominated in the mokhtarnamah.

The above document is to be transmitted to the register of the court by the commanding officer.

*Fourth.*—If such person shall refuse to attend the court in person or by a constituted vakeel, or shall decline to undertake the trust, or shall subsequently die, or be prevented by any other sufficient cause from discharging the duty confided to him, the court shall cause information of the same to be communicated to the native officer or soldier, by an extract from the proceedings of the court, enclosed in an official letter to be addressed by the register, or in his absence by the judge, to the commanding officer of the corps,

The judge is to communicate the inability or refusal of a mokhtar, to undertake the trust.

*Fifth.*—If the person nominated and appointed in the mokhtarnamah shall attend the court in person or by a constituted vakeel, and shall consent to undertake the duty confided to him, the original mokhtarnamah shall be deposited in the court and annexed to the proceedings which may be held on the suit. The mokhtar or attorney, so appointed and attending, may at his option, either prosecute the suit and conduct the pleadings in person, or may constitute for that purpose one or more of the authorized pleaders of the court, under the provisions of Regulation XXVII, 1814. In all other respects the suit shall be instituted, tried and determined, in conformity with the general rules in force for the institution and trial of other similar suits; provided however, that when the native officer or soldier, who may be the real party in the suit, shall not be himself present at the time of its decision, an authenticated copy of the decree, written on unstamped paper, shall, in each instance be transmitted, through the register of the court, to the commanding officer of the corps or detachment, for the purpose of its being communicated to the native officer or soldier.

The mokhtarnamah to be filed with the court's proceedings, if accepted by the person therein nominated to superintend the cause.

The suit is to be investigated in other respects under the general Regulations.

*Sixth.*—It is hereby explained that no part of the preceding clauses, or of the subsequent provisions of this Regulation, is intended to be applicable to claims originating in loans granted by a native officer or sepoy, or in pecuniary transactions of a commercial nature.

IV. *First.*—For the purpose of preventing as far as may be practicable the occurrence of ex parte trials in suits instituted against native officers or soldiers, it is hereby further enacted, that whenever a suit may be instituted in any civil court against a person being a native officer or soldier attached to a regular corps on the military establishment of the honourable Company under the Presidency of Fort William, the plaintiff or appellant shall be required to state the same distinctly in his plaint or petition of appeal; and to specify, to the best of his knowledge and belief, the corps to which such native officer or soldier may be attached. If the plaintiff or appellant shall be unable to specify the corps, it shall be the duty of the court trying the suit, to endeavour to ascertain the point by such means of inquiry as may appear practicable and expedient.

Rules to be observed to prevent an ex parte trial of a cause in which a soldier or native officer is defendant.

*Second.*—A notice in the usual form, together with a copy of the plaint or petition of appeal on unstamped paper, enclosed in an official letter drawn up according to the form No. 3. of the appendix, shall be then transmitted by the register, or in his absence by the judge, to the commanding officer of the corps, for the purpose of its being communicated to the native officer or soldier against whom the suit may have been instituted; a similar notice shall be issued, when omitted in the first instance from ignorance of the defendant's being a native officer or soldier attached to a regular corps, if at any subsequent period during the trial of the suit, it should appear to the court, that the defendant or respondent is a native officer or soldier as above described; and in cases in which the plaintiff or appellant shall wilfully and intentionally omit to state, in his plaint or petition of appeal, that the

A notice in the usual form to be transmitted to the commanding officer.

Fine to be imposed on a plaintiff or appellant in certain cases.

defendant

defendant or respondent is a native officer or soldier, the court shall impose on such plaintiff or appellant a discretionary fine, not exceeding one-fourth of the amount of the institution fee, or stamp duty, in each case.

The commanding officer, on receipt of the notice, will cause it to be duly served.

*Third.*—The commanding officer, after causing the notice to be served on the party to whom it is addressed, if practicable, shall return it to the register or judge, with the written acknowledgment of the party endorsed thereupon, together with any mokhtarnamah which the party may be desirous of executing according to the form No. 1. in the appendix, for appointing an attorney to defend the suit in his behalf. If from any cause the notice transmitted to the commanding officer cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the register or judge from whom it may have been received, with information of the cause which has prevented the service of it. In such case the court shall either make a further reference, with the view of causing the notice to be duly communicated to the native officer or sepoy, or shall adopt such other measures for that purpose as, on a consideration of the circumstances of each case, may appear to be proper and consistent with the Regulations.

Measures to be adopted by the judge if the notice cannot be served.

Rule to be observed by commanding officers in granting leave of absence to soldiers and native officers, to enable them to superintend their own suits.

V. *First.*—When a native officer or soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the local courts of civil judicature, he shall be at liberty to request from the commanding officer of the corps or detachment, an official letter addressed to the register of the court in which the suit is to be tried; such letter shall be drawn up according to the form No. 4. of the appendix to this Regulation, but shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

The court authorized to nominate a vakeel on behalf of the native officer or soldier.

*Second.*—Such letter shall be delivered in person by the native officer or soldier to the register, or in his absence, to the judge of the court, who is hereby authorized, at the request of the party, to nominate a vakeel of the court for the purpose of furnishing to the native officer or soldier his legal aid and advice in preparing the pleadings, and in carrying on the prosecution or defence of the suit. The register or judge shall at the same time cause the native officer or soldier to be duly apprised of the provisions contained in Regulation XXVII, 1814, and of any other Regulation in force, relative to the duties and established fees of the pleaders attached to the civil courts, which must of course be observed whenever a native officer or soldier may wish to consult or employ a pleader.

Provisions of Regulation XXVII, 1814, to be duly attended to on such occasions.

A native officer or soldier may plead his own cause or appoint his own pleader.

VI. Nothing contained in the preceding section shall be construed to prohibit a native officer or soldier from pleading his cause in person, or from employing any other authorized pleader of the court, whom he may prefer, instead of the pleader nominated for him by the court.

Suits instituted under this Regulation to be heard as soon as possible.

VII. *First.*—The courts of civil judicature are hereby authorized and required to bring to a hearing, without regard to the order in which they may be filed, all suits, excepting those of the nature alluded to in the sixth clause of Section III. of this Regulation, in which a native officer or soldier, who may have obtained leave of absence from his corps, may be a party, and to pass a decision on such suits as speedily as may be consistent with the general rules in force, and with the due administration of justice.

Mode to be adopted by the court in the event of the expiration of the furlough before the cause be decided.

*Second.*—If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native officer or soldier, the judge or register before whom the suit may be depending, is hereby vested with a discretionary authority to grant to such native officer or soldier, an extension of his leave of absence for a period sufficient to admit of a reference being made to the commanding officer of the corps, with a view to ascertain whether the furlough can be prolonged for any further specific period. But whenever a judge or register may avail himself of the discretion above vested in him, he shall be careful to report the same immediately in an official letter to the commanding officer of the corps to which the native officer or sepoy may be attached.

Ditto, ditto.

*Third.*—In all cases in which a native officer or soldier may return to his corps before a final decision can be passed in his suit, he shall be at liberty either to leave the further conduct of the suit to a constituted mokhtar under a mokhtarnamah, duly executed according to the form No. 1. in the appendix to this Regulation, or to one or more of the established pleaders of the court empowered to act for him by a regular vakeelutnamah. In either case a copy of the decree which may be passed

passed in the suit shall be transmitted for the information of the native officer or soldier, in the manner prescribed in the fifth clause of Section III. of this Regulation.

VIII. Whenever any land or real property belonging to a native officer or soldier may be attached by a court of justice, for the purpose of realizing the amount of any judgment, fine or penalty imposed on such native officer or soldier, the court shall cause notice of the same to be issued in the manner prescribed in the second clause of Section IV. of this Regulation, and shall postpone the sale for such definite period as may appear reasonable, for the purpose of affording an opportunity to the native officer or soldier to discharge the amount of the judgment, fine or penalty.

Rules to be observed when any land or real property belonging to a soldier or native officer is attached.

IX. *First.*—Any registered proprietor of an estate paying revenue to Government, who may be entertained as a native officer or soldier on the military establishment under the Presidency of Fort William, shall be at liberty to notify the same in a petition to the collector, specifying the rank which he may hold and the designation of the corps to which he may be attached. A memorandum of such notification shall be inserted by the collector in the public registers and accounts relative to the estate and its assessment; and in cases in which the estate, or a portion of the estate of a native officer or soldier, who may have duly made such notification, shall become liable to public sale for the recovery of an arrear of revenue, the collector shall address an official letter to the commanding officer of the corps, drawn up in the form prescribed in No. 5. of the appendix to this Regulation; the collector shall enclose in such letter a written notice, signed and sealed by himself and attested by the principal native officer on his establishment, specifying the amount of the arrear, the date on which it became due, and requiring it to be paid at the treasury of the collectorship within such limited period of time, as on consideration of the distance at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Any registered proprietor of an estate paying revenue to Government, entertained as a native officer or soldier, may notify the same to the collector.

Duty of the collector in such cases, and in the event of an arrear of revenue becoming due.

*Second.*—The commanding officer of the corps shall acknowledge the receipt of the collector's letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

Duty of the commanding officer on receiving from the collector a report of such arrears.

*Third.*—If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the collector shall report the circumstances of the case to the Board of Revenue, or to the Board of Commissioners, or to the Commissioner in Behar and Benares respectively, transmitting at the same time a copy of the notice and of his correspondence with the commanding officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board or Commissioner.

Collectors how to proceed in cases where arrears may not be discharged within a specified time.

X. *First.*—Nothing contained in this Regulation shall be construed to affect or to alter the rules and provisions of Regulation XX, 1810; or to authorize the commanding officer of any corps or detachment to correspond with the civil courts, or with the collectors, regarding the merits of any judgment or order passed by them in the discharge of their official duty under the provisions of this Regulation.

Nothing in this Regulation to be construed as affecting the provisions of Regulation XX, 1810, or any modification of the latter Regulation.

*Second.*—Nothing contained in this Regulation shall be construed to modify or to affect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions, or to local or irregular corps, or who may be camp followers, or non-combatant retainers of the army, or who may be relations, or members of the family of a native officer or soldier, may be parties; the foregoing provisions of this Regulation are to be considered as strictly and exclusively applicable to native officers or soldiers who may be entertained in regular corps and on the actual strength of the army, on the establishment of the Presidency of Fort William.

The provisions of this Regulation not to be considered applicable to certain descriptions of persons.

XI. *First.*—The following clauses of this section, forming the substance of general orders passed by the Vice President in Council on the 10th of April 1810, and on the 22d of July 1814, are hereby enacted, for general information.

Substance of general orders of the 10th of April 1810, and 22d of July 1814.

*Second.*—The sub-treasurer at the Presidency, the residents at Delhi and Lucnow, the collectors of land revenue, and the paymasters at stations subject to the Presidency of Fort William, including the paymasters who may at any time be serving beyond

Facilities afforded to native officers and soldiers for the remittance of money.

beyond the territories of the honourable Company, are hereby authorized to grant bills in duplicate, payable at sight, and at the usual rate of exchange, on any other treasury, for any sums which may be paid into their respective treasuries on account of native officers or soldiers, who may be desirous of remitting money from one part of the country to another.

No deduction whatever to be made.

*Third.*—Provided that in all cases in which sicca rupees may be paid into a treasury by a native officer or soldier, he shall be entitled to receive the same amount at the treasury where payment is required, without any deduction whatever.

## APPENDIX.

### FORM No. 1.

“ Whereas I, *A. B.*, inhabitant of village pergunnah  
 in the district of son of of the cast of  
 at present [*here specify his rank*] of the battalion of the  
 regiment stationed at having occasion to institute (or, defend) an action  
 for \* do hereby nominate and appoint *C. D.* †  
 to be my attorney, (or, mokhtar) and I bind myself to abide by whatever he the said  
 attorney may do in my behalf in the prosecution ‡ (or, defence) of the said suit.

“ The said attorney will either prosecute (or, defend) the suit in person, or will appoint one or more of the authorized vakeels of the court to prosecute (or, defend) the same under the instructions of the said attorney, as he may think proper. In the event of an appeal being preferred from the judgment passed in the suit, the said attorney is further hereby empowered to act for me on the appeal, in like manner as on the original suit.

(Signed)

“ Executed in my presence,

“ Com<sup>ds</sup>.

Detatcht. or, Bat. or, Regt.”

### FORM No. 2.

“ To

“ Register of the Civil Court of Zillah

“ Sir,

“ In conformity with the third clause of Section III, Regulation XV, 1816, I have the honour to transmit to you a power of attorney duly executed in my presence by *A. B.* son of *C. D.* of the cast of inhabitant of  
officer (or, sepoy) [*as the case may be*] of the  
 battalion regiment.

“ I am, Sir, &c.

“ Com<sup>ds</sup>.

Bat.

Regt.”

\* Here insert briefly the nature and object of the suit; and the name of the adverse party or parties.

† Here insert the name, place of residence, cast, and his relationship (if any) to the native officer or soldier.

‡ As the case may be.



## FORM No. 3.

“ To  
 “ Commanding the Battalion Regiment  
 at

“ Sir,

“ In conformity with the second clause of Section IV, Regulation XV, 1816, I have the honour to transmit to you the copy of a plaint filed in case No. in this court, by against stated to be an officer (*or*, sepoy) in the corps under your command, together with a notice, which I request you will cause to be served on the said. You are requested to acknowledge the receipt of the notice, and to inform the court whether it has been duly served on the above named or the reasons which may have prevented its being served on him.

“ I am, Sir, &c.

“ Dewanny Adawlut.”

Judge.”

## FORM No. 4.

“ To  
 “ Register  
 “ Zillah, or City or Provincial Court.

“ Sir,

“ In conformity with the first clause of Section V, Regulation XV, 1816, I have the honour to inform you, that the bearer of this letter, *A. B.* son of *C. D.* of the cast of inhabitant of officer (*or*, sepoy) of the battalion regiment, &c. has obtained permission to be absent from his corps for the period of months, for the purpose of instituting (*or*, defending) a suit in the zillah, city or provincial court of

“ I am, Sir, &c.

“ Com<sup>dg</sup>. Bat. Regt.”

## FORM No. 5.

“ To  
 “ Commanding Officer of the Battalion Regiment.

“ Sir,

“ I have the honour to inform you that the right of *A. B.* in the village (*or*, estate) of is about to be sold on account of arrears of public revenue for the year

“ In conformity with the first clause of Section IX, Regulation XV, 1816, I herewith enclose a written notice to be communicated to said to be an officer (*or*, sepoy) in the corps under your command, and who is alleged to be the proprietor (*or*, sharer) of the village or estate in question.

“ You are requested to acknowledge the receipt of this letter, and to furnish the information required in the 2d clause of Section IX, Regulation XV, 1816.

“ I am, Sir, &c.

“ Dewanny Adawlut.”

Judge.”



## A. D. 1816. REGULATION XVI.

**A REGULATION** for extending for a further period of five years the existing settlement in the provinces ceded by the Nawaub Vizier to the British Government, in all cases in which the settlement may have been concluded with the actual proprietors of the land :—Passed by the Governor General in Council, on the 5th July 1816; corresponding with the 23d Assar 1223, Bengal era; the 25th Assar 1223 Fusly; the 24th Assar 1223 Willaity; the 11th Assar 1873 Sumbut; and the 8th Sabaun 1231 Higeree.

Preamble.

**WHEREAS** the existing settlement of the provinces ceded by the Nawaub Vizier to the British Government will expire with the year 1224 Fuslee; and whereas an extension of the said settlement, at an equal jumma, in all cases in which it has been formed with the actual proprietors of the soil, is calculated to promote the interests of the landholders, whilst it will afford due time to the public officers to collect the materials which are indispensably requisite as the basis of any ulterior proceeding; the following rules have been enacted, to be in force from the period of their promulgation in the ceded provinces.

The existing settlement of the land revenue of the ceded provinces, in certain cases, to continue in force until the expiration of the year 1229 Fuslee.

The zemindars in whose favour a remission on account of a ruffud jumma may have been sanctioned by Government, will be entitled to the same indulgence during the ensuing

**II.** The existing settlement of the land revenue of the provinces ceded by the Nawaub Vizier to the British Government shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1229 Fuslee, subject to the following provisions.

**III.** If the ruffud or progressive increase in the jumma, demandable from the zemindars under their engagements on account of the year 1224 Fuslee, shall in any case, have been remitted with the sanction of Government, the zemindars who may have received such remission shall be deemed entitled to the same indulgence during the ensuing

zemindars who may be unwilling to hold their lands on the terms above specified, for a further period of five years, to notify the same to the collector on or before the 1st March 1817.

quinquennial settlement.

**IV.** If any zemindars, who may have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue to hold their lands on the terms specified in the preceding sections of this Regulation, for a further period of five years, viz. to the expiration of the year 1229 Fuslee, they shall notify the same to the collector of the zillah within which their lands may be situated, on or before the 1st March 1817, corresponding with the 19th Phagoon 1223 Bengal era; the 27th Phagoon 1224 Fuslee; the 20th Phagoon 1224 Willaity; the 13th Phagoon 1873 Sumbut; and the 12th Rubee-us-Sanee 1232 Higeree.

Zemindars failing to make that notification within the period above cited, shall be responsible for the payment of the same revenue during the ensuing five years, as may be specified in their engagements for

**V.** All zemindars, who shall not make a notification to the effect and within the period above mentioned, shall be held and are hereby declared to be responsible for the payment of the same revenue during the ensuing five years, viz. until the expiration of the year 1229 Fuslee, as may be specified in their engagements for the year 1224 Fuslee, subject however to the qualification specified in Section III. of this Regulation.

The settlement of estates let to farm, with whom to be concluded.

**VI.** With respect to the estates which are at present let to farm, and of which the leases will expire with the Fuslee year 1224, the settlement of such mohauls shall be made with the actual proprietors, in all cases in which they may be willing to engage during the years 1225, 1226, 1227, 1228 and 1229, for the payment of an annual jumma equal to the amount payable by the farmers respectively on account of the year 1224, and shall make the necessary application to the collector of the district in which the lands may be situated, or to the Board of Commissioners, on or before the 1st March next.

The settlement of lands held khas how to be formed.

**VII.** With respect to lands at present held khas, the settlement of all such lands shall be formed for the years 1225, 1226, 1227, 1228 and 1229, with the zemindars or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue, on such terms as may appear reasonable.

**VIII.** In

VIII. In cases in which the zemindars may decline to engage for the payment of the revenue demandable from their lands during the ensuing five years, or in which no acknowledged proprietors of the lands may be forthcoming, it will of course be the duty of the revenue authorities to consider whether the lands shall be let to farm, or whether the rents shall be collected directly from the great body of the ryots; or in other words, whether the lands shall be held khaus, or whether a settlement shall be formed for the above period of five years for the several villages, with the head ryot, however denominated, of each village respectively.

The revenue authorities how to proceed with respect to the lands of zemindars who may decline to engage for the payment of the revenue demandable from them, for the ensuing five years.

## A. D. 1816. REGULATION XVII.

A REGULATION for the occasional revision of the regular Police and Jail establishments; for the due support and regulation of the establishments of Chokeydars; for amending the Rules in force for the appointment and removal of Police Officers; for modifying the constitution of the offices of the Superintendents of Police; and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizamut Adawlut.—Passed by the Governor General in Council, on the 26th July 1816; corresponding with the 12th Sawun 1223 Bengal era; the 17th Sawun 1223 Fussily; the 13th Sawun 1223 Willaity; the 2d Sawun 1873 Sumbut; and the 29th Shabaan 1231 Higeree.

WHEREAS with a view to the reduction of the public expenditure, it is expedient to provide for the occasional revision of all police and jail establishments, which may be entertained at the charge of Government, in the provinces immediately dependent on the Presidency of Fort William; and whereas it is requisite, for the due support, regulation and controul, of the subsidiary police establishments which either have been, or which may hereafter be entertained on the principles of the provisions of Regulation XIII, 1813, that the state of those establishments should, at convenient periods, be brought under consideration of Government; and whereas, with a view to enable the zillah and city magistrates to exercise a more efficient controul over the jailors and the subordinate officers on the jail establishments, the cutwals, darogahs of police, and the subordinate officers on the police establishments within their respective jurisdictions, as well as (under certain restrictions) to distribute their thannah police establishments in such manner as may be most beneficial to the police, it has been deemed expedient to modify some of the rules at present in force regarding the appointment and removal of the aforesaid officers, and the distribution of their subordinate establishments; and whereas it is expedient that the superintendents of police should be empowered to appoint or remove, by their own authority, any of the native ministerial officers employed on their respective establishments, and likewise that they should be empowered to fine and suspend darogahs and other officers of police; and whereas it is expedient, in other respects, to revise and amend the constitution of the offices of superintendents of police, and more expressly to define the duties of those officers, as well as to relieve the courts of circuit and court of Nizamut Adawlut from miscellaneous details unconnected with their more immediate and important functions, and to render the offices of the superintendents of police the channel of such part of the correspondence of the local magistrates with the Government as may conveniently be conducted through those offices: The following rules have accordingly been passed, to be in force from the date of their promulgation throughout the provinces dependent on the Presidency of Fort William.

Preamble.

II. *First.*—A general register of all establishments of police or jail guards (whether permanent or temporary) which may be entertained at the charge of Government, shall be prepared and kept up by the superintendents of police, for their respective divisions, according to such form as may be judged most convenient, exhibiting the description, strength, distribution and expense of all such guards or establishments, entertained within the provinces dependent on the Presidency of Fort William.

General register of police and jail establishments to be prepared by the superintendents of police.

*Second.*—The several zillah and city magistrates shall furnish the superintendents of police with such information as may be required to enable the superintendents, in concert with those officers, to enter upon a complete and accurate revision of the police and jail establishments of the several zillahs or cities, and to prepare and submit

Establishments to be revised by the superintendents of police.

submit to Government, on as reduced a scale as may be practicable without hazard to the public safety, a revised statement of police and jail establishments for each district comprised within their respective jurisdictions.

Annual comparative statement of establishments to be transmitted to Government by the superintendents of police, together with a report.

III. With a view to the same objects, the superintendents of police will hereafter regularly submit to Government, with their annual police reports, or as soon after the transmission thereof as may be practicable, an abstract statement, exhibiting a comparative view of the strength and expense of all descriptions of police or jail establishments entertained, during the two preceding years, in the several districts situated within their respective jurisdictions, together with a separate address, explanatory, on the one hand, of any temporary or local increase in such establishments which circumstances may have rendered necessary, or suggesting, on the other, any further reductions in the strength of those establishments which the ameliorated state of the police, the progressive introduction of subsidiary police arrangements, or other circumstances may appear to admit.

Annual report on the state of the subsidiary establishments of police to be submitted to Government.

IV. The superintendents of police will also submit to Government an annual report respecting the state of all subsidiary police establishments which may have been, or which may hereafter be entertained on the principles of the provisions of Regulation XIII. of 1813. The local magistrates are strictly enjoined to give the utmost attention to the due organization and proper maintenance of such establishments, in conformity with those provisions, and vigilantly to guard against any relaxation of controul, either in respect to the conduct of the individuals composing such establishments, or of those who may be entrusted with the realization and payment of the stipends of the chokeedars; and it shall be the special duty of the superintendents of police to bring under the notice of the local magistrates, and, if necessary, of Government, any material deviation from the existing provisions which may prevail, whether partially or otherwise, in respect to those establishments, as well as to offer any suggestions, which, from experience, may appear calculated to extend and to confirm the benefits contemplated by their institution.

Information to be supplied by the magistrates to the superintendents of police.

V. In order to enable the superintendents of police to furnish the annual report to Government required by the preceding sections, the several zillah and city magistrates shall supply any information relating to the establishments in question which the superintendents may require, and shall likewise conform to any suggestions of those officers, in respect to the organization and management of the said establishments, which may be consistent with the tenor and spirit of the Regulations.

Rules modified and rescinded.

VI. Such parts of the rules contained in Regulation VIII, 1809, as relate to the appointment or removal of cutwals, darogahs and other police or jail officers, are hereby rescinded, and the rules contained in Sections XI. and XII, Regulation XVI, 1810, are declared subject to the following modifications and provisions.

Magistrates empowered to appoint and remove their thannah police officers.

VII. *First.*—The magistrates of the zillahs and cities shall hereafter exercise the power of appointing cutwals and darogahs and other subordinate officers to the several police stations subject to their controul; of removing them from one station to another; of suspending and of dismissing them from office, in consequence of neglect, misconduct or incapacity; and it shall not be considered necessary to report the nomination, appointment, removal, suspension or dismissal of such police officers to the courts of circuit, with a view of obtaining the sanction of those courts.

Also to appoint or to remove jailors.

*Second.*—The zillah or city magistrates are likewise empowered to appoint fit persons to the situation of jailors and other subordinate officers of their criminal jails; and to remove such officers for misconduct, incapacity, or other sufficient cause, without reference to other authority.

Proceedings to be holden.

*Third.*—The zillah and city magistrates are hereby required to record, upon their proceedings, the grounds upon which any native officers may be removed by them under the provisions of this Regulation, and to select proper persons to fill all vacancies in the situations of such officers, and to continue in office the persons appointed, whether by themselves or by their predecessors, whilst they discharge the duties assigned to them with diligence and integrity.

Fit persons to be selected.  
Not to be removed without fault.

List of appointments to be submitted to the courts of circuit at the period of the sessions.

*Fourth.*—The zillah and city magistrates shall submit to the judge of circuit, for his information at the period of sessions, a list of all persons whom they may have appointed to the offices of cutwal, police darogah or jailor, since the period of the preceding

preceding sessions, specifying their names, ages, past employments, characters and qualifications.

*Fifth.*—In the event of any officer of the descriptions noticed in the preceding clause, deeming himself aggrieved by any order passed by a zillah or city magistrate with respect to his dismissal from office, he shall be at liberty to present a petition, at the ensuing sessions, to the judge of circuit holding the jail delivery at the station, setting forth the circumstances of his case, and grounds of complaint; but the receipt of petitions of this nature shall be restricted to the period of the sessions immediately ensuing after the order of dismissal shall have been passed, unless it shall be proved that the petitioner was prevented by circumstances totally beyond his controul from presenting his petition within the prescribed period.

Petitions may be received by judge of circuit at the period of the sessions, from officers deeming themselves aggrieved by their removal.

*Sixth.*—On perusal of a petition of the description specified in the preceding clause, the judge of circuit, if he deem proper, may require the magistrate to submit the proceedings holden on the case for his inspection, accompanied by any explanation, in the English language, which the magistrate may be desirous to offer.

Judges of circuit how to proceed on the receipt of petitions from darogahs.

*Seventh.*—After consideration of the papers furnished, should the judge of circuit be of opinion that the powers vested in the magistrate by the preceding clauses of this section, have been perverted, he shall submit the proceedings to the court of Nizamut Adawlut, as in other cases wherein the courts of circuit are required to report any misconduct on the part of the magistrates; and the court of Nizamut Adawlut shall proceed thereupon, in conformity with the provisions contained in Section XIV, Regulation II, 1801, and Section XXIV, Regulation VIII, 1803; and in cases in which they may deem it necessary, the court of Nizamut Adawlut shall direct the magistrate to restore to office any individual whom he may have removed without adequate or reasonable grounds.

In what cases the judges of circuit shall submit the magistrate's proceedings to the court of Nizamut Adawlut.

*Eighth.*—Nothing contained in the foregoing clauses of this section shall be construed to preclude the courts of circuit or the court of Nizamut Adawlut from ordering the removal of any of the police or jail officers, who may be convicted of a criminal offence declared punishable by dismissal from office, or, though not so expressly declared, if the conduct of such native officer appear, from any proceeding before a court of circuit or the court of Nizamut Adawlut, to be such as to require his removal from the public situation held by him.

In what cases the superior courts may direct the removal of police officers.

**VIII. First.**—In modification of Sections VI. and VII, Regulation XIV, 1807, the magistrates are hereby authorized to exercise the power of stationing any portion of their police thannah establishments (not exceeding one-third of the entire establishment) at any chokee, village, ghaut, highway, or other place within the limits of the thannah to which such establishments may appertain; reporting always the particulars, as well as the grounds of the arrangement, for the information of the superintendent of police of the division.

Magistrates empowered to station at out-posts a portion, not exceeding one third, of their thannah establishment.

*Second.*—Police officers stationed at out-posts, or subordinate chokees, shall act under the controul of the darogah or head police officer of the thannah to which they may be attached, and shall afford their aid for the prevention of crimes, the apprehension of criminals, and, generally, for the preservation of the peace, and shall report to the thannah all occurrences relating to matters of police which may come to their knowledge.

Police officers at out posts to act under the orders of darogahs.

*Third.*—The officers of police stationed at out-posts shall be competent to exercise the same powers as are vested in the police darogahs in apprehending persons without a written charge or warrant, viz. persons found in the act of committing a breach of the peace; or against whom a general hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, or who may be liable to apprehension under the rules in force as proclaimed for notorious robbers; or vagrants, without any ostensible means of subsistence, who cannot give a satisfactory account of themselves; but no persons shall be arrested by the subordinate officers of police, except in cases of the nature above noticed, unless under the special warrant of the magistrate or of the darogah of the thannah to which the out-post may be attached.

Powers of such officers.

*Fourth.*—Persons apprehended by the subordinate establishments of police shall be forwarded immediately to the thannah to which the out-post may belong, accompanied by an explanation of the circumstances of the case, and of the causes which may have led to the apprehension of the prisoners.

Persons apprehended to be forwarded to the thannah without delay.

IX. First.—All

Deaths, resignations, removals and appointments of cutwals or police darogahs, to be reported to the superintendents of police.

**IX. First.**—All deaths, resignations, removals or appointments in the office of a cutwal or darogah of police, shall be communicated by the magistrates to the superintendents of police, in such form as the superintendents may deem convenient and proper; in order, not only that the registers of police establishments may be kept correct, but that any cutwal or police darogah, who may have been dismissed from his office on conviction, before the court of circuit or Nizamut Adawlut, of corruption or of any other criminal offence declared to be punishable by dismissal from office, may be precluded from being again employed in any similar situation elsewhere.

Superintendents of police to inform the magistrates in cafes where offices are filled by persons previously disqualified.

**Second.**—If any case of this nature should come under the observation of the superintendents of police, it will be their duty to communicate the requisite information to the zillah or city magistrate, in order that the cutwal, darogah, or other police officer who may have been appointed under the circumstances described in the latter part of the preceding clause, may be immediately removed from his situation.

The removal of a police or other officer not to preclude his being again employed in any situation for which he may be considered duly qualified.

**Third.**—It is hereby expressly declared, that the removal of a police officer, or of any officer on the jail establishment of a magistrate, shall not be considered to preclude the future employment of such person in any other situation in the public service for which he may be deemed duly qualified, except in the cases of conviction described in the first clause of this section.

Exception.

Superintendents of police empowered to remove and appoint their own officers.

**X.** The superintendents of police are hereby declared competent to remove or appoint any ministerial native officer employed upon their respective establishments, whenever they may see sufficient cause; and all such appointments or removals shall be final.

Superintendents of police authorized to fine police officers.

**XI. First.**—The superintendents of police are further declared competent, in the same manner and to the same extent as the local magistrates, to impose fines on any cutwal, police darogah, or other subordinate officer of the police establishments stationed within the limits of their respective jurisdictions.

Also to suspend them in certain cafes.

**Second.**—The superintendents of police are likewise declared competent to suspend from office any cutwal, darogah or other subordinate officer of the police establishments of their respective jurisdictions, during any inquiry which they may judge proper to institute in regard to the conduct of such officers, and also for neglect, or failure to furnish information, or to obey orders issued to them by the superintendents of police.

Superintendents orders how to be carried into effect.

**Third.**—Whenever the superintendents of police may deem it necessary, in the discharge of their duties, to fine or suspend any of the public officers above specified, they shall communicate an extract from their proceedings, with a copy of the order passed by them, to the local magistrate, who, in pursuance of Clause First, Section V, Regulation III, 1812, will proceed to realize the fine in the same manner as if it had been imposed by the magistrate himself, or to carry into effect the superintendents' order of suspension, and to supply the vacancy occasioned thereby.

Superintendents of police authorized to assume exclusive charge of any thannah or thannahs.

**XII. First.**—Should the superintendents of police, on visiting any district of their respective jurisdictions, deem it advisable to take under their immediate charge, for the purpose of exercising temporarily the powers of magistrate, any police thannah or thannahs of such district, they will make the necessary application for that purpose to the local magistrate, who will comply with all requisitions to that effect from the superintendents of police, without awaiting any specific orders from Government, under the provisions of Clause Third, Section II, Regulation XVI, 1810.

Rule to be observed in such cafes.

Powers to be exercised by the superintendents of police on such occasions.

**Second.**—In such cases the superintendents of police will exercise the same powers as are vested in the magistrates with regard to the removal or suspension of any of the police officers attached to the thannahs of which the superintendents may take charge under the foregoing clause, and the zillah or city magistrates shall not be considered to be authorized, without the special sanction of Government, to exercise any concurrent jurisdiction in such thannah or thannahs, except in the cases provided for in Section XVI, Regulation XXII, 1793, Section XV, Regulation XVII, 1795, and Section XVI, Regulation XXXV, 1803.

Magistrates, unless specially authorized, prohibited from exercising concurrent jurisdiction in any thannahs of which the superintendent of police may take charge, except in specific cafes.

**XIII.** All correspondence of the zillah and city magistrates relative to the strength, distribution or expense of their police or jail establishments (whether temporary or permanent), or respecting any alteration of police stations, or of their local boundaries, and generally, all correspondence of those officers with the Government, which may have reference to arrangements or matters of police, shall hereafter be conducted through the offices of the superintendents of police.

All correspondence on matters of police to be conducted through the officers of the superintendents of police.

**XIV. First.**—In lieu of the reports which the zillah and city magistrates are at present required to submit to the court of Nizamut Adawlut through the channel of the courts of circuit, relative to the escape of prisoners, it is hereby directed that all proceedings held by magistrates in regard to the escape of prisoners, as well as any proceedings respecting the conduct of the guards from whose custody the escape may have been effected, shall henceforward be submitted for the inspection and orders of the judge of circuit at the time of sessions.

Reports at present submitted to the courts of circuit and court of Nizamut Adawlut, in regard to the escape of prisoners, to be discontinued.

But magistrate's proceedings to be submitted to the judge of circuit at the time of sessions.

**Second.**—The zillah and city magistrates shall communicate to the superintendents of police of their respective divisions all instances of convicts breaking jail, before the expiration of the period of their sentences, as well as every instance in which a prisoner in custody, during examination or commitment for trial, or under requisition of security for good behaviour, may effect his escape, transmitting, for the information of the superintendents of police, a copy or extract of the proceedings holden by them on such occasions, together with information of the measures taken to re-apprehend the persons who have escaped, stating, at the same time, whether, in their opinion, it may be advisable to offer any reward for the re-apprehension of such persons, and if so, the amount of such reward.

Reports to be sent to the superintendents of police.

And rewards recommended, if necessary.

**Third.**—If the superintendent of police should be of opinion that the re-apprehension of the offender or offenders may be effected without the offer of a reward, he will employ, in concert with the local magistrate, the means which he may consider best adapted to that purpose, but should he deem the offer of a reward expedient, he will in like manner adopt the necessary measures for giving publicity to the same, provided, that whenever the reward proposed to be offered for the re-apprehension of any individual, shall exceed the sum of one hundred sicca rupees, the sanction of Government shall be previously obtained; in cases, however, in which heinous offenders may have escaped, or on occasions of emergency, the magistrates shall exercise a discretion in offering a reward not exceeding the sum of one hundred rupees, reporting the offer for the confirmation of the superintendent of police.

Superintendent of police how to proceed on receipt of such reports.

**XV.** When a zillah or city magistrate shall be of opinion that it is expedient to grant any reward to a police officer or other person, for particularly meritorious conduct, or for any services rendered to the police, he will state the circumstances, with his sentiments, to the superintendent of police, who on such occasions, will exercise the same powers, and proceed in the same manner, as is prescribed by the preceding section; but this rule shall not be construed to preclude the courts of circuit and court of Nizamut Adawlut from the exercise of the powers vested in them by Section XVIII, Regulation XVI, 1810, whenever, from any circumstances which may appear in the progress of a trial, they may consider it expedient to direct or to recommend the payment of any reward under that section.

Magistrates how to proceed in recommending rewards for meritorious services.

**XVI.** The general superintendence of all lands assigned as endowments for the maintenance of bridges, serays and kuttras, shall remain, as heretofore, vested in the Board of Revenue and Board of Commissioners; but such parts of Regulation XIX, 1810, as require that those boards should provide, with the sanction of Government, for the due repair and maintenance of public edifices of this description, are hereby rescinded.

The revenue authorities to retain the superintendence of lands assigned for the maintenance of bridges, serays, &c. Parts of Regulation XIX, 1810, rescinded.

**XVII. First.**—The superintendents of police shall exercise a general controul over the public roads, bridges, serays and kuttras, within the limits of their respective jurisdictions.

A general controul over public roads, &c. vested in the superintendents of police.

**Second.**—Whenever the local magistrates may be of opinion that any works of the description specified in the preceding clause, are necessary in the cities or zillahs subject to their authority, they shall communicate their sentiments on the subject to the superintendent of police in the lower or western provinces, as the case may be, instead of addressing themselves directly to Government.

Magistrates to communicate with the superintendents of police in cases when public works are considered necessary.

How the superintendents are to proceed on the receipt of such communications.

*Third.*—On receipt of communications of the description above mentioned, the superintendents of police shall consider, not merely the local advantages which may attend the proposed works, but likewise their tendency to facilitate the communication between the several districts, and their general utility, whether in the promotion of the commercial or common interests of the country at large.

Further rules for the guidance of the superintendents on such occasions.

*Fourth.*—The superintendents of police shall likewise ascertain how far the labour of the convicts confined in the several districts within their respective jurisdictions, can be employed in the execution of the proposed works, without withdrawing them from other works of equal or greater utility.

Magistrates to furnish the superintendents with information regarding the state of the public works, &c.

*Fifth.*—The several zillah and city magistrates shall furnish the superintendents of police with such information as may be required by those officers in regard to the employment of the convicts and the state of the public works.

Superintendents to apply to the Nizamut Adawlut, in cases when convicts cannot be obtained from the sudder station.

XVIII. Whenever it may be necessary, under the orders of Government, to collect any number of convicts together for the execution of public works, and such convicts cannot be supplied from the sudder station of the district in which their services may be required, the superintendents of police shall make application to the court of Nizamut Adawlut, stating the number of prisoners required; the work on which it is proposed that they should be employed; and the districts from which, in their opinion, they can be most conveniently supplied; and the court of Nizamut Adawlut shall determine on the expediency of the removal of the convicts, and issue such instructions on the subject to the local magistrates as they may deem proper.

What such applications are to contain.

Superintendents of police to report to Government in cases in which the construction of public works at the expense of Government appears advisable.

XIX. *First.*—In cases in which the superintendents of police may be of opinion, whether on consideration of reports from the local magistrates, or from other sources of information, that any public work, of the description specified in Section XVII. should be undertaken at the expense of Government, they shall ascertain, from the local authorities, and, as far as practicable, from professional persons, the expense to which Government would be subject in the execution of the proposed works; and shall submit a full and comprehensive report on the subject to Government, containing the necessary information in regard to the utility of the work, together with an estimate of the probable expense attending its execution.

Rules to be observed by the superintendents of police in submitting reports to Government.

*Second.*—In submitting reports of the above description, the superintendents of police shall be careful to ascertain whether any means can be devised for defraying the expense of the proposed works otherwise than from the general funds of Government, and they will refrain from recommending any expensive undertakings, except in cases which may promise to be attended with more than ordinary convenience and advantage.

XX. Nothing in the foregoing rules should be construed as superseding the controul exercised by the courts of circuit in regard to the employment of the convicts.

#### A. D. 1816. REGULATION XVIII.

A REGULATION for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a part of the territories of His Excellency the Nuwaub Vizier:—Passed by the Governor General in Council, on the 16th of August 1816; corresponding with the 2d Bhadoon 1223 Bengal era; the 8th Bhadoon 1223 Fussily; the 3d Bhadoon 1223 Willaity; the 8th Bhadoon 1873 Sumbut; and the 21st Ramzaun 1231 Higeree.

Preamble.

WHEREAS the pergunnah of Handya has been ceded to the Honorable the East India Company in full sovereignty by His Excellency the Nuwaub Vizier; and whereas it has been judged advisable to annex that pergunnah to the district of Allahabad, the following rules have been enacted, to be in force from the period of their promulgation.



II. The pergunnah of Handya shall be annexed to the district of Allahabad, and the Laws and Regulations established for the internal administration of that district, are hereby declared to be in full force and effect in pergunnah Handya, subject however to the provisions contained in the following sections.

The pergunnah of Handya annexed to Allahabad, and the existing laws and regulations extended to that pergunnah.

Subject to the

following provisions. Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 1st of May 1804.

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil suits in pergunnah Handya, the cause of action in which may have originated previously to the 1st of May 1804, being a period of twelve years antecedent to the cession of that pergunnah.

viously to

IV. *First.*—The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the said pergunnah, previously to the 1st of May 1816, being the date of the treaty between the British Government and His Excellency the Vizier, under which the said pergunnah was ceded to the Honorable the East India Company.

Criminal courts prohibited from taking cognizance of offences committed previously to the 1st May 1816.

*Second.*—No part of the Regulations in force, by which the punishment of any offence is enhanced beyond the punishment prescribed for such offence by the Mahomedan law, shall be considered applicable to any crime or offence committed within pergunnah Handya between the 1st of May 1816 and the period of the promulgation of this Regulation.

to offences committed in Handya between the 1st May 1816 and the promulgation of this Regulation.

Such of the Regulations in force as increase the punishments prescribed by the Mahomedan law, declared inapplicable.

*Third.*—The provisions of the Regulations in force, by which the penalties prescribed by the Mahomedan law for the punishment of crimes and offences have been modified in a manner favourable to the prisoner, either by directing a commutation of the punishment of amputation to imprisonment, or otherwise, shall nevertheless be considered applicable to individuals who may be convicted of having committed offences in pergunnah Handya, between the 1st of May 1816 and the period of the promulgation of this Regulation.

But such of the Regulations as modify or commute in favour of the prisoner the punishments prescribed by the Mahomedan law, declared applicable to offences committed in Handya within the period above mentioned.

V. The Governor General in Council reserves to himself the power of fixing the periods, for which the settlement of the land revenue shall from time to time be formed in the said pergunnah, according as local circumstances may appear to require, adhering however as nearly as practicable to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

Power reserved to the Governor General in Council of fixing the periods for the formation of the settlement of the land revenue.

## A. D. 1816. REGULATION XIX.

A REGULATION for the better management of Ferries, and for levying a Toll on the passage of persons and property over Rivers and Lakes:—Passed by the Governor General in Council, on the 23d of August 1816; corresponding with the 9th Bhadoon 1223 Bengal era; the 15th Bhadoon 1223 Fussily; the 10th Bhadoon 1223 Willaity; the 15th Bhadoon 1873 Sumbut; and the 28th Ramzaan 1231 Higeree.

WHEREAS it appears expedient, that the ferries should be placed under certain Regulations, for the better maintenance of the peace of the country, for the safety and convenience of travellers, for the secure transportation of property, and for the eventual improvement of the public resources, the Governor General in Council has been pleased to resolve that the management of the ferries shall be entrusted to the officers of Government, and that tolls shall be levied on the passage of persons and property at such ferries. The following rules have accordingly been enacted, to be in force throughout the provinces immediately depending on the Presidency of Fort William, from the commencement of the ensuing Fussily, Willaity, and Bengal years respectively.

Preamble.

II. The collectors of land revenue shall, under the controul of the Board of Revenue, Board of Commissioners, and Commissioner in Behar and Benares, regulate the assessment of the ferries, the rates of toll to be levied from passengers, the number of ferries in each district, and the number and size of the boats to be maintained at each ferry; and shall let the ferries in farm, either separately or collectively,

Collectors of the land revenue to regulate the assessment and management of the ferries, under the controul of the respective revenue authorities.

Ferries may be annually farmed, either separately or collectively.

Or held khas, or exempted from the payment of revenue.

Collectors how to proceed in cases where ferries are to be let in farm. What the advertisements are to specify.

Discretion vested in the revenue authorities with regard to ferries on each side of the same river, but in districts of different collectors.

Farmers of ferries to execute engagements.

The rules in force for the recovery of arrears of revenue declared applicable to the recovery of balances due from farmers of ferries and others.

The collectors to receive a commission on the net amount of the revenue realized by Government.

The revenue authorities empowered to reduce or increase the number of ferries or the number of boats at any ferry.

The revenue authorities to report to Government, cases in which the profits of a resumed ferry may have been included in the permanent assessment of an estate.

The civil courts prohibited from taking cognizance of claims to deductions on account of tolls levied at ferries or ghauts.

Collectors to grant licenses to farmers of ferries.

And to the managers of ferries where boats are used for hire, although such ferries may not be publicly assented.

Such managers to execute engagements

Collectors to issue perwanehs to native officers in charge of ferries under khas management.

Such officers declared liable to punishment on a breach of the prescribed conditions.

Licenses to be issued in numerical order, and a register of them kept in the collector's office.

collectively, for any period not exceeding one year, or hold them under khas management, or exempt any of them from the payment of revenue to Government, as circumstances may render expedient.

III. In those cases in which it may be deemed advisable to let the ferries in farm instead of holding them khas, agreeably to the option reserved to the revenue authorities by the preceding section, advertisements shall be issued, specifying the rates of toll to be levied, and the number and description of boats to be maintained at each ferry, and inviting proposals for farming such ferries.

IV. In places where the ghauts on each side of a river may be situated in the districts of different collectors of the land revenue, the ferries and boats at such ghauts shall, at the discretion of the superintending board or commissioner, be placed under the controul of one or both collectors, as may appear proper.

V. All farmers shall be required to execute engagements stipulating to pay the rent of the ferries into the collector's treasury, by monthly or other periodical instalments.

VI. Sums of money due from the farmers of ferries, or from the agents of Government, where the ferries may be held under khas management, shall be realized under the rules prescribed for the recovery of arrears of land revenue, as far as the same may appear applicable.

VII. The collectors of land revenue shall be entitled to a commission on the net revenue realized by Government under the provisions of this Regulation, at such rate as the Governor General in Council may direct.

VIII. It shall be competent to the Board of Commissioners, to the Board of Revenue, and to the Commissioner in Behar and Benares, to reduce or enlarge, either of their own accord or at the suggestion of the magistrates, the number of ferries of every description, and to reduce or enlarge the number of boats at any ferry, whenever it may appear to them expedient, due reference being had to the rights of the farmers.

IX. In the event of its appearing that the profits derived from any resumed ferry may have been included in the permanent assessment of the estate to which it has heretofore been annexed, the board or commissioner under whose orders the inquiry may be conducted, shall report the circumstance, with an opinion on the merits of the claim, for the consideration and orders of the Governor General in Council; and the courts of judicature shall not take cognizance of any claims to deductions or compensations on account of the tolls levied at any ferry or ghaut.

X. *First.*—The collectors of the land revenue shall grant licenses according to the form No. 1. of the appendix, to all persons engaging to farm the ferries under the provisions of this Regulation, as well as to all other persons managing ferries where the boats employed may be used for hire, although such ferries may not be assessed for the public revenue; and shall cause such persons to execute engagements according to the form No. 2. of the appendix, to abide by and perform the conditions of their licenses.

*Second.*—Perwanehs containing conditions similar to those included in the form of license No. 1. shall be issued by the collectors to the native officers of Government, to whom the charge of the ferries may be confided, during the time that they may be under khas management; and such officers shall be declared liable, on breach of the conditions prescribed, to dismissal from office, and to such further punishment under the Regulations, as the circumstances of the case may appear to require.

XI. Licenses granted under this Regulation shall be issued in numerical order, and a register shall be kept in the office of the collector, according to the form No. 3. of the appendix.

XII. All

XII. All licenses granted by the collector shall be delivered up at the expiration of the year; and persons neglecting to conform to this rule within one month after the close of the year, shall be summoned to the collector's office, in order that their licenses may be renewed.

Licenses to be delivered up at the expiration of the year.

XIII. For the better maintenance of the public peace and the safety and convenience of travellers, and the support of trade, the magistrates and their police officers shall exercise controul over the conduct of the manjees presiding at ghauts, and the manjees of boats at ferries; and the magistrates shall be competent to punish any manjee of a ghaut or ferry boat who may violate the conditions of his engagements as hereinafter prescribed, by imprisonment, according to the circumstances of the case, for any period not exceeding six months, and by fine for any sum not exceeding two hundred rupees, commutable in default of payment to a further period of imprisonment not exceeding six months; the magistrate shall further be competent to direct the removal from the office of boat or ghaut manjee of any person in those situations who may be guilty of a breach of their engagements, and if such manjee should also be the licensed manager of the ferry, the magistrate shall be competent to direct the forfeiture of the license, at the same time communicating the order for the information of the collector of the district.

Magistrates vested with a controlling power over manjees of ferry boats.

And competent to punish manjees who may violate their engagements, by fine and imprisonment.

Limitation as to the period of imprisonment and amount of the fine to be levied.

Magistrates may also direct the removal of manjees or may withdraw their licenses, informing the collector of the orders issued on such occasions.

XIV. *First.*—On the commencement of each Bengal and Fussyly year, the collectors shall transmit to the magistrates a statement of the licensed ferries, drawn out according to the form No. 4. of the appendix, and shall likewise, when occasion may require, inform the magistrate of any intermediate mutations or resumptions of the licenses.

Collectors to furnish the magistrates with statements of licensed ferries, and to inform them of occasional mutations or resumptions of licenses.

*Second.*—Extracts from the foregoing statement, containing the particulars relating to each ferry, shall be forwarded from the magistrate's office to the several police darogahs within the limits of whose jurisdiction the ferries may respectively be situated; and the darogahs on the receipt of such extracts shall summon before them the manjees of the ghauts and ferry boats, and shall take from them (as far as the same may be applicable to the description of manjee) engagements agreeably to the form No. 5. of the appendix, which engagements shall be transmitted to the magistrate's court.

Extracts from such statements to be sent from the magistrate's office to police darogahs within whose jurisdiction ferries may be situated.

How the darogahs are to proceed upon the receipt of such extracts.

XV. Any unauthorized person employing a boat for the purpose of ferrying passengers, cattle or other property for hire, shall be liable on conviction before a magistrate to a fine not exceeding rupees one hundred, or in default of payment, to confinement with labour for a period not exceeding three months, and the boat or boats used by such person shall be liable to be confiscated to Government.

Unauthorized persons employing ferry boats for hire how to be dealt with.

XVI.—The darogahs of police shall pay due attention to the state of the ferry boats within their respective jurisdictions, and shall require the person whose duty it may be, to provide safe and convenient boats, to repair them when necessary, and to construct new boats when those in use may be found unfit for service.

Rules to be observed by darogahs for ensuring the provision of safe and convenient ferry boats within their respective jurisdictions.

XVII.—At the close of each year, the darogahs of police shall furnish a specific report to the magistrate of the state of the boats employed at each ferry in their respective divisions, and such boats as may appear unfit for service shall be withdrawn, and other proper boats substituted; and whenever any manjee of a ferry or ghaut may decline to conform to requisitions made under the rules contained in this section, the darogah shall immediately report the circumstance for the orders of the magistrate, or for such communication to the collector as may appear proper.

Darogahs to report periodically to the magistrates on the state of the ferry boats.

Unserviceable boats to be withdrawn and others substituted.

And ferry or ghaut manjees declining to conform to the rules prescribed, to be reported to the magistrates.

XVIII. If any person shall be drowned in crossing a ferry, by the oversetting or sinking of a boat, and it shall be established, on inquiry before a magistrate, that the boat was overloaded with passengers or property, or was insufficiently manned, or was out of repair at the time of the accident, the manjee of the ghaut or boat, if duly convicted of permitting his boat to be overloaded, or to be insufficiently manned or out of repair, shall be liable to such fine and such period of imprisonment, as the magistrate may think proper to impose, under the provisions of Section XIII. of this Regulation; and the license of the farmer or manager of the ferry shall be liable to be forfeited, unless he can prove to the satisfaction of the magistrate that the accident was not imputable to any want of proper care and attention on his part.

Penalties in cases where persons may be drowned in crossing a ferry by the oversetting or sinking of an overloaded, insufficiently manned or unserviceable boat.

The forfeiture of a license by the magistrate's order declared sufficient to involve the annulment of the lease.

All orders passed by the magistrates regarding the forfeiture of licenses to be communicated to the collector.

Magistrates and collectors required to ascertain the state of the ferry boats within their respective districts.

And to adopt measures for giving full effect to the intention of this Regulation.

XIX. The forfeiture of a license by order of the magistrate under any of the foregoing provisions, shall involve the annulment of a farmer's lease for the particular ferry therein mentioned; and all orders passed by the magistrates in regard to the forfeiture of licenses, whether for ferries assessed by Government or otherwise, shall without delay be communicated for the information and guidance of the collector of the district.

XX. The magistrates and the collectors of the land revenue are required to ascertain from time to time, through their local officers or otherwise, the actual state of the ferry boats within their respective districts, especially those used for crossing broad and deep rivers or lakes, and to adopt such measures as may be necessary for carrying into full effect the intention of this Regulation, as it respects the safety and convenience of passengers, and the secure conveyance of property at the public ferries.

## APPENDIX.

### FORM No. 1.

#### License to Farmers and other Managers of Ferries and Ghauts.

"Whereas *A. B.* inhabitant of (*city, town or village*) has obtained a license for the establishment of a ferry boat (*or, ferry boats*) at the river *it is required of A. B.* as a condition of this license remaining in force, that he strictly conform to the following rules.

1st. That the boat (*or, boats*) used at the ferry shall be strong and kept in good repair, and that the number of boatmen and the burthen of each boat shall be equal to that specified in the subjoined statement.

2d. That he will cross free of toll the troops of Government, with their baggage, and all military stores, as well as all police and other officers of Government who may be actually employed on the public service.

3d. That he will attend implicitly to all orders which he may receive from the magistrate, in regard to crossing the troops, to plying the ferry during the night time, as well as in respect to other matters relating to the police.

4th. That he shall cause a board exhibiting the authorized rates of fare, as contained in the subjoined statement, to be constantly fixed up in a conspicuous place, close to the ghaut, and that he will not knowingly allow the manjees or boatmen to demand or receive more than such rates.

5th. That on breach of any of the foregoing conditions, or on proof of any other misconduct relating to the management of the ferry, the license shall be liable to be resumed.

STATEMENT.

### FORM, No. 4.

#### STATEMENT of Licensed Ferries, established

Name of the Ferry or Ghaut, and situated near to what City, Town or Village.	On what River.	Within the Jurisdiction of what Thannah.	Road from whence and leading to what Place.	Name of the licensed Manager or managing Agent on the part of Government, and if farmed, the period of the Lease.	Established Ferry-rates for crossing Men, Cattle, Carriages, &c. &c.
Kudul Kuttee near to Rampore Bauleah.	Ganges	Bauleah	From Nat-tore to Moorshe-dabad.	Rajkishore Farmer, lease for one year.	<i>Rs. As. Ps.</i>
					A man - - 0 1 6
					Ditto, with burthen - 0 3 0
					Ditto, with bangy - - 0 6 0
					Horse and horseman 0 6 0
					Camel - - 0 10 0
					Cart - - 0 10 0
Elephant - 6 0 0					

STATEMENT.

Description and Burthen of each Boat.	Number of Manjees and Dandies to be employed in each Boat.	Number of Passengers which each Boat is capable of conveying at one time.	Established Ferry-rates for crossing Men, Cattle, burthen, &c.

FORM No. 2.

“ Whereas I, *A. B.* have received from the Collector of a license to maintain a ferry boat (*or, boats*) at the ghaut of on the river \_\_\_\_\_ within the jurisdiction of the thannah of \_\_\_\_\_ until the \_\_\_\_\_ I do hereby engage to abide by and perform the several conditions specified in the said license (*reciting them*): in failure whereof the said license shall be held forfeited.

FORM No. 3.

Register of Licenses granted to Farmers and others, for the management of Ferries in the district of \_\_\_\_\_ for the year \_\_\_\_\_

Number of the License.	Date of the License.	To whom granted.	Name of the Ferry or Ghaut.	In what Thannah situated.	Forfeitures, Mutations, and Casualties within the year; and Date of the Return of the expired Licenses.

FORM, No. 4.

in the District of \_\_\_\_\_

Description and Burthen, and number of Boats employed.	Number of Passengers which the Boat is capable of crossing at all seasons.	Name of the Manjees & number of Dandies.	Annual Jumma assessed; or if Khas, computed average of annual receipts.	Navigable all the year or how many months.	Name of the Landholder in whose Estate the Ferry is situated.
3 Boats of 500 Muns each.	80 Men in each Boat.	Shaikh Molah, Ali Buksh and Jan Mahomed, with 3 Dandies each.	2600 Rs. per Annum.	All the year.	Deanut Khan.

## FORM No. 5.

## Penal Engagements to be taken from Manjies.

Whereas I, *A. B.* have been appointed to the office of (ghaut or ferry) manjie of  
 on the river within the jurisdiction of the  
 thannah of I do hereby engage to abide by and perform the  
 several conditions hereinafter mentioned.

1st.—I will regularly employ, for the purpose of plying the ferry, the number of  
 boatmen specified in the subjoined statement.

2d.—I will not collect more than the established rates of fare, as recited in the  
 subjoined statement, from any person crossing at the ferry.

3d.—I will not collect any toll after the passengers enter the boat.

4th.—I will regulate the number of passengers crossing at the ferry at the same  
 time, strictly by the size of my boat, and according to the subjoined statement.

5th.—I will give immediate intimation to the nearest police officer, on the occa-  
 sion of any assemblage of persons of suspicious appearance, passing the ferry.

6th.—I will implicitly abide by all orders which I may receive from the magistrate,  
 in regard to crossing the troops of Government, and with respect to plying the  
 ferry during the night time, as well as in relation to other matters connected with  
 the police.

7th.—In default of any of the foregoing conditions, I shall be liable to such  
 punishment by fine and imprisonment as the magistrate, under the Regulations, may  
 judge proper to impose upon me.

## STATEMENT.

Description and Burthen of each Boat.	Number of Dandies to be employed in each Boat.	Number of Passengers which each Boat is capable of conveying at one time.	Established Ferry-rates for crossing Men, Cattle, Burthen, &c.

## A. D. 1816. REGULATION XX.

A REGULATION for modifying certain parts of Regulation III, 1811:—  
 Passed by the Governor General in Council, on the 25th of October 1816;  
 corresponding with the 10th Kautick 1223 Bengal era; the 19th Kautick  
 1223 Fussily; the 11th Kautick 1223 Willaity; the 5th Kautick 1873 Sum-  
 but; and the 2d Zeelhij 1231 Higeree.

Preamble.

WHEREAS a convention of commerce has been concluded between Great Bri-  
 tain and the United States of America, containing certain special provisions for the  
 conduct of the trade of American subjects with the British territories in India; the  
 following rules have been framed into a Regulation, to be in force in the territories  
 immediately dependent on the Presidency of Fort William, from the period of their  
 promulgation.

II. It

II. It is hereby declared and enacted, that such parts of Section III, Regulation III, 1811, as refer to ships belonging to the United States of America, shall cease during the continuance of the said convention, and the several provisions of the third article thereof, which is herein inserted, shall, during the said period, be observed within the territories immediately dependent on the Presidency of Fort William.

The operation of parts of Section III, Regulation III, 1811, modified.

Article III. of a convention of commerce between Great Britain and the United States of America, signed at London, 3d July, 1815.

Article III. of a convention of commerce.

“ His Britannick Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, viz. Calcutta, Madras, Bombay, and Prince of Wales’ Island, and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited: provided only, that it shall not be lawful for them, in any time of war between the British Government and any state or power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice, The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favoured European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favoured European nations.

“ But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

“ It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or any part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch for refreshments, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at the Cape of Good Hope, the Island of St. Helena, or such other places as may be in the possession of Great Britain, in the African or Indian Seas; it being well understood that in all that regards this article, the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British Government, from time to time established.”

III. In explanation of the above article, the Governor General in Council deems it proper to give notice, for general information, that the ratifications of the said Treaty were exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication with the island of St. Helena, as long as the said island shall continue to be the place of residence of Napoleon Buonaparte.

Explanation regarding the vessels of the United States of America being prohibited from touching at, or holding any communication with the island of St. Helena.

A. D. 1816. REGULATION XXI.

A REGULATION for modifying Section XLIII, Regulation XLV, 1803, which prescribes a specified weight for the copper Pice to be coined at the Mint of Furruckabad:—Passed by the Governor General in Council, on the 8th November 1816; corresponding with the 24th Cartic 1223 Bengal era; the 3d Aughun 1224 Fussily; the 25th Cartic 1224 Willaity; the 3d Aughun 1873 Sumbut; and the 17th Zelhij 1231 Higeree.

WHEREAS it has been deemed advisable to reduce the weight of the copper coinage intended to be introduced into the ceded provinces by Section XLIII. to Section LI, Regulation XLV, 1803, extended to the conquered provinces by Regu-



lation XI, 1805, the following rules have been enacted, to be in force from their promulgation.

Section XLIII, Regulation XLV, 1803, rescinded.

Weight of the copper coin to be struck at the mint at Furruckabad.

Rate at which such coin is to be issued.

II. Section XLIII, Regulation XLV, 1803, is hereby rescinded.

III. A copper coin shall be struck at the mint of Furruckabad, weighing two hundred grains troy for the whole or double pice, and one hundred grains troy for the half or single pice.

IV. Such copper coin shall be issued from the mint at the rate of thirty-two whole or double pice, and of sixty-four half or single pice for each rupee.

## A. D. 1816. REGULATION XXII.

**A REGULATION** for re-enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of Chokeedars of Police:—Passed by the Governor General in Council, on the 27th December 1816; corresponding with the 14th Poose 1223 Bengal era; the 23d Poose 1224 Fusly; the 15th Poose 1224 Willaity; the 8th Poose 1873 Sumbut; and the 7th Suffer 1232 Higeree.

Preamble.

WHEREAS it has been found expedient to rescind or amend certain parts of Regulation XIII, 1813, for the appointment and maintenance of chokeedars of police in the cities of Dacca, Patna and Moorshedabad, extended by Regulations III. and XVI, 1814, to the stations at which the zillah magistrates ordinarily reside, (the city of Benares excepted,) throughout the provinces dependent on the Presidency of Fort William; and whereas it is convenient that the rules now in force for the appointment and maintenance of police chokeedars, at the cities and stations aforesaid, with such modifications or further provisions as are necessary, be consolidated and re-enacted in one Regulation, and be extended to the several towns at which joint magistrates are or may be stationed within the divisions of Calcutta, Dacca, Moorshedabad and Patna: the following rules have been passed, to be in force from the 1st April 1817, A. D. in the cities of Dacca, Patna and Moorshedabad, and at the several stations at which the magistrates ordinarily reside throughout the provinces immediately dependent on the Presidency of Fort William, as well as at the several towns at which joint magistrates are stationed in the divisions of Calcutta, Dacca, Moorshedabad and Patna.

Regulations rescinded by this Regulation.

II. Regulations XIII, 1813, and III. and XVI, 1814, are hereby rescinded from the 1st April, 1817, A. D.

Police chokeedars entertained at the cities and stations herein specified, by whom to be appointed and maintained.

III. All chokeedars who may have been appointed under the provisions of the above Regulations, or whom it may hereafter be judged necessary to appoint in aid of the police in the cities of Dacca, Patna or Moorshedabad, or at the stations at which the zillah magistrates ordinarily reside within the provinces immediately dependent on the Presidency of Fort William, or at the several towns at which joint magistrates are stationed within the divisions of Calcutta, Dacca, Moorshedabad and Patna, shall be nominated, appointed and maintained by the respective communities for whose benefit and protection such subsidiary police establishments may be required; and which communities are accordingly hereby declared chargeable with the expense of maintaining such chokeedars, subject to the limitations and provisions following.

Chokeedars to receive a monthly allowance in money.

IV. All chokeedars of police who may have been appointed under the provisions of the Regulations noticed, or who may hereafter be appointed under the provisions of this Regulation, shall be paid in money only, and shall receive an allowance for their support, the amount of which shall be determined at the discretion of the magistrate, with reference to the usual wages of labour, not however exceeding three, or being less than two rupees per mensem.

The number of chokeedars to be appointed and maintained, how regulated.

V. The number of chokeedars to be appointed and maintained in the several cities or stations aforesaid, shall likewise be determined at the discretion of the magistrate, or joint magistrate, with reference to the known or apparent condition of the inhabitants, not however exceeding in any instance the average number of two chokeedars to every fifty shops or occupied habitations.

VI. The aggregate sum to be collected monthly from the inhabitants of the several cities or stations aforesaid, to provide for the payment of their respective chokeedars, shall not exceed the average rate of two annas per mensem from the proprietor, or (in the absence of the proprietor) from the principal occupier of each shop or habitation.

Limitation of the amount to be collected monthly, for the payment of the chokeedars.

VII. The magistrates of the cities and zillah stations aforesaid, will continue to exercise a discretion in exempting the inhabitants of any mohullah from the maintenance of chokeedars, in which, either from their poverty or from the scanty population of the mohullah, it may not appear necessary to entertain such establishments.

Discretionary power vested in the magistrates.

VIII. On the 1st April 1817, the several magistrates of the cities and zillahs, and joint magistrates of the stations described in Section III, will proceed to carry into effect the provisions of this Regulation in the manner directed following.

The provisions of this Regulation when and in what manner to be carried into effect.

IX. The several magistrates and joint magistrates aforesaid will nominate and appoint five respectable inhabitants (being substantial householders) of each mohullah of the city, or other convenient division of the town, who shall constitute a panchaite, for the purpose of regulating and of annually revising and amending the rates of assessment to be levied from the inhabitants for the maintenance of their respective chokeedars, as well as for nominating and appointing such chokeedars, subject to the approval of the magistrate or joint magistrate; but it is hereby declared, that the persons composing the panchaite shall not be required to realize such assessments, or to perform any duties which may not be expressly specified in this Regulation.

Magistrates to appoint a panchaite for the purposes herein specified.

X. The panchaite so constituted, shall receive a sunnud of appointment, under the official seal and signature of the magistrate or joint magistrate, with a specification of the duties to be performed by them, according to the form and tenor prescribed in the Appendix (A) to this Regulation.

Panchaite to receive a sunnud of appointment.

XI. On receipt of the list of persons assessed, which may be furnished by the panchaite as required by the sunnud, the magistrate or joint magistrate will revise, amend, and finally adjust the rates of assessment under the limitations prescribed, in such manner as may appear just and proper, on consideration of any complaints of inequality of assessment, or representations of inability to pay the amount assessed, which may be preferred under the section following;—provided always that the total amount assessed shall suffice to maintain the number of chokeedars the magistrate or joint magistrate may deem requisite for the protection of the inhabitants, under the limitation specified in Section IV. of this Regulation.

Magistrates to revise, amend, and finally determine the rates of assessment.

XII. *First.*—Any individual who may consider himself aggrieved by the assessment which may be fixed by the panchaite, or who shall be altogether unable to pay the lowest rate of monthly contribution, shall be at liberty to appeal to the magistrate or joint magistrate, by a petition to be presented on stamp paper, setting forth the grounds of dissatisfaction or alledged grievance; and on the party making oath to the truth of the circumstances therein stated, the magistrate or joint magistrate, after such inquiry as he may deem necessary, will either amend the rate of assessment or grant such other relief as may appear just and proper, and his decision on all such petitions shall be final.

Persons deeming themselves disproportionately assessed, or aggrieved, how to proceed.

*Second.*—The magistrates and joint magistrates are empowered to receive on unstamp paper, petitions, which may be preferred to them under the preceding clause, by persons who may make oath to their inability to pay the stamp duty; notwithstanding any thing contained in Section XIX, Regulation XXVIII, 1814.

In what cases magistrates may receive petitions on unstamp paper.

XIII. When the rates of assessment shall have been finally adjusted, in the manner directed in the preceding sections, a fair copy thereof, with a notification prefixed according to the form and tenor prescribed in the Appendix (B), and written in the language and character most commonly understood, shall be affixed for general information in some conspicuous and frequented place in the mohullah, or division of the town to which the assessments may apply; a second copy shall be affixed in the same manner at the police thannah, and a third shall be deposited in the office of the magistrate or joint magistrate.

Publication to be made of the rates of assessment and names of persons assessed.

XIV. *First.*—A revised and corrected list of names, with amended rates of assessment, regulated on principle prescribed in the sunnud of the panchaite (Appendix

Revised and amended rates of assessment to be annually published.

(Appendix A), with a notification prefixed according to the form prescribed in the Appendix (B), shall be annually prepared, and published for general information in the manner above directed.

Magistrate and joint magistrate empowered in certain cases to cause the rates to be altered and amended during the year.

*Second.*—The magistrates and joint magistrates alluded to in Section III. of this Regulation, are hereby declared competent to cause the assessments to be revised and amended by the panchaite, at any period during the year, whenever that measure may be necessary, in order to supply any deficiency that may eventually arise in the amount of the funds for the payment of the stipends of the chokeedars; but on all such occasions they will address a written order to the panchaite, attested by their official seal and signature, specifying the amount of the deficiency required to be supplied by an amended assessment, and requiring a return to be made of such amended rates, according to the form subjoined to the sunnud in the Appendix (A), within a stated and reasonable period.

A bukshee to be appointed for the realization of the assessments and other duties herein specified.

XV. For the purpose of realizing the amount of the assessments, for keeping with regularity and accuracy the records appertaining to the subsidiary police establishments, and for the payment of the monthly wages of the police chokeedars entertained under this Regulation, an intelligent and respectable native duly qualified, shall be selected and appointed by the magistrate or joint magistrate, who shall be denominated the sudder chokeedaree bukshee, and who shall receive such fixed monthly salary and allowance for the provision of stationary and materials for keeping the prescribed records, as may be determined by the Governor General in Council. In making this selection, it shall be the duty of the magistrate or joint magistrate to consult as far as practicable the wishes of the most respectable inhabitants of the town.

Bukshee to be sworn to the faithful discharge of his duties, and any interference of police darogahs or others prohibited.

XVI. *First.*—The bukshees who may be appointed under the preceding section, shall be exclusively employed in the duties prescribed by this Regulation, to the faithful discharge of which they shall be sworn; and the magistrates and joint magistrates are strictly enjoined not to allow any police darogah, or other public officer subject to their authority, or any other individual whatsoever, to interfere in any manner with the bukshee, in the discharge of the duties specified following.

Specification of the duties of the bukshee.

*Second.*—The bukshee shall prepare from the lists specified in Section X, a general register, in a book, to be signed and paged by the magistrate or by his assistant, or by the joint magistrate, containing the names of all persons assessed, the amount payable monthly by each person, and the names and number of chokeedars entertained in each mohullah, according to the form (C) in the Appendix.

*Third.*—On the 1st of each Bengal or Fussily month, the bukshee shall proceed to collect in person, if practicable, or otherwise with the aid of the chokeedars, the quotas payable by each assessed individual within the limits of the city or town, being the station of the magistrate or joint magistrate.

*Fourth.*—For all sums so paid, the bukshee shall sign any receipt or acknowledgment, which may be correctly prepared and presented to him for that purpose, at the time of payment, by individuals assessed, who may be able to write; or should the person assessed be unable to write, the bukshee shall grant a receipt.

*Fifth.*—On the tenth of each Bengal or Fussily month, the bukshee will deliver to the magistrate or joint magistrate, in one list, a statement shewing the names of any defaulters, the mohullah in which they may reside, and the amount due from each, according to the form (D) in the Appendix, and upon receipt of which, the magistrate or joint magistrate will proceed as hereafter directed.

*Sixth.*—The whole of the chokeedaree stipends which may be realized by the bukshee, shall be immediately deposited by him in the treasury of the magistrate, and for which the receipt of the treasurer shall be taken by the bukshee.

*Seventh.*—On the last day of each Bengal or Fussily month, the bukshee and police darogah jointly shall cause the attendance of the police chokeedars at the catcherry of the magistrate or joint magistrate, where they shall be paid their monthly wages, in presence either of the magistrate or of his assistant, or of the joint magistrate; the receipt of each chokeedar being taken for the same in such form as may be convenient.

*Eighth.*—The bukshee will likewise prepare any summons or process to be issued against defaulters, he shall keep a regular and correct account of all sales, which may

be made by him, under the authority of the magistrate or joint magistrate, for the realization of arrears, according to such form as shall be prescribed by the magistrate or joint magistrate, and he shall perform any other duties which the magistrate or joint magistrate may direct, connected with the general management of this branch of the police establishments.

XVII. On receipt of the lists of defaulters specified in clause 4th of the preceding section, the magistrate or joint magistrate will issue a summons against such defaulters, to be written on the reverse side of the said list, requiring the immediate appearance of the persons therein named at his cutcherry, and will, either himself or by means of his assistant, examine into the merits of the case, and should the party alledge that payment has been made, the magistrate or his assistant, or the joint magistrate shall require the production of the voucher specified in Clause 3rd, Section XV, or will make such further inquiry as he may deem proper; and in the event of it appearing, from such investigation, that any arrear is due, the magistrate or joint magistrate will issue a written order to the bukshee to levy the same by process of distress and sale of such part of the personal property of the defaulter as may suffice to make good the amount; and all orders so passed by a magistrate or joint magistrate shall be final.

The magistrate how to proceed, to realize arrears due from defaulters.

XVIII. It shall be the duty of the police darogah to render the bukshee any aid he may require in the execution of the above duty; but all sales which may become necessary under the preceding section shall be made in the most public manner practicable, and shall be previously notified by beat of drum in the mohallah; and any overplus which may arise after payment of the arrear due, shall be restored to the party, or should the arrear be discharged at any time previously to such sale, the distress shall be immediately withdrawn and the property restored to the owner.

Police darogah to aid the bukshee, if requisite, in distress and sale.

XIX. Any complaints which may be preferred on oath against a bukshee, appointed under this Regulation, for undue exaction, malversation or other misconduct in the discharge of the duties prescribed by this Regulation, shall be cognizable by the magistrate or joint magistrate only; and on proof of any such offence, to the satisfaction of the magistrate or joint magistrate, the bukshee shall be liable to dismissal from his office, and to imprisonment in the criminal jail for a period not exceeding six months; and shall likewise be required to refund to the party aggrieved any money corruptly or unduly exacted or received, or to restore any effects, or the value thereof, which may have been illegally sold or distrained, or in default thereof, he shall be further imprisoned until the amount be paid, provided that the total period of imprisonment shall not, in any case, exceed one year; or should the act with which a bukshee may be charged, be of a nature to render it proper that he be committed to take his trial before the court of circuit, the magistrate or joint magistrate will of course proceed against him in conformity with the provisions of the general Regulations.

Complaints preferred against a bukshee how disposed of, and penalties to which the bukshee will be liable on proof of the offences herein noticed.

XX. Whenever any charge which may be preferred against a bukshee, for any unauthorized act alledged to have been done by him in the discharge of his duties, shall, upon investigation, prove manifestly unfounded, exaggerated or vexatious, the party preferring the same shall be sentenced to punishment by fine or imprisonment, not exceeding the limitations specified in Section X, Regulation IX, 1793, and Section V, Regulation VII, 1811.

Persons preferring unfounded or vexatious charges, how punishable.

XXI. In the event of any individual, who may be appointed by a magistrate or joint magistrate, a member of panchaite, declining without reasonable or sufficient grounds, to undertake the office, as prescribed by this Regulation, he shall either find a substitute, to be approved by the magistrate or joint magistrate, or shall be subject to the payment of a penalty not exceeding fifty rupees, to be regulated at the discretion of the magistrate or joint magistrate with reference to the circumstances of the individuals, and which shall be levied by the usual process of distress and sale of property. Or in the event of the persons who may be nominated and appointed by the magistrate or joint magistrate to constitute the panchaite, in any instance failing or objecting to perform the duties required of them, the magistrate or joint magistrate will proceed to regulate the assessments, and to appoint the requisite number of chokeedars, by means of the bukshee and the darogah of police; but this discretion shall not be exercised, except in cases of indispensable necessity, to provide for the objects in view; and any such interposition of the authority of the magistrate or joint magistrate shall be withdrawn, whenever the inhabitants of the

Provision against any member or members of panchaite, refusing the office.

mohullah, or other division of a town, shall petition to be allowed to form the assessments and to appoint chokeedars in the manner otherwise provided for by this Regulation.

Specification of the duties of chokeedars appointed under this Regulation.

XXII. It shall be the duty of the chokeedars who may be appointed under this Regulation, constantly to watch over and protect the safety of the persons and the property of the inhabitants of their respective mohullahs, or divisions to which they may belong; to apprehend and immediately to convey to the cotwal or darogah of police to whose authority they may be subject, any person or persons who may be taken in the act of committing murder, robbery, house-breaking or theft, or in the actual commission of any breach of the peace, or against whom a hue and cry shall have been raised. It shall also be their special duty to convey to the cotwal or darogah immediate intelligence of the resort of any receivers of stolen goods, or of any robbers or other persons of notorious or suspected bad livelihood, within the limits of their respective divisions; but they shall not interfere in cases of petty assault, abuse, adultery, or abortion; nor shall any person be arrested by a police chokeedar, except in cases herein specified, unless under the special warrant of the magistrate, or of the cotwal or darogah of police to whose authority they may be subject.

Chokeedars not removable without the sanction of the magistrate, and how punishable for neglect or misconduct, or other offence.

XXIII. Chokeedars who may be appointed under this Regulation, shall not be removed without the sanction of the magistrate or joint magistrate; and any chokeedar who may be proved guilty of neglect or misconduct in the discharge of his duties, or who may be convicted of connivance at the commission of any robbery or other heinous offence, shall be dismissed by the magistrate or joint magistrate from his situation, and shall be further punishable as the law directs.

Annual statements to be furnished by the magistrates.

XXIV. The several zillah and city magistrates, and the joint magistrates adverted to in Section III. of this Regulation, will cause to be annually prepared by the bukshee, a complete statement, according to the form in the Appendix (C), of all subsidiary police establishments, which may be entertained on the principle of the provisions of this Regulation, within the limits of their respective jurisdictions; and will transmit the same in the month of January in each year, through the office of the superintendent of police, for the consideration of the Governor General in Council.

## APPENDIX.

### FORM of SUNNUD (A).

Whereas you (*names of persons*) inhabitants of (*name of mohullah of city or town*) are hereby constituted and appointed a punchaita, to regulate and fix the rates of assessment to be levied monthly from the several householders of the said (mohullah or town), for the payment of the chokeedars entertained for their protection, and to nominate and appoint such chokeedars, under the provisions following:

Article 1st.—You are to regulate and determine the rates of assessment to be levied from the proprietor or principal occupier of each shop or habitation within the limits of the aforesaid (mohullah or town) for the payment of the wages of the chokeedars. You are to regulate the amount payable by each individual as equitably as may be practicable, with reference to the known or apparent condition and circumstances, and the value of property to be protected of each person assessed—Provided that no individual (whatever be his means or condition in life) be subjected to a higher rate of assessment than one rupee, nor to a lower rate than one anna per mensem—And provided likewise, that the aggregate amount assessed shall not exceed the average of two annas per mensem upon each shop or occupied habitation, or the total sum of six rupees and four annas for every fifty shops or occupied habitations.

Article 2d.—In the event of any proprietor or principal occupier of any shop or habitation in the said mohullah, being in circumstances so indigent as to be manifestly unable to pay the monthly contribution of one anna, such person shall altogether be exempt from assessment.

Article 3d.—The total amount assessed by you, in the entire mohullah, shall be sufficient to provide for the maintenance of (*number*) chokeedars at the monthly wages of (*amount*.)

Article 4th.—When you shall have regulated the assessment on the principles above specified, you are to deliver to the magistrate a list, at the foot of which you shall affix your signature, specifying the names, occupation, and amount of assessment payable by each shopkeeper or householder assessed, according to the subjoined form.

Article 5th.—You are hereafter to nominate and appoint the police chokeedars, who may be entertained under this Regulation for the protection of the inhabitants of the aforesaid mohullah—You are to report to the magistrate the names and number of such chokeedars who are at present appointed under Regulation XIII, 1813; and you are also to report to the magistrate or police darogah of the mohullah, any neglect or misconduct of such chokeedars in the discharge of their duties, or any vacancies that may arise from their absence or other cause.

Article 6th.—You are annually, or at any period during the year, when you may be required by the magistrate, to revise and amend the rates of assessment, on the principles above stated.

FORM of RETURN to be made by the PUNCHAITE.

NAME OF MOHULLAH.		
Names of Persons assessed.	Cast or Profession.	Amount of monthly Quota.
Gocul Doss - - -	Merchant - - -	8 Annas.
Name - - -	Bunneea - - -	4 Ditto.
Ditto - - -	Sonar - - -	2 Ditto.
Ditto - - -	Tailee - - -	1 Ditto.

FORM of NOTIFICATION (B).

Whereas (*names of chokeedars to be here specified*) have been appointed chokeedars for the protection of the persons and property of the inhabitants of (*name of mohullah of the city or town*); and whereas the under-noticed rates of assessment have been determined by a panchaite of the said inhabitants, for the payment of the monthly wages of the aforesaid chokeedars; the several persons whose names are subjoined, are hereby required to pay the monthly contributions specified, with regularity, to the bukshee who shall be appointed by the magistrate to receive the same, the first payment commencing from the date of this notification, and on or before the 5th day of each succeeding (*Bengal or Fussily*) month; or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter.

Names.	Cast or Profession.	Amount monthly Assessment.

FORM of REGISTER C.

Name of Mohullah.	Names of Puchaite.	Names of Persons assessed.	Cast or Profession.	Monthly Rates of Assessment.	Total amount of Assessment, in each Mohullah.	Names of Choikedars.	Amount of their Monthly Wages.	Overplus remaining for Contingencies.	Remarks; and if no Puchaite, appointed, to be noticed here.

FORM of STATEMENT D.

Name of Mohullah.	Names of Defaulters.	Cast or Profession.	Amount assessed.	Amount Defalcation on the 5th.	Amount voluntarily paid previously to Sale.	Remarks; shewing when, and in what manner Arrear realized; and if by Distress and Sale, the Date and Particulars thereof.



## II.

## REGULATIONS

Passed by the Governor in Council of *Fort St. George*,  
in the Year 1816.—No. I. to XV.

## A. D. 1816. REGULATION I.

A REGULATION for declaring the contributions hitherto paid in the province of Tanjore on account of the cavilly police, appropriable to the support of the new police established, or to be established, in that province; for regulating the collection and assessment of those contributions, and for extending and modifying the house tax hitherto collected for police purposes in the province aforesaid:—Passed by the Right honourable the Governor in Council, on the 12th January 1816; corresponding with the 1st Tye of the year Yuvah, 1736th year of Saleewaguna, and with the 11th Suffer 1231 Hijeree.

WHEREAS it has been deemed expedient to abolish the cavilly system in the province of Tanjore, and to establish a more efficient system of police for that province; and whereas it has become necessary, in consequence, that the funds hitherto allotted for the support of the cavilly system should be declared appropriable, under the orders of the Governor in Council, to the maintenance of the new establishments of police; and whereas those funds, derived from certain proportions of the annual gross produce of cultivated lands, whether malgoozaree or lakheraj, from certain allotments of lands rent free or favourably assessed, from a tax on houses, from the contributions termed porapoo and magama, and other taxes of various descriptions, have never been regulated by public authority, but have been partially collected, and their collection has been attended with much inconvenience, irregularity and trouble; and whereas it is expedient that the tax on houses should preserve a due proportion to the fluctuating value of such property, and that provision should be made for collecting such sums as may be due in arrear to the police fund according to the rules which have been heretofore adopted by the collectors of the land revenue under the sanction of the Board of Revenue; therefore, with a view to provide for the equalization and due collection of the said funds, and to render them appropriable to the support of the new police establishments in Tanjore, the Governor in Council has been pleased to enact the following Regulation, to take effect from the date of its being promulgated. Preamble.

II. The contributions and allowances of every description, whether in money, grain or land, which have hitherto been allotted for the support of the cavilly system of police in the province of Tanjore, are hereby declared to be resumed, and to be appropriable, under such orders as the Governor in Council may be pleased to issue, to the maintenance of the new establishment of police in that province. All contributions on account of police declared to be resumed and appropriable to the support of the new police.

III. *First.*—The contributions from malgoozaree lands hitherto levied for the cavilly establishments, under the denomination of cavilly sotuntrums, shall continue to be collected: the annual amount of such contributions to be assessed on each village respectively shall be the average of cavilly sotuntrums paid or payable by each village in the six years from Fusly 1214 to Fusly 1219, inclusive. The contributions above mentioned shall be paid by the meerassadars or renters into the public treasury, at the time and in the manner which may be established for the payment of the land revenue. The collections from malgoozaree lands, formerly termed cavilly sotuntrums, to be continued; How they are to be assessed, and paid.

How the cavilly sotuntrum contributions are to be assessed on villages under amany, between Fudlies 1214 and 1219.

And how upon villages now or hereafter under amany.

What contributions are to be levied, on account of police, from lands wholly or partly alienated.

The house tax to be continued and extended;

what houses and buildings are to be assessed with the tax; to be collected for the present at the former customary rates.

Exception in favour of labourers dwellings;

Unless of a superior description.

The Governor in Council to direct occasional revisions of house tax.

Limitation of the amount which may be assessed.

Police contributions to be levied by the collector of land tax. Arrears recoverable as arrears of revenue.

Arrears now due under the usage of the province, or the orders of the Board of Revenue and of Government, recoverable in like manner.

*Second.*—The amount of contribution to be paid in lieu of cavilly sotuntrum by villages which were under management during the period mentioned in the preceding clause, or during any part thereof, shall be collected at the established centage on the actual amount of the produce of such village.

*Third.*—In villages which now are or shall hereafter come under management, the collector shall levy the contributions to be raised on account of cavilly sotuntrum from the actual produce of such villages, in grain, at the established rates, and shall realize the same into the public treasury, in like manner as the land revenue of those villages.

IV. The allowances and contributions hitherto paid to the cavilgars by the holders of land wholly or partly alienated, shall cease; and in lieu thereof there shall be annually levied from the holders of such lands a contribution in money at the same rate per valy as, under the provisions of Clause first, Section III. of this Regulation, is to be collected from the holders of the neighbouring malgoozaree lands of similar description and quality.

V. *First.*—The house tax, which has hitherto been partially levied in the province of Tanjore in aid of the cavilly police funds, shall be continued, and is hereby extended to all the towns and villages of whatever description, and to all houses, bankshalls, storehouses, shops and all other descriptions of buildings appropriable to the private uses of individuals within that province: and the house tax so continued and extended, shall, for the present, be collected at the rates which have hitherto been customary in those places where the tax has been collected; that is to say, for every such building as aforesaid, at the rate of two Madras fanams per annum if covered with tiles, or one Madras fanam per annum if covered with thatch.

*Second.*—The huts or houses of puller and other casts of labourers employed in agriculture, and generally of all persons who earn their livelihood by manual labour, not being artificers, artizans, weavers or manufacturers, shall be exempt from payment of house tax.—But nothing herein contained shall be taken to exempt from such payment any individuals of the descriptions above mentioned, who shall be found, upon inquiry, to be in such circumstances and possessed of such a house as would otherwise render them liable to the payment of the said tax; and it is hereby declared that persons so circumstanced shall be subject to assessment of house tax at the rates now or hereafter to be fixed.

*Third.*—The Governor in Council will from time to time, at his discretion, direct a revision of the tax upon houses under the superintendence of the Board of Revenue—and the rates which, after each revision, shall be approved of by the Governor in Council, shall be the fixed rates at which the said tax shall be levied until altered by a subsequent revision.—Provided always, that such rates shall never exceed five per centum upon the annual rent which the houses or other buildings hereby declared liable to taxation (the same being let out to hire) do actually yield to their proprietors respectively, or, in cases of houses remaining in the occupancy of their proprietors, then that the said rate do not exceed five per centum upon the rent at which houses or buildings of similar description and value within the province aforesaid are generally let to hire.

VI. *First.*—The collector of the land revenue shall continue to levy and receive the sotuntrum assessment and house tax. All arrears of such contributions as are established by this Regulation, shall be recoverable by distraint of personal property in the same way and under the same process as arrears of the land revenue.

*Second.*—All arrears which may be due to the police fund under the former usages of the province of Tanjore, or under the order of the Board of Revenue and of the Governor in Council, shall, in like manner, be recoverable by distraint of personal property in the mode prescribed by the Regulations for the recovery of arrears of revenue.

## A. D. 1816. REGULATION II.

A REGULATION for modifying some of the provisions at present in force for the collection of customs on certain articles of commerce, in the territories immediately dependent on the Presidency of Fort St. George:—Passed by the Right honourable the Governor in Council, on the 18th January 1816; corresponding with the 7th Tye of the year Yuvah, 1736th year of Saleewaguna, and with the 17th Suffer 1231 Hijeree.

WHEREAS it has been considered expedient, with a view to encourage the exportation of the staples and marine stores of Great Britain, that the import duties, now payable at this Presidency on sundry articles, should be abolished, provided that the articles be imported from Great Britain or Ireland on British registered ships or Indian-built ships, trading under the provisions of the 30th section of the Act 53d George III. cap. 155, and other subsequent Acts; and that the duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain and Ireland, should be modified; and whereas it has further been deemed expedient to modify and alter the duties now levied on goods, being the produce of the British territories under this Presidency, on their exportation to the United Kingdom of Great Britain and Ireland on British and Indian-built ships, and to make certain other alterations in the Regulations for the collection of the customs; the following rules have therefore been enacted, to be in force throughout the territories immediately subject to the Presidency of Fort St. George, from the date of their promulgation. Preamble.

## IMPORTS.

II. Woollens, including cloths of sorts, blankets, hose, guernsey shirts, caps, and generally all articles manufactured from wool or worsted thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland, at the port of Madras or at any of the several ports subject to the Government of Fort St. George, on British registered ships or Indian-built ships, trading under the provisions of the 30th section of the Act 53d George III. cap. 155, and other Acts containing similar provisions, shall be exempt from duty; any thing contained in any former Regulation to the contrary notwithstanding. All articles manufactured from wool, worsted thread or yarn, imported from the United Kingdom on British registered ships, or Indian-built ships trading under legal authority, shall be exempt from duty.

III. Copper, tin, iron, steel, lead and all other metals, in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding section, shall also be exempt from duties. Unmanufactured metals, the produce of the United Kingdom, imported in a similar manner, also exempted from duties.

IV. Canvas, cordage, and other marine stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II, shall be exempt from duties. Canvas and other marine stores, the produce or manufacture of the United Kingdom, also exempted from duties.

V. *First.*—All articles, the produce or manufacture of the United Kingdom, not specified in the preceding section, (with the exception hereinafter stated) if imported in the manner specified in Section II, shall be exempt from the duty of eight per cent. imposed by Regulation II. of 1812, or any duty imposed by any other former Regulation, and shall be charged with a duty of  $(2\frac{1}{2})$  two and a half per cent. to be adjusted according to the provisions established by Regulation II, 1812, or any other Regulation in force. All other articles, except wines and spirits, the produce or manufacture of the United Kingdom, shall be charged with a duty of  $2\frac{1}{2}$  per cent.

*Second.*—All articles, the produce or manufacture of foreign Europe, (with the exception of wines and spirits,) on importation in the manner specified in Section II, shall be exempt from the duty of eight per cent. imposed by Regulation II. of 1812, or any duty imposed by any other former Regulation, and shall be charged with a duty of five per cent. All articles, the produce or manufacture of foreign Europe, (with exception of wines and spirits,) shall be subject to a duty of 5 per cent.

*Third.*—Wines and spirits of every description, imported from Great Britain or Ireland, shall continue subject to the same rate of duty with which they are chargeable under Regulation II, 1812, and any other Regulations in force. Wines and spirits imported from the United Kingdom shall continue subject to the duties specified in Regulation II, 1812, and other Regulations in force.

in Regulation II, 1812, and other Regulations in force.

## VI. Articles

The articles above specified, if imported otherwise than as described in Section II, shall be subject to the duties chargeable under the Regulations now in force.

VI. Articles imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties chargeable under the Regulations now in force.

The goods above enumerated, on which duties may have been paid at any port in British India, shall not be liable to further duty on transit from port to port.

VII. *First.*—If the established duties on the goods specified in the preceding sections, shall have been paid at any port in the territories subject to the British Government in India, no further duty shall be levied upon their transit from port to port, within the same territories.

A certificate to be granted by the collector of sea customs.

*Second.*—A regular certificate of the payment of the duties specified in Section V. shall be furnished by the collector of sea customs at the port at which such duties may have been levied, for the purpose of being produced and exhibited to the collector of customs, or other proper officer, at any port to which such goods may be brought after the first payment of duties.

#### EXPORTS.

A drawback to be allowed on indigo, the produce of the territories immediately dependent on Fort St. George, when exported to the United Kingdom.

VIII. *First.*—Indigo, the produce and manufacture of the territories immediately dependent on the Presidency of Fort St. George, shall be allowed a drawback on exportation on British registered ships or on Indian-built ships trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d George III. and subsequent Acts, equal to the whole amount of the duty paid under the Regulations now in force.

Drawback to be allowed on indigo, the produce of the territories of any native power.

*Second.*—Indigo, the produce and manufacture of the territories of any native power, if exported as specified in clause first of this section, shall be allowed a drawback at the same rate only as indigo the produce and manufacture of the British territories, although the duty levied may have been higher.

Drawback to be allowed on cotton wool, hemp and sunn, on exportation to the United Kingdom.

IX. On cotton-wool, hemp and sunn, the produce of any part of India, a drawback of the whole amount of the duty paid shall be allowed on exportation to the United Kingdom of Great Britain and Ireland, in the manner specified in clause first of the preceding section.

Drawback allowed on other articles, on exportation to the United Kingdom.

X. All other articles, including salt-petre, which are now liable to duty, shall, on exportation to the United Kingdom in the manner specified in Clause first, Section VIII. of this Regulation, be liable only to a duty at the rate of ( $2\frac{1}{2}$ ) two and a half per cent., and shall be allowed such a drawback as may reduce the duty already received to that rate, on the tariff valuation of the place of export. But no drawback shall be allowed, unless applied for when the goods are exported, and unless the application be accompanied by the rowannah or rowannahs granted when the duty, for which drawback is claimed, was collected.

With the foregoing exceptions, this Regulation not to affect the inland and transit duties.

XI. It is hereby declared that nothing contained in the present Regulation is to be construed to affect the inland and transit duties payable under the provisions of Regulations I, II, and III, 1812, or any other existing Regulation.

This Regulation not applicable to trade on foreign bottoms.

XII. Nothing contained in this Regulation is intended to apply to the trade conducted on foreign bottoms; the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing until all the arrangements consequent on the treaties of peace shall have been completed.

Sec. VIII, Reg. IV, 1812, rescinded.

XIII. Section VIII, Regulation IV, 1812, is hereby rescinded

## A. D. 1816. REGULATION III.

A REGULATION for rescinding Regulation VI. of 1806, and for authorizing the Courts of Sudder and Foujdary Adawlut to sanction the occasional adjournment of the Civil and Criminal Courts under the Presidency of Fort St. George:—Passed by the Governor in Council of Fort St. George, on the 23d April 1816; corresponding with the 13th Chitteree of the year Dautoo, 1737th year of Saleewaguna, and with the 24th Jemadee ul awull 1231 Hijeree.

IT having been found that the annual festivals called the Dussarah and Mohurum are not held in equal estimation in all the provinces subject to the Presidency of Fort St. George, and that the wishes of the native officers and servants, as well as the general convenience of the courts, would best be met by authorizing vacations of the different zillah and provincial courts at different periods; the Right honourable the Governor in Council has enacted the following rules, to be in force from the date of their promulgation :

Preamble.

II. Section XXIII, Regulation V. of 1802; Regulation VI, A. D. 1806; and so much of Section VI, Regulation I, A. D. 1811, as declares the rule contained in Section IV, Regulation VI. of 1806, to be applicable to the fixing of the times for holding the quarterly jail deliveries at the sudder stations of the courts of circuit, are hereby rescinded.

Rescissions.

III. The Courts of Sudder and Foujdary Adawlut are hereby empowered to permit, from time to time, the judges of the civil and criminal courts under the Presidency of Fort St. George, to adjourn their respective courts; and in like manner themselves to adjourn; so that such occasional adjournments of any court shall not collectively exceed two months in each year.

Court of Sudder and Foujdary Adawlut to sanction occasional adjournments of the lower courts, and in like manner to adjourn themselves.

## A. D. 1816. REGULATION IV.

A REGULATION for declaring the head inhabitants of villages to be Moon-sifs in their respective villages, to hear and decide civil suits for sums of money, or other personal property to a limited amount, and for defining their jurisdiction:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th of May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

WITH a view to lessen the business of the zilla courts, to diminish the expense of litigation in petty suits, and to promote the speedy adjustment of such suits, without subjecting individuals to the inconvenience attending a long absence from their homes; the Governor in Council has enacted the following Regulation, to be in force in the territories subject to the Presidency of Fort St. George.

Preamble.

II. Heads of villages shall, by virtue of their office, be moonsifs within their respective villages.

Heads of villages to be moonsifs within their villages.

III. *First.*—In villages, whether permanently settled, rented, or in the hands of Government, where there may be more than one head man coming under the denomination of Pottail, Reddy, Peddacapoo, Yajemaun, Renter, or any other designation, the person who collects the revenue, and under whose authority the village servants act, shall be considered as the head of the village; no person shall act as head of the village, who does not generally reside in it; where there is but one resident renter of a village, he shall be considered as the head of the village; when the renter is not a resident, the person who rents or manages the village under him, shall be considered as the head of the village.

Heads of villages defined.

*Second.*—Where from the names of two or more persons being introduced in the same pottah, as heads or renters of the village, or from any other cause, doubts may arise as to whom the office of head of the village belongs, the collector shall select one person, and give him a pottah to act as the head of the village.

Where doubts may arise, collectors are to select one person to act as head of the village.

Village moonsifs exempt from oaths of office;

and from being called upon to answer for their conduct as moonsifs before the district moonsifs;

or before the zilla judge.

Exception.

Suits cognizable by village moonsifs.

No such suits to be entertained where the cause of action shall have arisen twelve years before the commencement of the suit.

Exceptions to the rule.

Village moonsifs prohibited trying suits for damages of any kind.

Village moonsifs prohibited trying suits in which they or their servants are interested.

Village moonsifs prohibited trying suits against persons not resident in their jurisdiction.

Vakeels to be relatives, servants or dependants of parties—to be furnished with vakalutnamahs.

Persons not to act as vakeels, until their vakalutnamahs have been exhibited.

Curnums to assist moonsifs.

Moonsifs to decide on their own opinion.

Curnums to keep registers of suits preferred to village moonsifs.

What the plaint is to contain.

Village moonsifs how to proceed on a complaint being preferred to them.

Defendant to be summoned verbally.

Summons by whom and how to be served.

IV. *First.*—Village moonsifs shall not be required to take any official oath.

*Second.*—Village moonsifs shall not be liable to be called before the district moonsif, to answer for their conduct as village moonsif, in any case.

*Third.*—Village moonsifs shall not be liable to be called before the zilla judge to answer for their conduct as village moonsif, except on charges of corruption, or of having exceeded the powers of fine or imprisonment granted to them by this Regulation.

V. *First.*—Village moonsifs are empowered to hear, try and determine, of their own authority and without appeal, such suits as may be preferred to them for sums of money or other personal property, the amount or value of which shall not exceed ten arcot rupees.

*Second.*—Provided that in the suits specified in the preceding clause of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question, and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period above mentioned to a competent authority, and in such case, that he assign satisfactory reasons to the moonsif why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

VI. Village moonsifs are hereby prohibited from receiving or trying any suit for damages on account of personal injuries, or for personal damages of any nature.

VII. Village moonsifs are hereby prohibited from trying any suit in which they, or any of their immediate servants are personally interested.

VIII. Village moonsifs are prohibited from trying and determining suits against any person or persons, who may not be found to be actually resident within their jurisdiction at the time when such suits shall be preferred.

IX. *First.*—Plaintiffs and defendants shall be allowed to employ a relative, a servant, or a dependant to plead before the village moonsif, on furnishing the person to be so employed with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act.

*Second.*—Village moonsifs shall not in any case permit any person to act as the vakeel of another, until such person shall have exhibited a vakalutnamah containing the information required by the preceding clause.

X. *First.*—In hearing, trying and determining civil suits, the village moonsifs shall be assisted by the village curnums, or persons holding the office of curnum for the time being, a part of whose duty it shall be to attend as assessors to write the proceedings of the moonsifs, and when required to afford them their advice. But the village moonsif shall decide by his own opinion, whether it agree or not with that of the curnum.

*Second.*—The curnums shall keep registers of the suits preferred to the village moonsifs, entering each complaint, in the order in which it may be received, in the form prescribed in Section XXXVI. of this Regulation.

XI. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

XII. *First.*—Upon a complaint being preferred in writing to the village moonsif, he shall, by a verbal summons, require the defendant to appear before him in person or by vakeel, immediately, or within two days from the delivery of the summons.

*Second.*—The summons shall be served by the village servant usually employed in carrying messages, who shall be accompanied by the plaintiff, or his vakeel, to point out the defendant, and to explain to him the demand against him.

*Third.*—If

*Third.*—If a defendant, having been served with a summons in the mode above prescribed, shall neglect or refuse to attend within the time limited, the village servant shall be called upon to make oath to the service of the summons, after which, the village moonsif shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

On the non-appearance of the defendant on the day fixed, the village servant to make oath to the service of the summons. Moonisif to give judgment ex parte.

XIII. If the defendant shall attend in obedience to the summons, the plaint shall be read over to him, and if he shall acknowledge that the plaintiff has a claim upon him, the village moonsif shall advise the parties to settle the matter amicably. If the plaintiff be satisfied by the defendant, the village moonsif shall cause him to execute a razeenamah, stating in what manner the defendant has satisfied him, which razeenamah shall be certified by the village moonsif as having been executed in his presence, and he shall then deliver it to the defendant.

If a defendant appear, plaint to be read to him.

Razeenamah to be taken if the dispute be settled amicably; what it is to contain.

XIV. *First.*—If the defendant, on the plaint being read over to him, shall object to the demand, and the parties shall be unable to adjust the dispute amicably, the village moonsif shall deliver to the defendant a copy of the plaint, and shall require him to deliver his answer immediately, or on a certain day, not more than five days after the day on which the plaint was read.

Otherwise copy of the plaint to be delivered to the defendant; and his answer to be required.

*Second.*—The answer shall contain all that the defendant has to state regarding the case, and no further pleading shall be admitted.

Answer to state all he has to say; no further pleadings to be admitted.

*Third.*—When the answer has been filed, the village moonsif, either immediately, or on a fixed day, as soon after as the business before him will permit, shall examine the truth of the complaint or claim. If the parties are willing to dispense with the examination of witnesses, the village moonsif shall give his decision on due consideration of the plaint and answer, and any vouchers which may be produced; or if either party is willing to let the cause be settled by the oath of the other, the village moonsif shall give his decision according to such oath.

When and how the truth of the complaint is to be examined.

XV. *First.*—Village moonsifs are authorized to require the attendance of any person in their respective villages, who may be named as a witness by any party in a suit, by a verbal summons, fixing a day for the attendance of such witness.

Village moonsifs may require the attendance of witnesses by a verbal summons.

*Second.*—The summons shall be served by the village servant usually charged with carrying messages, attended by the parties, or their respective vakeels, to point out the witnesses.

By whom to be served.

*Third.*—The village moonsifs are authorized to cause an oath to be administered to witnesses, in cases where they may deem it necessary.

Village moonsifs authorized to cause oaths to be administered to witnesses, when necessary.

*Fourth.*—The village moonsif shall, previously to the examination of a witness, inform him that he has authority to cause an oath to be administered to him when he may think he is not giving his evidence correctly, which authority the village moonsif shall exercise at his discretion.

The village moonsif is to exercise this authority at his discretion.

*Fifth.*—It shall not, in any case, be necessary to take the depositions of the witnesses in writing.

Witnesses to be examined viva voce.

*Sixth.*—If a witness, duly summoned, shall refuse to attend, or attending shall refuse to answer, such witness shall be liable to be fined for every such offence, at the discretion of the village moonsif, in a sum not exceeding half a rupee.

Witnesses refusing to attend or to answer, liable to be fined.

XVI. *First.*—If any person, whose testimony is necessary in a suit, shall be temporarily absent from the village, the trial of the suit shall be postponed until his return.

Trial to be deferred if a necessary witness be absent from the village.

*Second.*—If, in any case, the evidence of a person residing in a different village shall be required, provided that the village be not farther distant than two coss, the moonsif requiring his attendance, shall address a summons to such person, containing the names of the parties in the suit, and fixing a day for his attendance, and shall forward it to the moonsif of the village in which such person shall reside, who shall cause the summons to be served by his own village servants, and shall return the summons, with a certificate that it has been duly served, to the moonsif who issued it.

How the evidence of a person residing in a different village is to be obtained, if within a distance of two coss.

*Third.*—Any person refusing or neglecting to attend on such summons, shall be liable to be fined in a sum not exceeding one half of a rupee, which shall be levied by

Persons refusing to attend on such summons, liable to be fined.



**Fine by whom to be levied.** by the village moonsif in whose jurisdiction such person may reside, on a communication of the order imposing the fine being made to such moonsif, by the moonsif by whom such order may be passed.

**How the evidence of persons residing in a different village is to be taken, if beyond a distance of two coss.** *Fourth.*—If the person whose evidence is required shall reside at a greater distance from the village than two coss, the village moonsif is authorized to request, by a letter bearing his signature, the moonsif of the village in which the person whose testimony is required may reside, to examine such witness on written interrogatories prepared by one or both parties, or by their vakeels. The village moonsif shall examine the witness or witnesses named in the letter according to the requisition of it, and shall return the deposition of each witness, duly subscribed by him, to the moonsif of the village where the cause may be depending, by the time required in the letter, and every deposition so taken shall be received as good evidence in the cause.

**Attendance of women of rank or high cast not to be required.** *Fifth.*—Village moonsifs shall not summons any woman to appear before them whose rank or cast may render it improper to require her attendance; but when the evidence of such person is necessary, the village moonsif shall require her to furnish her deposition in writing duly attested. The deponent shall state in her deposition that she is prepared to swear to the truth of her deposition, if required.

**To furnish their evidence in writing.** XVII. The village moonsifs, in suits depending before them, are hereby strictly prohibited from requiring securities of any kind from defendants.

**Village moonsifs prohibited from requiring securities.** XVIII. *First.*—If a plaintiff shall not attend on the day fixed for the trial, and the defendant shall be in attendance before the moonsif, the suit shall be dismissed and shall not be revived, unless the plaintiff shall shew good and sufficient cause for his absence.

**Suits to be dismissed if the plaintiff do not attend at the time fixed for the trial, and not again revived.** *Second.*—If the defendant shall refuse to answer the plaint, or shall not attend on the day fixed for the trial, the village moonsif shall proceed to try the cause *ex parte*, as prescribed in Clause third, Section XII. of this Regulation.

**Proviso.** XIX. Parties, or their vakeels, and witnesses, guilty of disrespect to a village moonsif, shall be liable to be fined by him in a sum not exceeding one half of a rupee.

**If the defendant do not attend, or refuse to answer, the suit to be tried *ex parte*.** XX. When the parties have been heard, the exhibits received and considered, and the witnesses on both sides examined, the village moonsif shall give judgment according to justice and right.

**Parties, or their vakeels and witnesses, liable to fine for disrespect to village moonsifs.** XXI. The decree shall specify the names of the parties and the names, of the witnesses examined, and the titles of the exhibits read. It shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed. It shall specify the sum of money, or the value of the personal property adjudged. The decree shall bear the signature, or mark and seal of the village moonsif and curnum, and shall be dated on the day on which it is passed.

**The decision to be passed after due consideration.** XXII. Village moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest, in any case, than the courts of adawlut are permitted to allow by Regulation XXXIV. of 1802.

**What shall be contained in the decree.** XXIII. Village moonsifs shall have authority to allow in their decrees, such reasonable periods for their execution as may appear just in particular cases, not however, in any case, exceeding three months.

**Rate of interest to be allowed.** XXIV. *First.*—Village moonsifs shall, within three days after passing a decree, cause two copies of it to be prepared by the village curnum, and shall deliver one copy to each party; the date of such delivery being certified by the signature of the moonsif and of the curnum.

**Village moonsifs may allow a reasonable period for the execution of their decrees.** *Second.*—If the plaintiff or defendant shall not attend in person or by vakeel to receive a copy of the decree, or shall refuse to receive it when tendered, the village moonsif shall cause such omission or refusal to be noted on the back of the copy of the decree so omitted to be taken, or refused, and shall deposit it with the curnum for the purpose of delivering it to the party, if he shall afterwards claim it.

**Copies of the decree to be given to parties within three days after its date.** XXV. No village moonsif shall punish any party, vakeel or witness, in any suit before him, excepting under the provisions specified in Clause sixth, Section XV, Clause third, Section XVI. and Section XIX. of this Regulation; provided however,

**Date of the delivery to be certified by the moonsif and curnum.**

**Non-attendance on delivery of, or refusal to receive the decree, to be noted on the back of it; and the decree to be deposited with the curnum.**

**Village moonsifs not to punish any party, vakeel or witness.**

**Exception.**

however, that if the party, vakeel, or witness, shall refuse or be unable to pay the fine, the village moonsif may at his discretion commute such fine for twelve hours confinement in the village choultry.

Cases in which fines may be commuted for twelve hours confinement.

XXVI. Suits in which the village moonsif is a party, shall be tried by the moonsif of another village, or by any competent authority.

Suits in which village moonsifs are parties, by whom to be tried.

XXVII. The village moonsif is authorized to hear, try and determine, as arbitrator, suits for sums of money or other personal property, the amount or value of which shall not exceed one hundred arcot rupees; provided both the parties interested in such suits shall voluntarily agree in writing to refer them to his decision as arbitrator, and shall voluntarily subscribe bonds in the presence of two or more credible witnesses, who shall attest the same, binding themselves to abide by the decision of the moonsif to whom they may refer the suit, whether he be the moonsif of their own village or of any other village.

Village moonsifs authorized, as arbitrators, to determine suits for sums of money or other personal property not exceeding one hundred rupees.  
Proviso.

XXVIII. In trying the suits described in the foregoing section, the village moonsif shall be guided by the rules prescribed for his conduct in trying suits preferred to him under the provisions of Section V. of this Regulation, so far as those rules may be applicable.

By what rules they are to be guided in deciding them.

XXIX. The decisions of village moonsifs, either as moonsif or arbitrator, shall not be carried into execution by them in less than thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels; should either party present a petition to the zillah judge within that period, charging the village moonsif with corruption or gross partiality, the zillah judge shall order execution of the decree to be stayed, and if the charge of corruption or partiality be proved to the full satisfaction of the zillah judge, by the oaths of two credible witnesses at the least, he shall annul the decision.

Decisions of village moonsifs not to be carried into execution in less than thirty days after date of delivery.

On proof of corruption or partiality, the zillah judge to annul the decision.

XXX. *First.*—If the defendant shall not discharge the sum decreed against him within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels, or within the period limited in the decree, the village moonsif shall, on the written application of the party in whose favour the decree may be given, attach the property of the party cast, to the value of the sum decreed, and shall give immediate notice of such attachment and of the day fixed for the sale, to the district moonsif, who shall send a peon to sell the attached property by public auction in presence of the village moonsif, at the expiration of the time fixed in the notice of sale.

Property in certain cases to be attached in satisfaction of decrees.

Notice thereof to be given to the district moonsifs.  
Process to be observed to sell the same.

*Second.*—The peon deputed by the district moonsif shall not have any charge of the property under attachment. His duty shall be to sell the property and receive the purchase money, from which he shall pay to the party in whose favour judgment may be given, the amount decreed, taking his receipt attested by the village moonsif and curnum.

The peon deputed not to have charge of the property under attachment.  
Duty of the peon.  
Receipt to be taken.

*Third.*—The peon deputed by the district moonsif shall be entitled to receive batta at the rate of two annas of a rupee per diem during his deputation, and the amount of such batta, together with every expense that may attend the sale, shall be defrayed by the party cast, or deducted from the proceeds of the sale, on the certificate of the moonsif and curnum that such amount of batta and such expenses are correctly charged.

Batta to the peon,

and all expenses attending the sale, how to be defrayed.

*Fourth.*—If any surplus shall remain of the proceeds of the property sold, after satisfying the decree and defraying the expenses incurred, including the batta of the peon, it shall be paid to the party cast, and his receipt for the same, attested by the village moonsif and curnum, shall be taken by the peon, and produced to the district moonsif, along with the receipt of the party in whose favour the decree may have been passed, and the certificate of the village moonsif of the amount of batta and expenses attending the sale, as the vouchers of his having correctly discharged his duty.

Surplus to whom to be paid.

Receipt to be taken; and produced to the district moonsif, with what other vouchers.

*Fifth.*—Provided however, that in every instance of property being attached in execution of a decree, the village moonsif shall cause public notice of the intended sale of such property to be given by beat of drum through the village, five days previous to the sale; provided further that it shall be at the option of the party cast, to satisfy the judgment at any time previous to the period fixed for the sale, and that on his satisfying the judgment by paying the amount to the village moonsif, or to the peon if he should have arrived, together with the batta of the peon and all other

In cases of attachment, what further notice is to be given.

Attachment to be withdrawn on satisfaction of the judgment being made previous to the time fixed for sale.

attending expenses, according to a certificate to be furnished by the village moonsif, the village moonsif shall withdraw the attachment and restore the property to the possession of the owner.

Resistance to a sale to be punished as a breach of the peace.

*Sixth.*—Resistance to a sale ordered by a village moonsif, shall be considered to be a breach of the peace, and shall be punished as such.

Register of all sales by auction to be kept; what it is to contain.

XXXI. The village curnum shall keep a register of all sales by auction, in his village, in satisfaction of decrees, noting therein the day of sale, the particulars of property sold, its amount, the name of the purchaser and his residence.

Suits tried by village moonsifs exempt from fees, stamp duties, and all charges.

XXXII. Suits tried by village moonsifs shall be exempt from fees, stamp duties, batta and charges of every description, excepting those specified in Section XXX. of this Regulation.

Amount of fines levied to be sent monthly to the district moonsif, with lifts. What to contain.

XXXIII. All fines levied by the village moonsifs shall be sent at the end of each month to the district moonsif, with a list stating the names and situations of the parties from whom such fines have been levied, and the reasons for which the fines were imposed.

No exhibits to be admitted which are not written on the prescribed stamp paper or cadjan.

XXXIV. *First.*—The village moonsifs are prohibited from admitting as an exhibit, or from receiving in evidence, any obligation, bond, deed or document, whether it be the original or a copy, of a description which is or may be required to be written on stamp paper or stamp cadjan, unless it shall have been duly executed on stamp paper or stamp cadjan of the description and value prescribed by the Regulations.

A list of rates of duties on stamp paper and stamp cadjans to be lodged with the village curnum.

*Second.*—A list of the prescribed rates of duties on stamp paper and stamp cadjan, specifying the dates on which it was enacted that the collection of those duties respectively should commence, shall be furnished by the collectors to every village curnum in their respective zillahs, for the guidance of the village moonsifs.

Village moonsifs liable to prosecution for corruption or oppressive and unwarranted acts.

XXXV. *First.*—Village moonsifs shall be liable to prosecution in the zilla court, for corruption in the discharge of their trust, by either party in the suit, and for any oppressive and unwarranted act of authority, by the party injured; and upon proof of the charge to the satisfaction of the judge, he shall in the first mentioned case adjudge the offender to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; and in the second, award such damages and costs to the party injured as may appear to him equitable; but no village moonsif shall be liable to be prosecuted for want of form, or for error in his proceedings or judgment; nor shall any process whatever be issued against a village moonsif, who may be charged with corruption, or any oppressive and unwarranted act of authority, unless the judge shall be previously satisfied by sufficient evidence, that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act complained of.

Punishment on conviction.

Not liable to prosecution for errors or want of form.

Proviso under which process is to be issued on charges of corruption.

*Second.*—The zillah judge shall, on charges of corruption, fine the party by whom or for whom the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which the village moonsif may be proved to have so corruptly received.

The party by whom or for whom the corruption is practised, to be fined. Proviso.

If the corruption be not proved, the moonsif to have damages and costs, and the party making the groundless charge to be fined.

*Third.*—If the corruption charged against any village moonsif shall not be proved to the satisfaction of the zillah judge, he shall award full costs and such damages to the village moonsif as may appear to him equitable, and he shall levy a fine from the party making such groundless charge not exceeding the value of the thing or sum of money charged to have been corruptly received.

Monthly reports of suits decided to be sent to district moonsifs, as also

XXXVI. The village moonsif shall, on the first day of every calendar month, transmit to the district moonsif a report, written by the curnum, of the suits decided in the preceding month, according to the following form, to be forwarded to the zillah judge.

REPORT of Causes decided by the Moonsif of the village of \_\_\_\_\_ in  
the month of \_\_\_\_\_

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Arbitration suits; date of the bonds of the parties.	Decres.	Date of the decision.
1.	Reddy Row vs. Venkapah.	8 rupees on bond, with one rupee interest.	1st.	- - -	8 rupees principal, with one rupee interest, in favour of the plaintiff.	10th.
2.	Mahomed vs. Narrain.	65 rupees, balance of an account.	- - -	8th.	65 rupees awarded to plaintiff.	10th.
3.	Veeram vs. Kistnah.	Price of a bullock, 10 rupees.	18th.	- - -	Dismissed, plaintiff having executed a razeenamah.	17th.

XXXVII. The village moonsif shall on the first of January and the first of July of each year, transmit to the district moonsif, reports of the causes depending before him, drawn out in the following form by the curnum, to be forwarded to the sillah judge :—

Half-yearly reports of depending suits.

REPORT of Causes before the Moonsif of the village of \_\_\_\_\_  
remaining undecided on the \_\_\_\_\_

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Arbitration suits; date of the bonds of the parties.
1.	Ramasawmy vs. Mahomed.	9 rupees, principal and interest of bond.	3d.	—
2.	Runganaick vs. Naraina Chitty.	Silver ornaments, valued at 100 rupees.	- - -	15th.
3.	Ninan vs. Chirne	Value of a bullock, 10 rupees.	20th	—

XXXVIII. These reports shall be forwarded by the public tappal or by a peon to the district moonsif, or to the nearest police officer, who shall give a receipt for them and forward them to the district moonsif.

How to be forwarded.

XXXIX. A copy of this Regulation shall be lodged with and preserved by each village curnum, for the information of the village moonsifs.

Copy of this Regulation to be lodged with the village curnum.

## A. D. 1816. REGULATION V.

A REGULATION for authorizing village moonsifs to assemble village punchayets, for the adjudication of civil suits for sums of money or other personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such village punchayets :—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th of May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamau-dee-o-saunee 1231 Hijeree.

IT being desirable, with a view to diminish the expense of litigation and to render the principal and more intelligent inhabitants useful and respectable by employing

Preamble.

employing them in administering justice to their neighbours, that sivil cuits between the native inhabitants of the territories subject to the Presidency of Fort St. George should be referred for adjudication to assemblies denominated punchayets, and that, for the purpose of facilitating such reference, the village moonsifs should be authorized to summon a punchayet on the application of both parties in a suit, and to refer such suit to be heard, tried and determined by such punchayet; and it being deemed expedient to protect members of village punchayets from being called to account for their conduct in the performance of these duties, except on charges of corruption; the Governor in Council has enacted the following rules.

Village moonsifs authorized to summon punchayets within their respective villages, for the decision of suits for sums of money or other personal property of any amount or value.

II. *First.*—Village moonsifs are hereby declared to be authorized to summon punchayets within their respective villages, for the decision of suits for sums of money or other personal property, without limitation as to amount or value, in the two following cases.

Proviso.

*Second.*—In suits where both plaintiff and defendant may jointly agree that the matter at issue shall be determined by a village punchayet without appeal, and may prefer a request in writing to the village moonsif to summon a punchayet, whether he be the moonsif of the village in which the parties reside, or of any other village; or where one party having preferred a request in writing to the village moonsif to summon a punchayet, the other party being an inhabitant of the same village, on being summoned by the village moonsif, shall attend and voluntarily give his assent in writing to the village moonsif, agreeing to that mode of trial.

No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit.

Exception to the rule.

*Third.*—Provided however, that in the cases specified in the preceding clause of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period above mentioned to a competent authority, and in such case that he assign satisfactory reasons to the punchayet why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Punchayet to consist of an odd number; the majority shall decide.

Of whom to be composed.

Refusing inhabitant, liable to fine.

How to be levied.

III. *First.*—The village punchayet shall always consist of an odd number, never less than five nor more than eleven, and the majority shall decide.

*Second.*—The village punchayet shall be composed of the most respectable inhabitants of the village, who shall be called upon to serve in rotation whenever their number is sufficient for this purpose; and any inhabitant of the village refusing to serve on a village punchayet, shall be liable to be fined at the discretion of the village moonsif, in a sum not exceeding five arcot rupees, which shall be levied if necessary by the village moonsif under the provisions for the execution of decrees in Section XXX, Regulation IV, 1816.

Inhabitant of a neighbouring village may be placed on a punchayet.

When the parties are of different casts, how the punchayet is to be formed.

*Third.*—Any respectable inhabitant of a neighbouring village may be placed on a village punchayet, if he be willing to undertake the duty.

*Fourth.*—When the parties in suits are of different casts or professions, the village moonsif shall, in all practicable cases, name an equal number of persons of the cast or profession to which each party may belong, to compose a part of the village punchayet, and shall complete the punchayet by the selection of a person or persons belonging to a cast or profession different from that of both the parties.

Challenged members to be withdrawn.

*Fifth.*—If either party shall object to any one or more of the members nominated to compose the village punchayet, and the village moonsif shall consider such objection to be well grounded, he shall withdraw the members objected to and appoint others to serve in their stead.

When the parties consent, each to name two members and the moonsif one; in other cases the moonsif is to name the whole punchayet. Parties naming two each, to be avoided if possible.

*Sixth.*—When the parties may desire it, they shall each name two members, and the village moonsif shall name another person who may be unobjected to by the parties, to form the punchayet; but on all other occasions the whole shall be nominated by the village moonsif; the practice of the parties naming two members each shall never be allowed when it can be avoided.

IV. *First.*—The

**IV. First.**—The village punchayet being formed as prescribed in the foregoing section, shall proceed to investigate the matter referred to them in conformity to the following rules. How the punchayet is to proceed.

**Second.**—The village punchayet shall commence their proceedings by requiring from the parties an agreement in writing to abide by the decision of such punchayet, whose names shall be inserted in the agreement, which shall be witnessed by the village moonsif and curnum, and dated on the same day. An agreement to be taken from the parties to abide by the decision of the punchayet.

**Third.**—Vakeels for plaintiffs and defendants shall be admitted to plead before village punchayets, provided that every person so appearing as a vakeel be a relative, servant or dependant of the person by whom he may be employed, and provided he be furnished with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act; such vakalutnamah shall be exhibited by the vakeel before he be permitted to do any act in the suit. Vakeels to be relatives, servants or dependants of the parties employing them. To be furnished with vakalutnamahs.

**Fourth.**—The parties being present in person or by vakeel, the village punchayet shall receive the written plaint of the complainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction. Plaint to be received in presence of the parties or their vakeels. What it is to contain.

**Fifth.**—The plaint shall be read to the defendant or his vakeel, and the defendant or his vakeel shall be required by the punchayet to give in his answer, either immediately, if he shall be prepared to deliver it, or on a day to be fixed, which shall not be later than one week from the reading of the plaint. Plaint to be read to the defendant. Answer to be required.

**Sixth.**—The defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted. Answer to state every thing regarding the case; no further pleadings to be admitted.

**Seventh.**—The village punchayet, after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses, and shall fix an early day for the trial, with reference to the convenience of the parties and witnesses respectively. Exhibits and lists of witnesses to be then received, and a day to be fixed for the trial.

**Eighth.**—The village punchayet shall immediately communicate the lists of witnesses, and the day fixed for the trial, to the village moonsif, who shall require the witnesses to be in attendance on that day. Lists of witnesses, and the day fixed for trial, to be communicated to the village moonsif. How he is to proceed.

**Ninth.**—The parties and witnesses being in attendance on the prescribed day, the village punchayet shall proceed to take the depositions of the witnesses in the manner usual in the cast to which they may respectively belong, on separate papers or cadjan leaves, in all cases in which the matter at issue may exceed the value or amount of twenty arcot rupees; the deposition shall be read over to the witness, who shall then subscribe the deposition with his or her name or mark. How the depositions of witnesses are to be taken. In what cases to be committed to writing.

**Tenth.**—In cases in which the matter at issue may be of smaller amount or value than twenty arcot rupees, it shall be discretionary with the village punchayet to take the depositions of the witnesses in writing or not. In other cases the punchayet to use his discretion.

**Eleventh.**—The village punchayets are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary. The punchayet authorized to cause oaths to be administered to witnesses when necessary.

**Twelfth.**—The village punchayets shall not put a question to any witness suggesting a particular answer, and shall, previous to the examination of a witness, inform him that they have authority to cause an oath to be administered to him when they may think he is not giving his evidence correctly, which authority the village punchayets shall exercise at their discretion. Questions suggesting a particular answer not to be put. Oaths to be administered to witnesses at the discretion of the punchayet.

**Thirteenth.**—If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the village punchayet shall suspend the trial, and report it to the village moonsif, who shall cause to be affixed in some conspicuous place of the village, a notice specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice. Trial to be suspended on the non-appearance of the parties or either of them. To be reported to the village moonsif. Notice to be fixed, what containing.

Suit to be dismissed on the non-appearance of the plaintiff.

**Fourteenth.**—If the plaintiff shall not appear at the time fixed in the notice, the village punchayet shall dismiss his suit, which shall not be revived unless the plaintiff shall shew good and sufficient cause for his absence.

Cause to be tried ex parte on the defendant's refusal to answer the plaint, or non-appearance.

**Fifteenth.**—If the defendant shall refuse to answer the plaint or shall not attend at the time fixed in the notice, the village punchayet shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

What circumstances to be reported to the village moonsif.

**V.** In cases where a witness shall neglect to attend, or attending shall refuse to give his testimony, or shall be otherwise guilty of disrespect to the village punchayet, as also where the evidence of a person is required who resides beyond the jurisdiction of the village moonsif, as also in the cases of persons whose testimony may be required, but whose rank or cast may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the village punchayet, the punchayet shall report the circumstances to the village moonsif, who is hereby authorized and directed, on receiving such reports, to take the same measures for procuring the attendance or testimony of the witnesses, or for punishing the contempts, as he would have taken under Sections XV, XVI. and XIX, Regulation IV, 1816, if the circumstances represented had occurred before himself.

How he is to proceed.

When the decree is to be written.

**VI.** When both parties have been heard and the whole of the evidence has been gone through, the village punchayet shall order the parties and witnesses to withdraw, and shall write their decree according to justice and right.

What the decree is to contain.

**VII.** The decree of the village punchayet shall contain the names of the parties, and the names of the witnesses examined, and the titles of the exhibits read; it shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed; it shall specify the sum of money or the value of the personal property adjudged; the decree shall bear the signature or mark of the members of the punchayet, and shall be dated on the day on which it is passed.

Copy of the decree to be delivered to each party.

**VIII.** Two copies of the decree shall be prepared by the village punchayet, and shall be put under a sealed cover and delivered to the village moonsif, who shall require the parties, together with the punchayet, to assemble immediately, or at a convenient day, not being later than three days from his receipt of the decree; the village moonsif shall open the seal in presence of the parties, and shall cause the curnum to endorse on each copy of the decree, the date of the delivery thereof, which shall be attested by the signature of the village moonsif, the curnum and any member of the punchayet; the village moonsif shall then cause the punchayet to deliver to each party, in his presence, a copy of the decree; but no communication shall be made to the village moonsif, or to either party, of the nature of the decree previously to its delivery.

Date of the delivery to be endorsed.

How to be attested.

Previous to delivery no communication of the nature of the decree to be made.

Non-appearance, or refusal to receive a copy, to be endorsed on it;

**IX.** If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the village moonsif shall cause the curnum to endorse on the copy intended for such party, such omission or refusal, and the date; the village moonsif shall attest the same with his signature, which shall be witnessed by the curnum and any member of the punchayet; the copy so endorsed shall be deposited with the village curnum, to be delivered to the party afterwards claiming it.

and copy so endorsed to be deposited with the curnum.

Proceedings of the punchayets to be written by one of the members of the curnum.

**X.** The proceedings of the village punchayet, shall be written either by one of the members or by the village curnum, and no stamp paper need be used in plaint, answer, or any process.

Stamp paper not necessary.

No appeal allowed from the decrees of punchayets. In cases of gross partiality, how the parties to proceed.

**XI. First.**—No appeal shall be permitted from decisions passed by village punchayets under this Regulation; but if the village punchayet shall be guilty of gross partiality, it shall be at the option of either party to bring the matter, by petition upon stamp paper of the prescribed rate according to the amount of the suit, before the judge of the zillah.

Petition only to be received, if presented within the period limited.

**Second.**—The petition shall not be received unless it be presented, with the decree complained of, within thirty days after the date on which copies of the decree may have been furnished or tendered to the parties or to their vakeels.



*Third.*—If the petition be received, the judge shall order the execution of the decree to be stayed pending the inquiry. When received, execution of the decree to be stayed.

*Fourth.*—If the partiality charged against the punchayet shall be established to the satisfaction of the judge, by the oaths of two credible witnesses at the least, he shall in every case, whatever the amount or value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal, who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet or to any other competent jurisdiction. Decree to be annulled by the provincial court, on proof of partiality to their satisfaction.

*Fifth.*—Provided however, that where the decision of a second punchayet shall agree with the decision of a former punchayet in the same suit, it shall be final. Decision of a second punchayet agreeing with that of a former one in the same suit, to be final.

*Sixth.*—Petitions to the judge of the zillah under this section shall be presented by the parties in person, or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and the parties shall not be subjected to any other charge whatever. Petition to the judge by whom to be presented. Fee payable to the vakeel presenting them.

XII. Village moonsifs shall not receive or refer to a punchayet for trial, any suit for damages on account of personal injuries, or for personal damages of whatever nature. Village moonsifs not to receive or refer to punchayets any suits for personal damages.

XIII. Suits tried by village punchayets shall be exempt from fees, stamp duties, batta and all charges of every description, except the cost of the paper or cadjan leaves on which the proceedings and decree may be written, the amount of which shall be inserted in the decree and be levied from the party cast. Suits tried by village punchayets exempt from fees, stamp duties and all charges. Exception.

XIV. Village punchayets shall not allow in their decrees a larger rate of interest than village moonsifs are authorized to allow under Section XXII, Regulation IV, 1816. Rate of interest to be allowed.

XV. In respect to the admission of obligations, deeds and documents, the village punchayets shall be guided by the rules prescribed in Section XXXIV, Regulation IV, 1816. By what rules they are to be guided with respect to the admission of obligations deeds and documents.

XVI. *First.*—Decrees of village punchayets, in cases referred to them under this Regulation, shall be carried into execution by the village moonsif under the rules prescribed in Section XXX, Regulation IV, 1816, provided the amount or value of the sum of money or other personal property adjudged shall not exceed one hundred arcot rupees. Village moonsifs to carry into execution the decrees of village punchayets. Proviso.

*Second.*—In suits for sums of money or other personal property, the amount or value of which shall exceed one hundred, but not exceed two hundred arcot rupees, the decrees of village punchayets shall be carried into execution by the district moonsifs on the written application of the party praying execution of the judgment. In what cases the decrees are to be carried into execution by the district moonsif.

*Third.*—In all other cases the decisions of village punchayets shall be carried into execution by the zillah judge, in the mode prescribed by the Regulations. In all other cases the decrees of village punchayets, to be carried into execution by the zillah judge.

XVII. Petitions to the judge of the zillah, praying execution of the decisions of village punchayets, shall be written on stamp paper of the prescribed rate, according to the amount decreed, and shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and such application shall not be subjected to any other charge whatever. Petitions to the judge praying execution of the decrees of village punchayets, to be written on stamp paper. Fee to the vakeel presenting the petition.

XVIII. *First.*—Any member or members of village punchayets, shall be liable to prosecution in the zillah court, for corruption in the discharge of their trust, by either party in a suit which may have been referred to such punchayet, and upon proof of the charge to the satisfaction of the zillah judge, he shall adjudge the offender or offenders to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; but members of village punchayets shall not be liable to be prosecuted for want of form, or for error in their proceedings or judgment; nor shall any process whatever be issued against a member or members of a village punchayet who may be charged with corruption, unless the judge shall Members of punchayets liable to prosecution for corruption. Punishment on conviction. Not liable to prosecution for errors or want of form. Proviso under which process is to be issued on a charge of corruption.

shall be previously satisfied by sufficient evidence that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act of corruption complained of.

The party by whom or for whom the corruption is practised, to be fined.

*Second.*—The zillah judge shall further fine the party by whom, or for whom, the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which any member or members of such village punchayet may be proved to have so corruptly received.

If the corruption be not proved, the accused to have damages and costs awarded to him or them, and the party making the groundless charge to be fined.

*Third.*—If the corruption charged against any member or members of such village punchayet shall not be proved to the satisfaction of the zilla judge, he shall award full costs and such damages to the members or members complained against, as may appear to him to be equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

When and what reports to be transmitted.

**XIX. First.**—Reports of causes tried by and depending before the village punchayets shall be transmitted by the village moonsifs to the district moonsifs, at the periods and in the manner prescribed in Sections XXXVI, XXXVII. and XXXVIII, Regulation IV, 1816.

Reports how to be drawn up.

*Second.*—The reports shall be drawn up agreeably to the following forms.

FORM No. 1.

REPORT of Causes decided by Punchayet in the village of  
in the month of

No.	Names of the parties.	Substance of the suits.	Date when preferred.	Date and abstract of the decree.
1.	Veerasawmy vs. Gopaliah.	10 rupees, balance due on bond.	1st.	10th. 9 rupees to plaintiff.
2.	Kishen Row vs. Vencatasa.	100 rupees, value of silver ornaments.	5th.	13th. Decreed 80 rupees to plaintiff.
3.	Sashiah vs. Nursing Row.	100 rupees, value of two bullocks and a bandy.	17th.	29th. Dismissed, plaint not proved.
4.	Cooty Chitty vs. Narain Chitty.	12,000 rupees, balance of accounts.	20th.	30th. Dismissed, plaintiff files a razeenamah.

FORM No. 2.

REPORTS of Causes before Punchayet in the village of  
remaining undecided on the 1st of January or 1st of July

No.	Names of the parties.	Substance of the suits.	Date when preferred.
1.	Abdul Cauder vs. Sied Mahomed.	88 rupees, value of paddy.	3d.
2.	Bollajee Row vs. Custoor Chitty.	Balance of accounts, 500 rupees.	10th.

A copy of this Regulation to be lodged with the village curnum.

**XX.** A copy of this Regulation shall be lodged with and preserved by each village curnum, for the information of the village moonsifs and members of village punchayets.

A. D. 1816. REGULATION VI.

A REGULATION for reducing into one Regulation, the rules which have been passed regarding the office of native commissioners; for modifying and extending their powers in the trial and decision of civil suits; and for authorizing them, under the designation of district moonsifs, to discharge certain additional duties:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th of May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

WHEREAS the rules which have been enacted for constituting the office of moonsifs or native commissioners for the trial and decision of causes of a certain amount, have appeared in some instances to require revision; and whereas it is expedient, with the view of expediting the trial and decision of civil suits, to extend the jurisdiction of the said moonsifs, and to authorize the judges of the zillah courts to employ them in the execution of certain additional duties; and whereas it will contribute to the public convenience to transfer to the provincial courts the control now exercised by the sudr adawlut in the appointment and removal of moonsifs, and to reduce into one Regulation the provisions applicable to the office of district moonsifs; the following rules have been enacted.

II. Regulation XVI. of 1802; such part of Section XXIII, Regulation XXVIII. of 1802, as regards native commissioners; Section II, and such part of Section V, Regulation V. of 1808, as regards native commissioners; Clauses third, fourth, and fifth, Section XIII, and Sections XIV, XV, XVI, XVII, XVIII, XIX, XX. and XXIII, Regulation VII. of 1809, and Section IX, Regulation II. of 1811, are hereby rescinded.

III. On the receipt of this Regulation, the zillah judges shall recal and cancel all commissions which may have been granted to natives, authorizing them, in the capacity of referees and arbitrators only, and not in that of moonsifs, to hear and determine civil suits; and the office of referee and arbitrator as a distinct office shall be abolished.

IV. In cases in which the office of referee and arbitrator is united with that of moonsif, such moonsif is authorized to hear and determine all causes now depending before him, whether in his capacity of moonsif, referee, or arbitrator.

V. *First.*—The number of district moonsifs for each zillah shall be fixed by Government. The judges of the several zillahs shall on the receipt of this Regulation, prepare and submit to the provincial courts a new establishment of district moonsifs, whose local jurisdictions shall be so arranged, as to include one or more whole tehsildaries or police jurisdictions. They shall at the same time report to the provincial courts the name of the town or village in each jurisdiction, which may be best adapted for the establishment of each moonsif's cutcherry.

*Second.*—When the selection of district moonsifs for each zillah, and the places in which their respective cutcherries are to be held, shall have been approved by the provincial courts, the whole of the sunnuds which may have been formerly granted to moonsifs shall be recalled and cancelled, and their offices abolished.

VI. The zillah judges shall recommend to the provincial courts the persons whom they may deem fit for the office of district moonsif; but no person shall be authorized to officiate as a district moonsif without the previous sanction of the provincial court, nor unless he be of the Hindoo or Mahomedan persuasion.

VII. *First.*—Whenever a zillah judge shall see cause for the removal of a district moonsif, the judge shall report the circumstances of the case, with his opinion, to the provincial court, who will pass such order on the report as may appear to be proper.

*Second.*—Whenever a district moonsif may be guilty of exaction, or of any other gross act of misconduct, the judge is authorized to suspend him from his office, but he shall report the circumstances of the case without delay to the provincial court.

Preamble.

Regulations re-  
scinded.

Commissions to re-  
ferees and arbitra-  
tors to be cancelled.

Moonsifs being re-  
ferees and arbitra-  
tors, to determine all  
depending suits be-  
fore them.

The number of  
moonsifs to be fixed  
by Government.  
New establishment of  
moonsifs to be sub-  
mitted by zillah  
judges to the provin-  
cial courts;  
and places to be fixed  
on for their cutcher-  
ries.

Former sunnuds to  
moonsifs to be can-  
celled on the approval  
by the provincial  
court of the selection  
of moonsifs for each  
zillah.

No person to officiate  
as district moonsif  
without the sanction  
of the provincial  
court, on the recom-  
mendation of the zillah judge.

Mode of proceeding  
for the removal of  
moonsifs from office.

Zillah judges in cer-  
tain cases to suspend  
moonsifs from office;

Or to fine them as far as twenty rupees.

*Third.*—In other cases of misconduct and neglect of duty which may not be of a nature to require either the suspension or dismissal of a district moonsif from his office, the judge is authorized to impose on the moonsif a fine not exceeding twenty rupees in amount, and the order of the judge in such cases shall be final.

Moonsifs to be dismissed only by the provincial courts.

*Fourth.*—No district moonsif shall be removed from his office, unless the provincial court shall be satisfied that there is sufficient cause for his removal.

Moonsifs may be sued for corruption, and are liable to costs and damages.

VIII. *First.*—District moonsifs shall be liable to an action in the civil courts for corruption in the discharge of their trust, or for extortion, or for any oppressive or unwarranted act of authority; and upon proof of the charge to the satisfaction of the judge, he shall cause the offender to pay such damages and costs to the party injured as may appear to be equitable.

Moonsifs liable to criminal prosecutions and to fine and imprisonment.

*Second.*—District moonsifs shall also be liable to a criminal prosecution for extortion, or other acts of oppression committed by them in the discharge of their duty, and on conviction before the court of circuit, shall be subject to fine and imprisonment proportionate to the nature and circumstances of the case; but no moonsif shall be liable to be prosecuted for want of form or for error in his proceedings or judgments, nor shall any process be issued against a moonsif who may be charged with extortion or any oppressive or unwarranted act of authority, unless the judge shall be previously satisfied by sufficient evidence, that there is reason to believe the charge to be well founded.

Process not to be issued without previous inquiry into the charge.

District moonsifs to be furnished with a sunnud; and to take and subscribe an oath or solemn declaration.

IX. Every person who may in future be appointed to the office of district moonsif, shall be furnished by the judge with a sunnud drawn up according to the form No. 1. of the appendix to this Regulation; and previously to entering upon the duties of his office, he shall take and subscribe an oath according to the form prescribed in No. 2. of the appendix. The judge, however, is empowered, in all cases in which he may deem it expedient, to exempt such moonsif from taking the oath, and to cause him to subscribe a solemn declaration to the same effect.

Copy of the sunnud to be affixed in their catcheries.

X. Whenever a sunnud may be granted to a district moonsif under the preceding section, a copy of it under the official seal and signature of the judge shall also be delivered to him, in order that it may remain permanently affixed in some conspicuous place in his catcherry.

Amount of suits cognizable by district moonsifs.

XI. *First.*—The persons who may be invested with the powers of district moonsif under this regulation, are empowered to receive, try and determine all suits preferred to them against any native inhabitant of their respective jurisdictions, under the following limitations.

*Second.*—For land exempt from the payment of rent in money or in kind, either to Government or to any person representing Government, and receiving its dues, the annual produce of which land shall not exceed twenty arcot rupees.

*Third.*—For land subject to the payment of rent in money or in kind, either to Government or to any person representing Government, and receiving its dues, the annual produce of which land shall not exceed two hundred arcot rupees.

*Fourth.*—For houses, gardens or any real property not of the descriptions before mentioned, the value of which shall not exceed two hundred arcot rupees.

*Fifth.*—For sums of money or other personal property, the amount or value of which shall not exceed two hundred arcot rupees.

No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit.  
Exceptions to the rule.

*Sixth.*—Provided that in the cases specified in the preceding clauses of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question, and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period above mentioned to a competent authority, and in such case, that he assign satisfactory reasons to the moonsif why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Prohibited trying suits for damages of any nature without orders.

XII. *First.*—District moonsifs shall not receive or try any suit for damages on account of personal injuries, or for personal damages of any nature, without an order of reference to them from the zillah court.

*Second.*—District

*Second.*—District moonsifs are prohibited from hearing, trying or determining any suits in which they themselves or their relatives or dependants, or other persons employed in their cutcherries may be parties, or in which a British subject or an European foreigner or an American may be a party.

Also from trying suits in which certain persons may be parties.

*Third.*—District moonsifs are farther prohibited from allowing any party in a suit to plead before them in formâ pauperis.

And from admitting persons to sue as paupers.

XIII. District moonsifs are themselves to investigate the suits cognizable by them in a public cutcherry or court room, and are not to allow their officers, servants or dependants, or any other person to interfere therein. In receiving, trying and determining suits, they shall be guided by the rules prescribed in this Regulation, and in points not expressly provided for in this Regulation, they shall observe as nearly as may be practicable the rules prescribed in the Regulations for the guidance of the zillah courts in the trial and decision of civil suits.

Suits to be tried by the moonsifs themselves, and under what rules.

XIV. *First.*—The zillah judges shall recal and cancel all sunnuds granted to vakeels under Section XVII, Regulation VII. of 1809.

Certain sunnuds to be recalled and cancelled.

*Second.*—Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant to plead before the district moonsif, on furnishing the person to be so employed with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act.

Vakeels to be relatives, servants or dependants of their employers.

To be furnished with vakalutnamahs; containing what.

*Third.*—District moonsifs shall not in any case permit any person to act as the vakeel of another, until such persons shall have exhibited in open court a vakalutnamah containing the information required by the preceding clause.

Vakeels not to act until their vakalutnamahs have been exhibited.

XV. District moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest in any case than the courts of adawlut are permitted to allow by Regulation XXXIV. of 1802.

Rate of interest to be allowed.

XVI. *First.*—The district moonsifs shall levy from the plaintiff in every suit which may be preferred to them in the first instance, a fee of one anna in the rupee on the amount or value of the property which constitutes the subject of dispute.

Fees to be levied on suits preferred to the district moonsifs.

*Second.*—They shall not receive any such suits until the prescribed fee shall have been paid.

No suit to be received until the fees be paid.

*Third.*—They shall endorse on the petition the amount of the fee and the date of the receipt, and sign the endorsement.

The payment to be endorsed on the petition.

XVII. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

What matters are to be stated in the plaint.

XVIII. It shall be the duty of the district moonsif to prevent the insertion in the plaint of any irrelevant matter. The plaint shall be signed and numbered and dated in the order in which it may be received by the moonsif; and the number of the suit, the names of the parties, the date on which the petition is received, the amount claimed, and the subject matter of the suit, the date and abstract of the decree, the date on which copies of the decree were furnished or tendered to the parties, and the amount of the institution fee, shall be entered in a book to be kept by the moonsif, according to the form No. 3. of the appendix. The zillah judge shall inspect these register books at least once a year, with a view to ascertain that depending suits are brought to a hearing according to their order on the file, and shall require the district moonsif to transmit them to the court for this purpose.

The insertion of irrelevant matter in the plaint to be restrained.

Plaint to be signed, numbered and dated.

A register book to be kept, what to contain; to be inspected yearly by the judge.

XIX. *First.*—When the complaint shall have been thus received and entered in the book, the district moonsif shall cause to be served on the defendant a written notice under his seal and signature, containing only the number of the suit, the names of the parties, and a short statement of the demand, and requiring the defendant to attend in person or by vakeel, and to deliver an answer to the plaint on or before a certain day which must be specified in the notice.

What notice to be served on the defendant.

*Second.*—The district moonsif shall deliver the notice to the plaintiff or to his vakeel, and the plaintiff may either himself serve the notice on the defendant or through any other person whom he may choose to employ for that purpose, provided however, that the name of the person intended to be employed in this duty be in all cases

To whom the notice is to be delivered.

cases endorsed on the notice by the district moonsif previously to its being delivered to the plaintiff or his vakeel for execution.

And how it is to be served.

*Third.*—The person through whom this notice may be served, shall require from the defendant a written acknowledgment, to be endorsed on the back of the notice, signifying that it has been duly served upon him; and he shall further cause some of the defendant's neighbours, or other inhabitants to witness the due execution of the service, and he shall at all times state in his report the name or names of such witness or witnesses.

Under certain circumstances, the cause to be tried *exparte*.

XX. If a defendant who may have been served with a notice shall not appear in person or by vakeel within the time specified, and the moonsif shall be satisfied by sufficient evidence that the notice was duly served, or if the defendant having appeared shall refuse to answer the plaint, the district moonsif shall proceed to try the cause *exparte*, and after examining the plaintiff's evidence in support of his claim, the district moonsif shall give judgment in the same manner as if the defendant had appeared and answered to the plaint.

The absence of the defendant, or his refusal to acknowledge the service, how to be certified.

XXI. *First.*—In cases in which a defendant to whom a notice may have been issued, may abscond or conceal himself, or cannot after diligent search be found, or shall refuse to give the required written acknowledgment, the person entrusted with the execution of the process shall certify the same on the back of the notice, and shall require some person or persons, being neighbours of the defendant, to attest the same.

In such cases proclamation to be issued.

*Second.*—When a return to this effect is made, the district moonsif shall cause a proclamation, written in the current language and character of the country, to be affixed in a conspicuous part of his own cutcherry, and a copy of the same on the outer door of the defendant's usual place of residence, or some other conspicuous place near it; the proclamation shall contain a copy of the original notice, and shall state that if the defendant do not appear in person or by vakeel within the period of fifteen days from the date of the proclamation, the suit will be brought to a hearing and determined without the appearance or answer of the defendant.

What it shall contain.

*Third.*—If the defendant shall still not appear in person or by vakeel, the district moonsif, on the expiration of the period limited in the proclamation, shall proceed to try and determine the suit *exparte*, as is prescribed in Section XX. of this Regulation.

If the defendant do not attend within the time limited in the proclamation, the suit is to be tried *exparte*.

Moonsifs prohibited requiring security from defendants.

XXII. In suits depending before them, the district moonsifs are hereby strictly prohibited from requiring security of any kind from the defendants; if the moonsif shall be satisfied by sufficient proof that the defendant intends to abscond and to withdraw himself from the jurisdiction of the court, or that he means to dispose of the property in his possession for the purpose of avoiding the execution of an eventual judgment against him, the district moonsif is hereby empowered to attach the defendant's property to the amount of the claim, and to hold it in attachment till the decree is satisfied.

Empowered in certain cases to attach their property to the amount of the claim.

Defendant to file an answer to the plaint any time before the plaintiff's evidence be received.

XXIII. When the defendant shall attend either in person or by vakeel within the period limited in the notice or proclamation, or at any subsequent period before the plaintiff's evidence or proofs shall have been received in the case, he shall be allowed to take a copy of the plaintiff's petition and to file his answer to the complaint.

Moonsifs to prevent the insertion in the answer of irrelevant matter. No further pleadings to be admitted.

XXIV. It shall be the duty of the district moonsifs to restrain and discourage as much as possible, the insertion in the answer of any matter evidently irrelevant to the suit; but the defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Suits to be tried according to their order on the file. *Proviso.*

XXV. The district moonsifs shall try all suits depending before them in the order in which they have been filed or numbered; provided however, that the zillah judge be at all times authorized, either upon a report from the moonsif or upon other grounds of information, to direct the moonsif to bring any particular suit or suits to a hearing and determination, without attending to the regular order of the file.

Notice to be affixed in the cutcherry, if the parties are absent on the day fixed for the trial.

XXVI. *First.*—In cases in which the answer shall have been filed, and the parties or either of them shall fail to appear in person or by vakeel at the time when the suit is first called over for trial, the district moonsif shall suspend the trial and shall affix

affix in some conspicuous place in his catchery, a notice that the suit will be again called over for trial after the expiration of a fixed period, not being less than ten days. If the plaintiff shall not appear before the district moonsif in person or by a vakeel duly authorized, within the limited time, the district moonsif shall dismiss his claim; if the defendant shall not so appear by the prescribed time, the district moonsif shall proceed to try the cause *exparte*.

Mode of proceeding if either party still fail to attend.

*Second.*—Provided however, that if the suit be dismissed without an investigation of the merits, and either of the parties shall appeal from the decision of the moonsif, it shall be the duty of the court trying the appeal to determine the case on its merits, or to remand it back to the moonsif by whom it was dismissed, or to any other competent authority, for a further investigation.

Proviso. For cases which may be dismissed without an investigation of the merits.

XXVII. The district moonsifs are to try the suits depending before them by hearing the pleadings of the parties, by examining their documents, and by taking the deposition of their witnesses in the presence of the parties or of their vakeels duly constituted; or if either party agrees in writing to let the cause be settled by the oath of the other without appeal, the district moonsif shall give his decision according to such oath.

Rules for the trial of suits depending before the moonsifs.

XXVIII. *First.*—If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the moonsif, and such witnesses shall not attend at the requisition of the parties, the district moonsif is authorized to summon as witnesses any persons subject to his jurisdiction, excepting women whose rank or cast may be such as to render it improper to require their appearance in public; when the evidence of such women is necessary, it is to be taken in the mode prescribed in Clause fifth, Section XVI, Regulation IV, 1816.

Moonsifs authorized to summon witnesses who may not attend on the requisition of the parties. Exception.

*Second.*—The summons shall specify the number of the suit on the file, the name of the party at whose request it may be issued, and the names and residence of the witnesses; and shall require them to appear at the catchery of the district moonsif on a specific day, and there to depose concerning the matter in dispute between the parties.

What the summons shall contain.

*Third.*—The district moonsif shall deliver the summons to the party applying for it, or to his authorized vakeel, and such party or vakeel may either serve the summons himself or through any other person whom he may choose to employ for that purpose, provided however, that the name of the person intended to be employed in this duty be in all cases notified to the moonsif and endorsed on the summons previously to its being delivered to the party or his vakeel for execution.

Mode in which the summons shall be served.

XXIX. *First.*—If any person upon whom a summons may have been duly served shall not attend on the day appointed, the moonsif is authorized to attach any property belonging to such person which may be found within his own jurisdiction. If after a reasonable time subsequent to such attachment the person summoned shall still omit or refuse to attend, and it shall satisfactorily appear by the oath of the party requiring his evidence, that the testimony of such person is material to the cause, the moonsif shall report the circumstances of the case to the zillah judge, who will exercise his discretion in issuing such farther process, in order to compel the appearance of the witness before the moonsif, as might be issued under the Regulations if the suit were depending before the judge.

The property of witnesses who may not attend on being duly summoned, to be attached.

Moonsifs how to proceed if they still do not attend.

Further process to be used by the judge.

*Second.*—If notwithstanding this further process, the attendance of the witness cannot be obtained, the judge shall at his discretion impose on such witness a fine not exceeding in any case the value or amount of the property in dispute; such fine shall be realized by the moonsif under the provisions made for the execution of decrees by this Regulation.

If such process be insufficient, witness to be fined.

How to be levied.

*Third.*—In cases in which a witness duly summoned may attend before the moonsif, but shall refuse to give his evidence, or to subscribe his deposition, the moonsif shall impose such fine upon him as may appear proper; the district moonsif is, however, strictly prohibited from realizing such fine, if it exceed ten rupees, by his own authority, without first reporting the circumstances of the case to the zillah judge, who will either remit or modify, or confirm the fine imposed by the moonsif, who will proceed to realize it, if confirmed or modified, as is prescribed in the preceding clause.

Refusing witness to be fined by the moonsif.



Witnesses residing in other jurisdictions how to be summoned.

**XXX. First.**—If any district moonsif shall require the evidence of a person not subject to his jurisdiction, but who may reside in the same zillah, and such person shall not attend at the requisition of the parties, the moonsif shall make a written application to the moonsif within whose jurisdiction such person may reside, who will issue the necessary process for procuring his attendance.

Cases in which evidence may be taken on written interrogatories.

**Second.**—If the residence of a witness shall be in another zillah, the moonsif is hereby authorized and required to transmit to the judge of his own zillah any written interrogatories which he may think necessary, or which may be suggested by the parties or their vakeels in the suit; on receipt of such written interrogatories, the judge will proceed to obtain the evidence of the witness in the mode prescribed in Section VII, Regulation III, 1802.

Witnesses not to be detained longer than may be necessary.

**Third.**—The moonsifs are enjoined to take the depositions of witnesses attending before them with all due expedition, so that they may not be exposed to any vexatious delay or unnecessary detention from their respective homes and employments.

The evidence of witnesses to be taken on oath;

**XXXI.** The district moonsifs shall administer to witnesses such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. But if the witness shall be of a rank which, according to the prejudices of the country, would render it improper to compel him to take an oath, the moonsif may dispense with his being sworn, and in lieu thereof cause him to subscribe a solemn declaration under the rules prescribed in Section VII, Regulation III, 1802.

or on a solemn declaration.

The declaration may be dispensed with by the consent of the parties.

**XXXII.** The district moonsifs are at all times authorized to cause the examination of a witness to be taken on a solemn declaration, or even without such solemn declaration, whenever the parties in the suit, or their respective vakeels, may agree to such witness being so examined.

Depositions of witnesses to be committed to writing, if the claim exceed twenty rupees.

**XXXIII. First.**—It shall be necessary to take the depositions of the witnesses in writing only where the claim shall exceed twenty rupees.

Questions irrelevant or suggesting a particular answer, to be avoided.

**Second.**—In the examination of witnesses, the moonsifs are enjoined to prevent the parties and their vakeels from putting to them questions suggesting a particular answer, or on points evidently irrelevant to the matter in dispute.

What is to be contained in the deposition of a witness, and how it is to be attested.

**XXXIV.** The deposition of every witness shall commence by specifying the name, the father's name (or if the deponent be a married woman, the name of her husband), the religion, cast, profession, age and place of residence of the deponent, and shall be subscribed by the witness with his or her name or mark.

Exhibits on suits before moonsifs not liable to fees.

No exhibits to be admitted which are not written on the prescribed stamp paper or cadjan.

**XXXV. First.**—No fees shall be levied on exhibits filed before the district moonsifs, and exhibits shall be received in suits depending before them without any written application for that purpose. The moonsifs are prohibited from admitting or filing as an exhibit, or from receiving in evidence, any obligation, instrument, bond, deed or document, whether it be the original or a copy, of a description which is or may be required to be written on stamp paper or stamp cadjan, unless it shall have been duly executed on stamp paper or stamp cadjan of the description and value prescribed by the Regulations.

Copies of Regulations in force regarding stamp paper or cadjans, to be furnished to the district moonsifs.

Exhibits to be dated, signed, marked and referred to in the proceedings.

**Second.**—Copies of all Regulations in force regarding stamp paper and stamp cadjans, shall be furnished by the zillah judges to every district moonsif in their respective zillahs, for their guidance.

**Third.**—When an exhibit is filed in a suit before the district moonsif, it shall be dated, and signed or sealed by him, and shall be marked with some letter or number, to identify it, and such letter or number shall be distinctly referred to in those parts of the depositions of the witnesses, or of the proceedings, or of the decree, which may allude to such exhibit.

The decision is to be passed after consideration of the pleadings, exhibits and evidence.

**XXXVI.** When the parties have been heard and the exhibits received and considered, and the witnesses on both sides examined, the district moonsifs shall give judgment according to justice and right.

What shall be contained in the decree.

**XXXVII.** The decree shall specify the names of the parties and the names of the witnesses examined and the titles of the exhibits read; it shall also contain an abstract statement of the material facts alledged in the pleadings of both parties,

and the reasons on which the decision may be passed. It shall state specifically the amount or value of the matter adjudged, and the amount of the costs or damages payable by the parties respectively. If any claim shall appear to the district moonsif to be litigious and vexatious, he shall adjudge suitable costs and damages against the plaintiff, and insert the same, in the mode above directed, in the decree.

Costs and damages to be awarded in suits litigious or vexatious.

**XXXVIII. First.**—When the decision shall have been thus passed, the district moonsif shall cause two copies of it to be prepared, and after attesting them with his seal and signature, shall within one week after the date of the decree, tender the said copies in open cutcherry, both to the plaintiff and defendant, or to their vakeels respectively; he shall endorse on the said copies the date on which they may be tendered to the parties in open cutcherry, and if either or both of the parties shall fail to attend, or shall refuse to receive the copies so tendered, he shall certify the same on the back of the copies.

Two copies of the decree to be tendered to the parties; the date of the tender or the cause of the non-delivery to be certified by the moonsif on the back of the copies.

**Second.**—Any district moonsif who may be guilty of wilfully mis-stating or falsifying, or of causing to be mis-stated or falsified, the date and purport of the endorsement above directed to be written on the copies of the decrees, or of keeping back such copies of decrees from either of the parties, with the view of opposing a bar to their right of appeal, shall on proof thereof to the satisfaction of the provincial court, be liable to dismissal from office, and to such discretionary fine to Government as may be deemed proper by that court.

Penalty for falsifying the date and purport of the endorsement, and for keeping back copies of the decrees from either of the parties.

**XXXIX.** The copies of decrees above directed to be tendered to the parties by the district moonsifs, shall not be written on stamp paper, nor are the plaint, answer, or any part of the proceedings of any suit before the district moonsif, required to be written on stamp paper.

Stamp paper not required in the proceedings in any suit before moonsifs.

**XL.** If a party, vakeel or witness, in any depending suit shall be guilty of disrespect to the district moonsif in open court, the moonsif is empowered to impose a fine not exceeding one rupee on the party, vakeel or witness so offending, and if the offender shall refuse or be unable to pay the fine, to commute such fine at his discretion for twenty-four hours confinement in the village choultry.

Moonsifs may fine parties, vakeels or witnesses, for disrespect, and in certain cases commute such fine.

**XLI. First.**—The district moonsifs shall transmit to the judge, on or before the 5th of each month, a report of all the suits decided by them in the preceding month, drawn up according to the annexed form No. 4. of the appendix. These reports shall be accompanied by all the original papers and documents in the case, that they may be deposited among the records of the court.

Monthly report of suits decided to be sent to the zillah judge.

**Second.**—The district moonsifs shall likewise transmit, on or before the 15th of January and 15th of July of each year, a report of the causes depending before them on the 1st of January and 1st of July, drawn out according to the annexed form No. 5. of the appendix.

Half-yearly reports of depending suits to be sent to the zillah judge.

**Third.**—The required monthly and half-yearly reports shall be enclosed in a cover addressed to the zillah judge, and sealed with the seal of the district moonsif; the packet shall be forwarded to the judge either by the public dawk (the officers of which are hereby required to receive and convey such packets free of postage) or by a servant of the moonsif, or the moonsif may deliver it to the nearest police officer, who shall give a receipt for it and convey it to the judge.

Both reports to be in a sealed cover.

The packet how to be forwarded.

**XLII.** The district moonsif shall have authority to carry his decrees into execution.

The district moonsif empowered to enforce his decrees.

**XLIII.** In suits for land of the description specified in Clause second, Section XI. of this Regulation, the annual produce of which shall not exceed two arcot rupees; in suits for land of the description specified in Clause third, Section XI. of this Regulation, the annual produce of which shall not exceed twenty arcot rupees; and in suits for real property not of the description above mentioned, and for sums of money or other personal property the amount or value of which shall not exceed twenty arcot rupees, the decision of a district moonsif shall be final.

Cases in which the district moonsif's decree shall be final.

**XLIV.** If the suit shall have been regularly appealed, the execution of the district moonsif's decree shall be suspended or otherwise, according to the orders he may receive from the zillah judge,

Mode of proceeding when an appeal may have been admitted.

**XLV.**—Whenever a party who may have obtained a decree in the court of a district moonsif, shall be desirous of having it enforced, he shall present a petition

Mode of obtaining the execution of a decree passed by the district moonsif.

to the moonsif, either in person or through his vakeel; it shall state the number of the suit, the names of the parties, the date of the decision, and the total amount or value of the matter which may have been adjudged to the petitioner, either on account of the original claim or of costs of suit; the petition shall further state whether an appeal has or has not been admitted from the moonsif's decision.

The cases stated in which the moonsif is to enforce his decrees.

Process to be observed.

**XLVI.** In cases not appealable, and in cases appealable, but which have not been appealed, if the defendant shall not discharge the sum decreed against him within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or their vakeels, the district moonsif shall on the petition of the party in whose favour the decree has been passed, cause his decree to be executed; if it be for real property, by causing possession of the property to be delivered to the person to whom it may be decreed; if it be for personal property or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed, to be levied by the public sale by auction of a sufficient portion, or if requisite for the satisfaction of the decree, the whole of the lands, houses, and all effects either real or personal belonging to the party against whom the judgment may have been given, or by the attachment of his person, or when it may be necessary, both by the sale of his property and effects, and the attachment of his person.

Persons secured in satisfaction of decrees to be sent to the zillah judge.

**XLVII.** On the attachment of the person of any party in satisfaction of a decree, the district moonsif shall send him, within twenty-four hours from the time of such attachment, under proper charge, to the zillah judge, to be confined in the zillah jail; he shall as soon after as possible, send to the zillah judge a statement of the amount levied by the sale of his effects, and of the balance still due by him.

Fifteen days notice to be given of sales of property attached in satisfaction of decrees.

**XLVIII. First.**—In cases where a district moonsif shall attach property in satisfaction of a decree, he shall notify the day fixed for the sale by auction of such property, by a written notice to be affixed fifteen days previously to the day of sale at his cutcherry, and at some conspicuous place in the village where the property under attachment may be situated.

Registers of such sales to be kept by the district moonsif.

**Second.**—The district moonsifs shall keep registers of all sales by auction in satisfaction of decrees; the registers shall specify the day of sale, the particulars of property sold, its amount, and the name and residence of the purchaser.

Resistance to such sales liable to be punished as a breach of the peace.

**XLIX.** Resistance to the sale or transfer of property attached in execution of a decree passed by a district moonsif, shall be considered a breach of the peace, and shall be liable to be punished as such.

The district moonsif to receive a fee on sales.

**L.** The district moonsifs shall be entitled to receive a commission of one anna in each rupee on the proceeds of sales in satisfaction of decrees passed by them, and likewise on the proceeds of all sales which may be made in carrying into execution the decrees of village punchayets under the provisions of Clause second, Section XVI, Regulation V, 1816.

Fines how to be realized.

**LI.** The district moonsifs shall be authorized to realize the amount of fines which may be imposed by them, by the attachment and sale, if necessary, of the property of the offending party.

To be sent monthly to the judge.

**LII.** The district moonsif, on or before the fifth of each month, shall transmit to the zillah judge all fines which he may have levied or which he may have received from the village moonsifs during the preceding month, accompanied by separate lists, stating the names and situations of the parties from whom such fines have been levied, and the reasons for which the fines were imposed.

Mode of admitting appeals from decisions of district moonsif.

**LIII. First.**—In appealable suits, any person dissatisfied with the decision of a district moonsif, shall be at liberty to appeal from it to the zillah judge, provided the petition of appeal be on the prescribed stamp paper, and presented with the institution fee thereon, within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels, in conformity with Section XXXVIII. of this Regulation; a discretionary power however, is vested in the judge, of admitting appeals from decisions of the district moonsifs, although the petitions may not be presented within the prescribed period, if the appellant shall shew satisfactory cause for not having before presented the petition.

Petitions of appeal to be presented to the zillah judge.

**Second.**—All petitions of appeal from decisions of the district moonsifs, are to be presented to the judge of the zillah in which the moonsifs may officiate, and the

the moonsifs are prohibited from receiving any petitions of appeal from their own decisions.

*Third.*—All petitions of appeal from decisions of district moonsifs are to be presented by the appellant in person, or by one of the authorized vakeels of the zillah court; and if the appeal shall be admitted, and the appellant and the respondent shall not plead their cause in person, their respective vakeels are to be allowed the same fees as in other suits tried before the judge.

How such petitions are to be presented.

*Fourth.*—Decisions of the district moonsifs are not to be set aside for want of form or for irregularity in their proceedings, but on the merits only.

Decisions of moonsifs not to be set aside for want of form.

*Fifth.*—When an appeal may be received from the decision of a district moonsif, the zillah judge is empowered to suspend the execution of the decree, provided the party appealing against it shall give good and sufficient security within a reasonable period, to be fixed by the judge, to perform the decree of the court.

In what cases the judge may suspend the execution of the decrees by moonsifs from which an appeal may be admitted.

*Sixth.*—The decisions of zillah judges on appeals from decrees passed by district moonsifs, shall be final.

His decision thereon final.

LIV. The zillah judges may for any reason that may appear to them sufficient, bring up for trial before them or their registers, or the sudder ameens, any causes that may be depending before the district moonsifs.

Suits depending before moonsifs may be tried by the judge or referred for trial to other tribunals.

LV. Upon the death, removal or resignation of any district moonsif, the zillah judge shall, if necessary, immediately nominate another person in his room for the approbation of the provincial court, and shall cause all papers in the causes depending before the late moonsif to be delivered over to his successor, or otherwise to be disposed of, as circumstances may require.

When a vacancy may occur in the office of moonsif, the judge to nominate a successor.

LVI. *First.*—The zillah judges may refer any plaint received by them for trial and decision to any district moonsif within their respective zillahs, whether for real or personal property of the value or amount specified in Section XI. of this Regulation.

Zillah judges may refer suits of an amount stated for decision to the district moonsif.

*Second.*—In the trial of such suits, the district moonsifs shall be guided by the rules prescribed in this Regulation for their conduct in original suits cognizable by them as district moonsifs.

Rules to be observed in the trial.

LVII. *First.*—The district moonsif is authorized to hear and determine as arbitrator, all suits which may be voluntarily referred to him by both parties, whether for real or personal property, of the value or amount specified in Section XI. of this Regulation.

District moonsif may hear and determine all suits referred by both parties. To what amount.

*Second.*—In suits referred to district moonsifs under the preceding clause, an institution fee of one anna per rupee on the amount or value of the property in dispute, shall be levied from the plaintiff, and the district moonsif is prohibited from receiving the suit until the fee has been paid.

Institution fee to be levied in such suits.

*Third.*—The district moonsif, in cases referred to him under the preceding clauses, shall take from the parties a bond, agreeing to abide by his decision; such bond shall be executed in his presence and be attested by two credible witnesses.

Bond to be taken from the parties.

*Fourth.*—The district moonsif, in hearing and determining the suits above specified, shall be guided by the same rules as have been prescribed for his conduct in trying suits preferred to him under Section XI. of this Regulation, so far as those rules may be found applicable.

District moonsif by what rules to be guided in hearing and determining the suits above specified.

LVIII. No appeal shall be permitted from decisions passed by district moonsifs under the preceding section; but if a district moonsif shall be guilty of corruption or gross partiality, it shall be at the option of either party to bring the matter, by petition on the prescribed stamp paper, under the notice of the judge of the zillah, who, provided the petition be presented within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their respective vakeels, and provided the partiality or corruption charged against the moonsif be established to his satisfaction by the oaths of two credible witnesses, shall annul the decree, and the parties shall be at liberty to have recourse to another moonsif or to any competent jurisdiction.

No appeals open from decisions on such suits, except in cases of partiality or corruption.

Decree to be annulled on proof of corruption or partiality.

The institution fee in suits to be paid to the moonsifs.

On decisions on the merits and razeenamahs. Salary also to be allowed.

The institution fees received to be sent monthly to the judge with a statement thereof.

Credit to be given for the same, and payment to be made on inspection of the monthly reports, without delay.

Moonsifs may be employed in giving possession of real property under decrees.

How to be remunerated in such cases.

Such remuneration to be forfeited if guilty of misconduct in such duty.

Moonsifs may be employed to sell personal or real property, and to receive a commission on such sales.

By what laws the decisions of moonsifs are to be regulated.

Exposition of the law how to be obtained.

Notification to be issued in suits relative to the inheritance of or succession to landed property ;

and all claimants to be included in the decision.

**LIX. First.**—As a compensation to the district moonsifs for their trouble and for the expense of such establishment as may be necessary for the discharge of their official duties, on their passing a decision upon the merits of any suit before them, or upon any suit depending before them being adjusted by razeenamahs of the parties, and in these two cases only, they shall receive from the zillah judge the fee of one anna per rupee paid on the institution of such suit.—The Governor in Council will further sanction such salary in addition thereto, as may appear requisite for the encouragement of well qualified persons to hold the office of district moonsif, and to perform the duties of it with diligence and fidelity.

**Second.**—The district moonsifs shall from the month succeeding the receipt of this Regulation, transmit to the zillah judge, along with the monthly reports required by this Regulation, an exact monthly statement of all sums levied and received by them on account of the institution fee upon all suits instituted before them, and shall at the same time remit the amount of the fees so received by them in the preceding month ; the zillah judges shall credit in their public accounts the whole of the institution fees so remitted to them, and shall without delay pay to the district moonsifs the amount of the institution fee authorized by the preceding clause.

**LX. First.**—The zillah judges are authorized to employ the district moonsifs in delivering over formal possession of lands, houses or other real property, in conformity with decrees regular or summary.

**Second.**—Previously to issuing any instructions to a district moonsif for the performance of any of the duties described in this section, the judges shall require either the plaintiff or the defendant, according to the circumstances of the case, to pay into court such a sum of money as may be an adequate remuneration to the district moonsif for his trouble, provided such sum do not exceed the probable expense which would be incurred if an ameen or a native officer of the court were employed in the execution of the same duty.

**Third.**—The district moonsif shall be entitled to receive such sum as may have been paid into court under the preceding clause, except under circumstances in which he may appear to have performed the duty entrusted to him in a negligent, unjust or improper manner ; in such cases the said sum of money shall be returned to the party who deposited it in court.

**LXI.** The district moonsifs may be employed at the discretion of the zillah judges in the attachment and sale of personal or real property, for the purpose of realizing the amount of fines imposed by the judge, register or sudder ameens, or of decrees, regular or summary, passed by the zillah judge, register, sudder ameens, or village and district punchayets, and shall be entitled to receive a commission of one anna in each rupee on the proceeds of such sales.

**LXII. First.**—In all cases of inheritance of, or succession to landed property, the mahomedan laws with respect to Mahomedans, and the hindoo laws with regard to Hindoos, are to regulate the decisions of the district moonsifs, and the district moonsifs in all such cases are to obtain an exposition of the law from the law officers of the zillah court, to whom they are to transmit a written abstract of the case for the purpose ; such exposition however, is not to preclude a further reference to the law officers of the zillah courts upon such points of law as may arise upon the cause, in the event of its being tried in appeal.

**Second.**—In all suits relative to the inheritance of, or succession to landed property, the district moonsifs are to affix in some conspicuous part of their cutcherries, a written notification of the claim preferred, with a requisition to all persons who may have any claim to the property sued for, to prefer the same within a limited period ; and their decisions are to include all claimants to the property in question, who according to the law of the parties, whether Mussulmans or Hindoos, have a just and legal title to share therein.

## A P P E N D I X.

## No. 1.

FORM of sunnud to be granted to persons appointed to the office of district moonsif.

" I, *A. B.*, judge of the zillah of                      do hereby appoint you, *C. D.* to the office of district moonsif of                      you are to hold your cutcherry at                      and are to affix this sunnud or a copy of it, duly authenticated, in some conspicuous place in the cutcherry; under the rules now in force, you will receive the remuneration to which you may be entitled for the trial and decision of suits. You shall not receive any valuable consideration from any parties or other persons on account of the institution or trial, the proceedings, process or decision of any suit before you, except the institution fee. You are to hear and determine all suits cognizable by you, and to execute all other duties entrusted to you, in your capacity of district moonsif, in strict conformity with the rules prescribed in the Regulations now in force, or which may hereafter be enacted.

## No. 2.

FORM of oath to be administered to persons appointed to the office of district moonsif.

I, *A. B.* appointed to the office of district moonsif of                      do solemnly swear, that in the trial and determination of all suits which may come under my cognizance, and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour or affection; that I will not directly or indirectly receive, or knowingly allow any other person to receive any money, effects or property, on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute. I will strictly adhere to all the rules prescribed for my guidance, and I will in all respects truly and faithfully execute the trust reposed in me.

## No. 3.

FORM of a register book of suits instituted before the moonsif of

Number of the suit.	Date of it's institution or reference.	Names of the parties.	Amount and subject of the claim.	Date and abstract of the decree.	Date on which copies of the decree were furnished or tendered to the parties.	Amount of institution fee.
1.	2d of January 181 .	Ramasawmy vs. Narasinmaloo.	Debt on bond, 37 rupees.	20th March 181 , decreed in favour of the plaintiff 33 rupees principal and interest. Defendant to pay costs 3 rupees 6 annas : Total, 36 rupees 6 annas.	24th March 181 ,—one copy furnished to the plaintiff himself and another to the vakeel of the defendant.	2 rups. 5 annas.
2.	2d of February	Mohammed vs. Narrain.	Debt of 7 rupees, for value of rice furnished to defendant.	Adjusted by razeenamah 10th February.	- - -	7 annas.
3.	3d of March.	Narsojee vs. Poorunsing.	Arrears of rent, 144 rupees.	April 1st, decreed 77 rupees, parties to pay their own costs.	April 7, plaintiff absent. Copy of the decree furnished to the defendant.	9 rups.

## No. 4.

FORM of report of causes decided by the moonsif of  
of

in the month

No.	Names of the parties.	Substance of the suits.	Date when preferred.	Date of the reference.	Date of arbitration bond.	Date and abstract of the decree.	Amount of institution fee.
1.	Verasawmy vs. Ramasawmy.	150 rupees, claimed on bond.	1st.	- - -	- - -	15th March. Decreed 100 rupees, with 9 rupees 6 annas costs.	9 rupees and 6 annas.
2.	Nunjapah vs. Lutchmenrow.	200 rupees, value of paddy.	- - -	2d.	- - -	20th March. Decreed 190 rupees, with 12 rupees 8 annas costs.	12 rupees and 8 annas.
3.	Vencatarow vs. Abaujeerow.	Land, paying revenue to Government of 160 rupees, annual produce.	- - -	- - -	14th.	27th March. Decreed the land to plaintiff, with 10 rupees costs.	10 rupees.
4.	Davony vs. Ammoo.	Land, exempt from paying revenue to Government, 15 rupees, annual produce.	- - -	4th.	- - -	30th March. Plaintiff files a razeenamah.	9 rupees 6 annas.

Decreed - - - - - 3  
Settled by razeenamah - - - 1  
Total - - - - - 4

## No. 5.

FORM of half-yearly report of causes depending before the moonsif of  
on the

No.	Names of the parties.	Substance of the suits.	Date when preferred.	Date of reference.	Date of arbitration bond.
1.	Nullapah vs. Vadgery.	Land exempt from paying revenue to Government, of 10 rupees annual produce.	3d January.		
2.	Mohomed vs. Narraojie.	150 rupees, balance of accounts.	- - - -	5th February.	
3.	Caumachy vs. Nullamootoo.	185 rupees, value of silver ornaments.	- - - -	- - - -	7th April.
4.	Ramah vs. Kistnah.	18 rupees, value of a bullock sold.	10th March.		



A. D. 1816. REGULATION VII.

A REGULATION for authorizing district moonsifs to assemble district punchayets for the adjudication of civil suits for real and personal property, without limitation as to amount or value, within their respective jurisdictions, and for defining the powers and authority to be vested in such district punchayets:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

IT being desirable, with a view to diminish the expense of litigation, and to render the principal and more intelligent inhabitants useful and respectable by employing them in administering justice to their neighbours, that civil suits between the native inhabitants of the territories subject to the Presidency of Fort St. George, should be referred for adjudication to assemblies denominated punchayets, and that for the purpose of facilitating such reference, the district moonsifs should be authorized to summon a punchayet on the application of both parties in a suit, and to refer such suit to be heard, tried and determined by such punchayet; and it being deemed expedient to protect members of district punchayets from being called to account for their conduct in the performance of these duties, except on charges of corruption; the Governor in Council has enacted the following rules.

II. *First.*—District moonsifs are hereby declared to be authorized to summon punchayets within their respective jurisdictions for the decision of suits for real and personal property, without limitation as to amount or value, in the two following cases.

*Second.*—In suits where both plaintiff and defendant may jointly agree that the matter at issue shall be determined by a district punchayet without appeal, and may prefer a request in writing to the district moonsif to summon a punchayet, whether he be the moonsif of the district in which the parties reside, or of any other district; or where one party having preferred a request in writing to the district moonsif to summon a punchayet, the other party being an inhabitant of the same district, on being summoned by the district moonsif, shall attend and voluntarily give his assent in writing to the district moonsif, agreeing to that mode of trial.

*Third.*—Provided however, that in the cases specified in the preceding clause of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period above mentioned to a competent authority, and in such case, that he assign satisfactory reasons to the punchayet why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

III. *First.*—The district punchayet shall always consist of an odd number, never less than five nor more than eleven, and the majority shall decide; the district punchayet shall sit at the station where the district moonsif's court is held.

*Second.*—The district punchayet shall be composed of the most respectable inhabitants of the district, who shall be called upon to serve in rotation; and any native inhabitant refusing to serve on a district punchayet, shall be liable to be fined at the discretion of the district moonsif in a sum not exceeding ten arcot rupees, which shall be levied if necessary by the district moonsif under the provisions of Section LI, Regulation VI, 1816.

*Third.*—Any respectable inhabitant of a neighbouring district may be placed on a district punchayet, if he be willing to undertake the duty.

*Fourth.*—When the parties in suits are of different casts or professions, the district moonsif shall in all practicable cases, name an equal number of persons of the

cast or profession to which each party may belong, to compose a part of the district punchayet, and shall complete the punchayet by the selection of a person or persons belonging to a cast or profession different from that of both the parties.

Challenged members to be withdrawn.

*Fifth.*—If either party shall object to any one or more of the members nominated to compose the district punchayet, and the district moonsif shall consider such objections to be well grounded, he shall withdraw the members objected to and appoint others to serve in their stead.

When the parties consent, each to name two members and the moonsif one; in other cases the moonsif is to name the whole punchayet. Parties naming two each, to be avoided if possible.

*Sixth.*—When the parties may desire it, they shall each name two members, and the district moonsif shall name another person who may be unobjected to by the parties, to form the punchayet; but on all other occasions the whole shall be nominated by the district moonsif; the practice of the parties naming two members each, shall never be allowed when it can be avoided.

How the punchayet is to proceed.

IV. *First.*—The district punchayet being formed as prescribed in the foregoing section, shall be assembled by the written summons of the district moonsif, and shall proceed to investigate the matter referred to them in conformity to the following rules.

An agreement to be taken from the parties to abide by the decision of the punchayet.

*Second.*—The district punchayet shall commence their proceedings by requiring from the parties an agreement in writing to abide by the decision of such punchayet, whose names shall be inserted in the agreement, which shall be witnessed by the district moonsif and any two respectable inhabitants, and dated on the same day.

Vakeels to be relatives, servants or dependants of the parties employing them. To be furnished with vakalutnamahs.

*Third.*—Vakeels for plaintiffs and defendants shall be admitted to plead before district punchayets, provided that every person so appearing as a vakeel be a relative, servant or dependant of the person by whom he may be employed, and provided he be furnished with a vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act; and such vakalutnamah, shall be exhibited by the vakeel before he be permitted to do any act in the suit.

Plaint to be received in presence of the parties or their vakeels. What it is to contain.

*Fourth.*—The parties being present in person or by vakeel, the district punchayet shall receive the written plaint of the complainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the value or amount of real or personal property claimed, and all material circumstances which may elucidate the transaction.

Plaint to be read to the defendant.

*Fifth.*—The plaint shall be read to the defendant or his vakeel, and the defendant or his vakeel shall be required by the punchayet to give in his answer, either immediately, if he shall be prepared to deliver it, or on a day to be fixed, which shall not be later than one week from the reading of the plaint.

Answer to be required.

Answer to state every thing regarding the case; no further pleadings to be admitted.

*Sixth.*—The defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Exhibits and lists of witnesses to be then received, and a day to be fixed for the trial.

*Seventh.*—The district punchayet, after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses, and shall fix an early day for the trial, with reference to the convenience of the parties and witnesses respectively.

Lists of witnesses and the day fixed for trial to be communicated to the district moonsif. How he is to proceed.

*Eighth.*—The district punchayet shall immediately communicate the lists of witnesses and the day fixed for the trial, to the district moonsif, who shall require the witnesses to be in attendance on that day.

How the depositions of witnesses are to be taken.

*Ninth.*—The parties and witnesses being in attendance on the prescribed day, the district punchayet shall proceed to take the depositions of the witnesses, in the manner usual in the cast to which they may respectively belong, on separate papers or cadjan leaves, in all cases in which the matter at issue may exceed the value or amount of one hundred arcot rupees; the deposition shall be read over to the witness, who shall then subscribe the deposition with his or her name or mark.

In what cases to be committed to writing.

*Tenth.*—In cases in which the matter at issue may be of smaller amount or value than one hundred arcot rupees, it shall be discretionary with the district punchayet to take the depositions of the witnesses in writing or not.

In other cases the punchayet to use its discretion.

*Eleventh.*—The district punchayets are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary.

The punchayet authorized to cause an oath to be administered to witnesses when necessary.

*Twelfth.*—The

*Twelfth.*—The district punchayets shall not put a question to any witness suggesting a particular answer, and shall previous to the examination of a witness, inform him that they have authority to cause an oath to be administered to him when they may think he is not giving his evidence correctly, which authority the district punchayets shall exercise at their discretion.

Questions suggesting a particular answer not to be put.  
Oaths to be administered to witnesses at the discretion of the punchayet.

*Thirteenth.*—If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the district punchayet shall suspend the trial and report it to the district moonsif, who shall cause to be affixed in some conspicuous place of the village wherein the defaulting party may reside, a notice specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice.

Trial to be suspended on the non-appearance of the parties or either of them.  
To be reported to the district moonsif.  
Notice to be fixed what containing.

*Fourteenth.*—If the plaintiff shall not appear at the time fixed in the notice, the district punchayet shall dismiss his suit, and award him to pay all the expenses which may have been incurred by the defendant and by the witnesses of both parties in their attendance on the punchayet; and the sum so awarded shall be recovered from the property of the defaulting plaintiff in the mode prescribed in Section XLVI, Regulation VI, 1816, unless he shall immediately pay the amount.

Suit to be dismissed on the non-appearance of the plaintiff

*Fifteenth.*—If the defendant shall refuse to answer the plaint or shall not attend at the time fixed in the notice, the district punchayet shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

Cause to be tried ex-parte on the defendant's refusal to answer the plaint, or non-appearance.

**V.** In cases where a witness shall neglect to attend, or attending shall refuse to give his testimony, or shall be otherwise guilty of disrespect to the district punchayet, as also when the evidence of a person is required who resides beyond the jurisdiction of the district moonsif, as also in the cases of persons whose testimony may be required, but whose rank or cast may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the district punchayet, the punchayet shall report the circumstances to the district moonsif, who is hereby authorized and directed, on receiving such reports, to take the same measures for procuring the attendance or testimony of the witnesses, or for punishing the contempts, as he would have taken under Sections XXVIII, XXIX, XXX, and XL, Regulation VI, 1816, if the circumstances represented had occurred before himself.

What circumstances to be reported to the district moonsif.

**VI.** When both parties have been heard and the whole of the evidence has been gone through, the district punchayet shall order the parties and witnesses to withdraw, and shall write their decree according to justice and right.

How he is to proceed.

**VII.** The decree of the district punchayet shall contain the names of the parties, and the names of the witnesses examined, and the titles of the exhibits read; it shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed, it shall specify the value or amount of the personal property and the value of the annual produce of the real property adjudged; the decree shall bear the signature or mark of the members of the punchayet, and shall be dated on the day on which it is passed. If any claim shall appear to the district punchayet to be evidently litigious and vexatious, they shall adjudge suitable costs and damages against the plaintiff, payable to the defendant, and insert the same in their decree.

When the decree to be written.

What the decree is to contain.

**VIII.** Two copies of the decree shall be prepared by the district punchayet, and shall be put under a sealed cover and delivered to the district moonsif, who shall require the parties together with the punchayet to assemble immediately, or at a convenient day, not being later than three days from his receipt of the decree; the district moonsif shall open the seal in presence of the parties, and shall endorse on each copy of the decree, the date of the delivery thereof, which shall be attested by his signature and the signatures of any two members of the punchayet; the district moonsif shall then cause the punchayet to deliver to each party in his presence a copy of the decree; but no communication shall be made to the district moonsif, or to either party, of the nature of the decree previously to its delivery.

Copy of the decree to be delivered to each party.

Date of the delivery to be endorsed by the moonsif.

How to be attested.  
Previous to the delivery, no communication of the nature of the decree to be made.

**IX.** If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the district moonsif shall endorse on the copy intended for such party, such omission or refusal, and noting the date, shall attest the same with his signature, which shall

Non-appearance or refusal to receive a copy, to be endorsed on it;

be

and copy so endorsed to be deposited with the district moonsif.

be witnessed by any two members of the punchayet; the copy so endorsed shall be deposited with the district moonsif, to be delivered to the party afterwards claiming it.

Proceedings of the punchayet to be written by one or more of the members. Stamp paper not necessary.

X. The proceedings of the district punchayet shall be written by one or more of the members, and no stamp paper need be used in the plaint, answer, or any process.

No appeal allowed from the decrees of punchayets.

In cases of partiality how the party is to proceed.

XI. *First.*—No appeal shall be permitted from decisions passed by district punchayets under this Regulation; but if the district punchayet shall be guilty of gross partiality, it shall be at the option of either party to bring the matter, by petition upon stamp paper of the prescribed rate according to the amount of the suit, before the judge of the zillah.

Petition only to be received, if presented within the period limited.

*Second.*—The petition shall not be received unless it be presented, with the decree complained of, within thirty days after the date on which copies of the decree may have been furnished or tendered to the parties or to their vakeels.

When received, execution of the decree to be stayed.

*Third.*—If the petition be received, the judge shall order the execution of the decree to be stayed pending the inquiry.

Decree to be annulled by the provincial court, on proof of partiality to their satisfaction.

*Fourth.*—If the partiality charged against the punchayet shall be established to the satisfaction of the judge by the oaths of two credible witnesses at the least, he shall in every case, whatever the amount of value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal, who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet or to any other competent jurisdiction.

Decision of a second punchayet agreeing with that of a former punchayet in the same suit, to be final.

*Fifth.*—Provided however, that where the decision of a second punchayet shall agree with the decision of a former punchayet in the same suit, it shall be final.

Petitions to the judge. By whom to be presented. Fee payable to the vakeel presenting them.

*Sixth.*—Petitions to the judge of the zillah under this section shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and the parties shall not be subjected to any other charge whatever.

District moonsif not to receive or refer to punchayets any suits for damages. Exception.

XII. The district moonsifs shall not receive or refer to a punchayet for trial, any suit for damages on account of personal injuries, or for personal damages of whatever nature, without an order of reference to him from the zillah judge.

Rate of interest to be allowed.

XIII. District punchayets shall not allow in their decrees a larger rate of interest than district moonsifs are authorized to allow under Section XV, Regulation VI, 1816.

By what rules to be guided in cases of inheritance of, or succession to landed property.

XIV. In all cases of inheritance of, or succession to landed property, district punchayets shall be guided by the rules prescribed in Section LXII, Regulation VI, 1816.

As also with respect to the admission of obligations, deeds and documents.

XV. In respect to the admission of obligations, deeds and documents, the district punchayets shall be guided by the rules prescribed in Section XXXV, Regulation VI, 1816.

District moonsifs to carry into execution the decrees of district punchayets. Proviso.

XVI. *First.*—Decrees of district punchayets, in cases referred to them under this Regulation, shall be carried into execution by the district moonsif under the rules prescribed in Sections XLVI, XLVII, XLVIII, XLIX. and L., Regulation VI, 1816; provided first, that if the suit be for land of the description specified in Clause second, Section XI, Regulation VI, 1816, the annual produce of such land shall not exceed the sum of twenty arcot rupees; secondly, that if the suit be for land of the description specified in Clause third, Section XI, Regulation VI, 1816, the annual produce of such land shall not exceed two hundred arcot rupees; and thirdly, that if the suit be for real property not of the description above mentioned, or for sums of money or other personal property, the value or amount of such property shall not exceed two hundred arcot rupees.

In all other cases the decrees of district punchayets to be carried into execution by the zillah judge.

*Second.*—In all other cases the decisions of district punchayets shall be carried into execution by the zillah judge, in the mode prescribed by the Regulations.

XVII. Petitions.

**XVII.** Petitions to the judge of the zillah praying execution of the decisions of district punchayets, shall be written upon stamp paper of the prescribed rate, according to the amount decreed, and shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas of a rupee shall be allowed and no more, and such application shall not be subjected to any other charge whatever.

Petitions to the judge praying execution of the decrees of district punchayets, to be written on stamp paper. Fee to the vakeel presenting the petition.

**XVIII. First.**—Any member or members of district punchayets shall be liable to prosecution in the zillah court, for corruption in the discharge of their trust, by either party in a suit which may have been referred to such punchayet, and upon proof of the charge to the satisfaction of the zillah judge, he shall adjudge the offender or offenders to pay the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; but members of district punchayets shall not be liable to be prosecuted for want of form, or for error in their proceedings or judgment; nor shall any process whatever be issued against a member or members of a district punchayet, unless the judge shall be previously satisfied by sufficient evidence that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act of corruption complained of.

Members of punchayets liable to prosecution for corruption.

Punishment on conviction.

Not liable to prosecution for errors or for want of form.

Proviso under which process is to be issued on a charge of corruption.

**Second.**—The zillah judge shall further fine the party by whom, or for whom, the corruption may have been practised in the suit, provided he shall have assented to such corruption, in a sum equal to the value of the thing or sum of money which any member or members of such district punchayet may be proved to have so corruptly received.

The party by whom or for whom the corruption is practised, to be fined.

**Third.**—If the corruption charged against any member or members of such district punchayet, shall not be proved to the satisfaction of the zillah judge, he shall award full costs and such damages to the member or members complained against as may appear to him to be equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

If the corruption be not proved, the accused to have damages and costs awarded to him, and the party making the groundless charge to be fined.

**XIX. First.**—In suits preferred to district moonsifs for reference to district punchayets under the provisions of this Regulation, district moonsifs are hereby authorized and directed to levy from the plaintiff an institution fee according to the following rates, viz.

Rates of institution fee to be levied in certain suits.

1. On amount or value not exceeding one hundred arcot rupees, one rupee.
2. On amount or value above one hundred, but not exceeding two hundred arcot rupees, two rupees.
3. On amount or value above two hundred, but not exceeding three hundred arcot rupees, three rupees; and so on progressively, whatever the amount or value may be.

**Second.**—In suits for land of the description specified in Clause second, Section XI, Regulation VI, 1816, the institution fee shall be calculated on ten times the computed annual produce.

**Third.**—In suits for land of the description specified in Clause third, Section XI, Regulation VI, 1816, the institution fee shall be calculated on the estimated annual produce of such land.

**Fourth.**—The amount of the fees directed to be levied under the preceding clauses, shall be considered as forming a part of the costs to be paid by the party against whom the decree may be given.

The amount of fees so directed to be levied to form part of the costs payable by the party cast.

**XX. First.**—Every witness attending to give evidence before a district punchayet shall be entitled to receive batta at a rate not less than one, nor more than four annas of a rupee per diem, from the date of his departure from his village to the day of his return; the rate of such batta to be determined by the district moonsif with reference to his situation in life.

Witnesses entitled to receive batta.

In what period to be received.

Rate to be determined by the district moonsif.

**Second.**—The batta to witnesses shall be paid daily under the orders of the district moonsif, by the party on whose behalf they may respectively be summoned.

Batta to witnesses to be paid daily. By whom.

The batta to witnesses to be paid by the party call.

*Third.*—The district moonsif shall levy from the party cast, and pay to the party in whose favour the decree may be given, the amount of batta which under this section he may have paid to the witnesses summoned on his behalf.

The amount of batta and institution fee to be specified on the back of the decree by the moonsif.

*Fourth.*—The amount of the batta to witnesses, together with the amount of the fee paid on the institution of the suit, shall be specified by the district moonsif on the back of the decree.

What reports, and how drawn up, are to be transmitted to the judge.  
At what periods.

XXI. Reports of causes tried by and depending before district punchayets, drawn up according to the forms No. 1. and 2. of the appendix of this Regulation, shall be transmitted by the district moonsifs to the zillah judge, at the periods and in the manner specified in Section XLI, Regulation VI, 1816.

Institution fees to be transmitted to the judge.  
How to be appropriated.

XXII. The fees to be levied under Section XIX. of this Regulation, shall be transmitted to the zillah judge, to be appropriated as a compensation to the district moonsifs, under the restrictions specified in Section LIX, Regulation VI, 1816.

## A P P E N D I X.

### FORM No. 1.

REPORT of causes decided by punchayet in the district of \_\_\_\_\_ in the month of \_\_\_\_\_

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Date and abstract of the decree.	Amount of institution fee.
1.	Veerasawmy vs. Gopaliah.	199 rupees on bond.	1st.	10th March 181 . Decreed 199 rupees, with 6 rupees costs.	2 rupees.
2.	Abdullah vs. Shaik Hosain.	700 rupees, value of a house.	5th.	12th March 181 . Dismissed, claim not pro- ved, with 7 rupees costs.	7 rupees.
3.	Kistna Row vs. Vencatasah,	10 merasee shares of land paying reve- nue, of 100 rupees annual produce.	12th.	20th March 181. Decreed 5 merasee shares.	1 rupee.
4.	Sashiah vs. Nursing Row.	Land exempt from rent, of 100 rupees annual produce.	17th.	26th March 181 . Dismissed with 13 ru- pees costs, plaintiff filing a raseenamah.	10 rupees.

### FORM No. 2.

REPORT of causes before punchayet in the district of \_\_\_\_\_ remaining undecided on the \_\_\_\_\_

No.	Names of the parties.	Substance of the suit.	Date when preferred.
1.	Abdullah vs. Sieq Mahomed.	180 rupees, rent of mango trees.	3d.
2.	Nullapah vs. Tremullay.	800 rupees, value of a house.	4th.
3.	Ballaju Row vs. Vencata Row.	Balance of ac- counts, 1,450 ru- pees.	5th.

## A. D. 1816. REGULATION VIII.

A REGULATION for the appointment of the Hindoo law officers of the provincial courts to be sudder ameen, or head native commissioners, for the trial of causes referred to them by the judges of the zillahs in which those courts are stationed; for confining the office of sudder ameen to the Hindoo law officers of the provincial courts, and the Mahomedan and Hindoo law officers of the zillah courts; and for modifying and extending the power of sudder ameens in the trial and decision of civil suits:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 17th of May 1816; corresponding with the 6th Vyasee of the year Dautoo, 1738th year of Saliwahn, and with the 18th Jamaudee-o-saunee 1231 Hijeree.

THE rules which have been enacted regarding the office of sudder ameen, or head native commissioner, for the trial and decision of causes of a certain amount or value, appearing in some instances to require revision; and it being expedient, with the view of promoting the speedy trial and decision of civil suits, to appoint the Hindoo law officers of the provincial courts to be sudder ameens in the zillahs wherein those courts are stationed, and to extend the jurisdiction of sudder ameens for the trial of referred causes to the amount or value of three hundred arcot rupees; and it being deemed conducive to the respectability of the office of sudder ameen, to restrict the appointment to that office to the Hindoo law officers of the provincial courts, and the Mahomedan and Hindoo law officers of the zillah courts: the Governor in Council has enacted the following rules, to be in force throughout the territories subject to the presidency of Fort St. George.

II. Sections IX, X, XI, XII, and Clauses first and second, Section XIII, Regulation VII. of 1809, and Regulation X. of 1809, are hereby rescinded.

III. The Hindoo law officers of the provincial courts, and the Hindoo and Mahomedan law officers of the zillah courts, shall by virtue of their offices be sudder ameens of the zillahs in which those courts respectively may be stationed.

IV. The commissions or sunnuds of appointment, which may have been granted to persons holding the office of sudder ameen, shall be recalled and cancelled.

V. Every sudder ameen shall previously to entering upon the execution of the duties of his situation, take and subscribe an oath, according to the form prescribed in No. 1. of the appendix to this Regulation, before the judge of the provincial or zillah court to which he may belong; but the court is empowered, in all cases in which it may deem it expedient, to exempt such sudder ameen from taking the oath, and in lieu thereof to cause him to subscribe a solemn declaration to the same effect.

VI. The sudder ameens are to hold their cutcherries at the station where the zillah or provincial court is held, in a room belonging to the court house, or in such convenient place as the zillah or provincial court may direct.

VII. The judges of zillahs are authorized to refer to the sudder ameens any original suits for land exempt from the payment of rent in money or in kind, either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed thirty arcot rupees; and for land subject to the payment of rent in money or in kind, either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed three hundred arcot rupees; or for other real property not of the description above specified, or for sums of money or other personal property, the value or amount of which shall not exceed three hundred arcot rupees.

VIII. In referring suits for trial to the sudder ameens, the judge shall generally refer such cases as are likely to involve questions of Hindoo law to the Hindoo law officers, and of Mahomedan law to the Mahomedan law officers.

IX. The



Sudder ameens to investigate suits themselves, and not to allow any other person to interfere therein.

Causes before sudder ameens, how to be pleaded.

Judges to assign vakeels.

What regulations are applicable to the vakeels employed in the sudderameen's court.

What other suits may be referred to sudder ameens.

Register to be kept; according to what form.

What distinction is to be made in the monthly and half-yearly reports.

Provisions of Section VIII, Regulation VI, 1816, applicable to the office of sudder ameen.

What rules to be observed by sudder ameens.

Proviso.

Sudder ameens decrees to be executed by the zillah courts.

How process is to be issued.

Sudder ameens not to realize the fines imposed by themselves.

Report to be made to the judge.

How he is to proceed.

What decision of sudder ameens to be final.

From what decisions appeals are open.

Sudder ameens in what cases to be entitled to the institution fee.

IX. The sudder ameens are themselves to investigate the suits referred to them in a public cutcherry or court room, and are not to allow their officers, servants or dependants, or any other person to interfere therein.

X. All causes referred to the sudder ameens, shall be pleaded either by the parties in person or by an authorized vakeel of the provincial or zillah court to which the sudder ameens may respectively belong. The provincial and zillah courts will assign to the court of each sudder ameen, such a number of the authorized vakeels as may appear necessary. The whole of the Regulations in force regarding the authorized vakeels of the provincial and zillah courts, shall be applicable to the authorized vakeels employed in the courts of the sudder ameens.

XI. In addition to the original suits specified in Section VII. of this Regulation, the zillah judges are empowered to refer to the sudder ameens any depending appeals from the decisions of moonsifs appointed under the provisions of Regulation XVI. of 1802, and of Regulation VII. of 1809, and any appeals which may be made from the decisions of the district moonsifs appointed under the provisions of Regulation VI. of 1816, which the judges themselves may be unable to determine with sufficient despatch.

XII. The sudder ameens shall keep a register book according to the form prescribed in No. 2. of the appendix to this Regulation; and in their monthly and half-yearly reports, they shall carefully distinguish suits referred to them in appeal, from suits referred to them for trial and determination in the first instance.

XIII. The provisions of Section VIII, Regulation VI, 1816, are hereby declared to be applicable to the office of sudder ameen.

XIV. The sudder ameens, in trying the causes which may be referred to them by the zillah judge, are to be guided by the same rules as are prescribed for the trial of suits before the judge; provided however, that the decisions passed by sudder ameens shall be carried into execution by the zillah court, and that every notice, summons, attachment or other process relative to any cause depending before a sudder ameen, shall be issued under the seal of the zillah court, and under the official signature of the judge or register, and shall be executed through the regular officers of the zillah courts; provided further, that nothing in this Regulation shall be construed to empower the sudder ameens to realize by their own authority any fines which they may impose; in such instances they shall report the circumstances of each case to the zillah judge, who will either remit, or modify, or confirm the fine imposed by the sudder ameen, and will proceed to realize the same under the same rules as are prescribed for the execution of decrees.

XV. The decisions of sudder ameens on the appeals referred to them under Section XI. of this Regulation, shall be final; but from their decisions in original suits referred under the provisions of Section VII. of this Regulation, there shall be an appeal to the zillah judge under the rules prescribed for appeals from the decisions of the registers.

XVI. When original suits or appeals referred to sudder ameens, may be decided by them on an investigation of the merits of the case or may be adjusted by razeenamahs of the parties, the sudder ameens shall be entitled to receive the amount of the fees paid on the institution of such original suits and appeals.

## A P P E N D I X.

### No. 1.

#### FORM of oath to be administered to sudder ameens.

I, *A. B.* sudder ameen of the zillah of \_\_\_\_\_ do solemnly swear, that in the trial and determination of all suits which may come under my cognizance, I will act according to the best of my abilities and judgment, without partiality, favour or affection; that I will not directly or indirectly receive, or knowingly allow

allow any other person to receive any money, effects or property on account of any suit that may come before me for decision. I will strictly adhere to all the rules prescribed for my guidance, and I will in all respects truly and faithfully execute the trust reposed in me.

No. 2.

FORM of register book of suits referred to sudder ameens.

Number of the suit.	Date of the reference.	Names of the parties.	Amount and subject of the claim.	Date and abstract of the decree.	Date on which copies of the decree were furnished or tendered to the parties.
No. 1.	2d of Feb. 181 .	Veerasaamy vs. Chengelroy.	Debt on bond, 137 rupees.	20th March 181 . Decreed in favour of the plaintiff 133 rupees principal, and 2 rupees interest; defendant to pay costs 14 rupees: total, 147 rupees.	24th of March 181 . Copy furnished to the plaintiff himself, and another to the vakeel to the defendant.
No. 2.	2d of Feb. 181 .	Mahomed vs. Bava Saib.	Debt of 277 rupees, value of rice furnished to the defendant.	Adjusted by razeenamah, 10th of February.	
No. 3.	3d of Feb. 181 .	Gunna Sing vs. Mohun Lala.	Arrears of rent, 244 rupees.	April 1st, decreed to plaintiff 172 rups. defendant to pay costs 15 rups.	April 7th, plaintiff absent, copy of the decree furnished to the defendant.

A. D. 1816. REGULATION IX.

A REGULATION for reducing into one Regulation certain rules which have been passed regarding the office of the Zilla Magistrate; for modifying and defining his powers; and for transferring the office of Zilla Magistrate from the Judge to the Collector of the Zilla:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 13th of September 1816; corresponding with the 31st Auvanee of the year Dautoo, 1738th year of Saliwahn, and with the 20th Shavaul 1231 Hijeree.

WHEREAS the rules which have been enacted for the guidance of the zilla magistrates have appeared in some instances to require revision; and whereas it will contribute to the public convenience to reduce into one Regulation the rules in certain Regulations applicable to the office of zilla magistrate; and whereas it appears expedient, in order to prevent the collision of authorities in the districts, and to facilitate the administration of civil and criminal justice, to transfer the office of magistrate from the judge to the collector of the zilla; the following rules have been enacted. Preamble.

II. Regulation VI, 1802; Sections XVII. and XVIII, Regulation XII, 1802; Sections XII. and XIV, Regulation I, 1808; Regulation XIII, 1809; Sections II, III, IV, V. and VIII, Regulation I, 1810; Regulation IV, 1811; and Sections IX, X, XI. and XII, Regulation VI, 1811, are hereby rescinded. Regulations rescinded.

III. The collectors of the several zillas shall hold the office of magistrate of their respective zillas; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath according to the form prescribed in No. 1. of the appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it. Collectors of the several zillas to be magistrates in their respective zillas.

IV. The assistants to the collectors of zillas shall be assistants to the magistrates of the zillas. Assistants to the collectors to be assistants to the magistrates.

Assistants may in certain cases be employed judicially.  
Proviso.

V. The zilla magistrates are authorized to employ their assistants in the execution of such part of their prescribed duties as from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistant entering upon the exercise of judicial authority, he shall take and subscribe before the magistrate an oath according to the form prescribed in No. 2. of the appendix to this Regulation.

Assistants having taken the prescribed oath, may in certain cases act judicially.

VI. The assistants to the zilla magistrates who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the magistrates by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively, by the magistrates with whom they are stationed.

The magistrate's official seal to remain in his custody.

VII. The magistrate shall use a circular seal one inch and three quarters in diameter, bearing the following inscription, in the Persian character and language, and also in the character and language of the district :

“ The seal of the magistrate of the zilla of \_\_\_\_\_ .” The seal of each magistrate is to remain in the custody of the magistrate.

Special jurisdiction of the magistrates of the several zillas.  
Exception.

VIII. The special jurisdiction of the magistrates of the several zillas is to extend throughout the districts included in the zillas in which they are respectively stationed; provided however, that the magistrates be not considered to have any jurisdiction or authority whatever in the town of Madraspatnam, or any places adjacent within the limits of the jurisdiction of the supreme court of judicature at Madras.

Magistrate to apprehend all persons charged with crimes or misdemeanors.

IX. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, housebreakers, and disturbers of the peace, and persons charged before him with crimes or misdemeanors.

Crimes which are not bailable.

X. *First.*—Persons accused of treason, murder, robbery, setting fire to any house or village, housebreaking, theft, or counterfeiting of the coin, provided there shall appear sufficient grounds for believing the charge, shall not be admitted to bail; but if the charge be for manslaughter, or any species of illegal homicide not involving the crime of murder, the magistrate is authorized to proceed in the first instance, either by warrant for taking into custody or by summons requiring bail, as he may judge proper, on consideration of the circumstances of the case, and of the condition and character of the party accused.

How a magistrate is to proceed if the charge be for manslaughter or illegal homicide not amounting to murder.

Principle of the foregoing section applicable to persons privy to or incidentally accessory to heinous crimes.

*Second.*—The principle of the latter part of the preceding clause, is also declared applicable to persons appearing from the magistrate's inquiry to have been only privy or incidentally accessory to crimes of a heinous nature, without being concerned therein either as principal, or as aiding and abetting, procuring or instigating the perpetration thereof.

Points to be attended to by the magistrates in their inquiries into charges preferred to them.

XI. The magistrates, upon receiving any charge for any heinous crime or misdemeanor, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed.

How a magistrate is to proceed on a complaint being preferred to him for any of the crimes herein specified declared not bailable, or though the crime charged be of a heinous nature, but not expressly declared to be unbailable.

XII. *First.*—Upon a complaint being preferred in writing to a zilla magistrate against any person subject to his jurisdiction, for treason, murder, robbery, housebreaking, theft, setting fire to a village, house or other building, counterfeiting the coin, or any other crime declared not to be bailable, or though not so expressly declared, involving such dangerous breach of the peace or degree of criminality as from the facts deposed to before the magistrate may appear to require the immediate apprehension of the accused, and to render the admission of bail unsafe and improper, the magistrate, on the truth of the charge being deposed to by the complainant, or in the manner required by the following sections, shall issue a warrant under his official seal and signature, specifying the crime charged, and directing the officer entrusted with the execution of it to apprehend the person accused.

To issue warrant under his official seal and signature: what the warrant is to contain.

Form of warrant for apprehension.

*Second.*—The warrant shall be in the form prescribed in No. 3. of the appendix to this Regulation, and shall be directed to any police officer.

What to be specified in warrant when bail or security for keeping the peace is to be taken.

*Third.*—If the magistrate shall in any bailable case judge it proper to authorize the officer to whom the warrant is committed to receive bail for appearance (with

or without security for keeping the peace), it shall be so specified in the warrant, with the extent of the bail (and security) required, according to the form prescribed in No. 4. of the appendix to this Regulation.

*Fourth.*—The bail to be taken for appearance before the magistrate, shall be in the form prescribed in No. 5. of the appendix to this Regulation.

Form of bail bond for appearance before the magistrate.

*Fifth.*—When security may be required for keeping the peace, it shall be taken in the form prescribed in No. 6. of the appendix to this Regulation.

Form of security bond for keeping the peace.

XIII. The attendance and deposition of the complainant shall not be indispensable in preferring a criminal charge, when sufficient reason can be assigned for his non-attendance. If the complainant be unable to attend in person or were not himself present at the commission of the act complained of, his written plaint presented by an authorized agent, and corroborated by the deposition on oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath) of one or more persons present or otherwise personally informed of the truth of the complaint, shall be sufficient grounds for receiving the same and for issuing process against the party accused, unless the magistrate see reason for making the previous inquiry authorized by the following section; but no warrant for apprehension shall be issued on a complaint, unless the truth of the charge be deposed to on oath (or under a solemn declaration), either by the complainant himself or by some other credible person. This shall not however be construed to restrict a magistrate from issuing process to apprehend a person suspected of having committed a heinous crime, or for whose apprehension sufficient cause may appear upon the report of a police officer, or upon any other credible information.

Personal attendance of complainant under certain circumstances herein described, not indispensable.

Exception.

No warrant to be issued unless the charge be sworn to or deposed to under a solemn declaration, either by the complainant or some other credible person.

Magistrate not restricted from issuing process for apprehension, upon the report of officers of police or other credible information.

process for apprehension, upon the report of officers of police or other

XIV. If the magistrate see cause to distrust the truth of a complaint preferred to him, and if the immediate arrest of the party complained against appear unnecessary and objectionable, the magistrate is authorized to postpone his issuing his warrant for apprehension, and to cause a previous inquiry to be made, either by means of the local police officers or in such other mode as he shall judge most proper, for the purpose of ascertaining the truth or falsehood of the complainant's allegations; if the result of such inquiry induce the magistrate to believe the charge well founded, and the offence committed be of the nature described in Section XII. of this Regulation, he shall issue his warrant for apprehending the accused therein directed; but if the accusation appear groundless, or though well founded, if the offence be of a bailable nature, he is empowered in the former case to dismiss the complaint, or in the latter case, to direct bail to be taken from the accused for appearance in person or by vakeel to answer the charge, as provided by the following section.

How the magistrate is to proceed if he see cause to distrust the truth of a complaint.

XV. *First.*—Upon a complaint in writing being preferred to a zilla magistrate against a person subject to his jurisdiction, for any bailable crime or misdemeanor which may not appear to require the immediate apprehension of the accused, the magistrate, upon the party complaining making oath (or a solemn declaration, if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath (or declaration) if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to by some other credible person or persons, shall issue a summons under his official seal and signature, to be served by any police officer.

How a magistrate is to proceed against a person charged with a bailable offence.

*Second.*—The summons in all such instances shall specify the offence with which the accused is charged, and shall, according to the circumstances of the case, contain a requisition to attend either in person or by vakeel, to answer to the charge on or before a certain day to be stated in the summons, according to the form prescribed in No. 7. of the appendix to this Regulation.

What the summons is to contain

*Third.*—If it be deemed necessary to require bail, the extent of the bail is to be specified in the summons, in the form prescribed in No. 8. of the appendix to this Regulation.

Form to be substituted when bail is required.

*Fourth.*—The bail to be taken for appearance before the magistrate in pursuance of the above clause, shall correspond with the form prescribed by Clause IV, Section XII. of this Regulation.

Bail bond to correspond with that prescribed in Clause fourth of Section XII.

XVI. If

How a magistrate is to proceed if the accused on whom a summons may have been served, shall not attend in person or by vakeel, and give bail if required

**XVI.** If an accused person on whom a summons shall have been served, shall not attend in person or by vakeel, and give bail (if required) according to the exigence of the summons, within the period limited by it, the magistrate shall issue a warrant under his official seal and signature, for the apprehension of the accused, and if he abscond or conceal himself so that he cannot be found, shall proceed against him in the manner directed in the following section.

Magistrates how to proceed against persons who may evade their processes by flight or concealment.

**XVII. First.**—The magistrate is to cause a written proclamation in the language of the district, requiring the absent party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and shall cause such proclamation to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the magistrate, on receiving the police officer's return to this effect, is to order the attachment of any land or other real property held by the absentee within his jurisdiction, in the following manner.

Lands or other real property to be attached upon non-attendance after proclamation.

**Second.**—If the absentee be a proprietor of land, or sudder farmer, paying revenue to Government, the magistrate shall hold the land or farm of the absentee in attachment, and take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the Board of Revenue, to whom he is to make an immediate report of any instances of land being attached by him under this Regulation.

Attachment in what manner to be made if the absentee be a proprietor or farmer of land paying revenue to Government.

Or if the absentee be not of the above descriptions.

**Third.**—If the absentee be not a proprietor or farmer of land paying revenue to Government, but as a dependant talookdar, under farmer or ryot, or in any other capacity whatever, be the tenant of landed property capable of attachment, the magistrate shall attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge, paying from the product any rent which may become due to the zemindar or other person entitled thereto, and deducting all necessary expenses in the account to be rendered to the absentee, whenever he may attend, and the attachment of his property be removed.

Attachment to be taken off on attendance of the absentee, and an account rendered of receipts and disbursements.

**Fourth.**—In all instances wherein an attachment of property may be made under the foregoing rule, the magistrate, immediately on the attendance of the party for whose appearance it was ordered, shall direct that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Report to be made to the Governor in Council, in case the absentee shall not attend within six months after the attachment of his lands.

**Fifth.**—Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the magistrate shall report the case to the Governor in Council, who will pass such order upon it and upon the future disposal of the lands as he may judge proper.

Magistrates how to proceed against persons refusing their processes.

**XVIII. First.**—If any person amenable to the authority of the magistrate, shall resist or cause to be resisted, any warrant, order or other process of any magistrate, the magistrate of the zilla in which such resistance may have been made, on the same being charged on oath, shall, if practicable, cause the party to be apprehended, and brought before him to answer to the charge. If the party shall abscond or conceal himself, so that he cannot be apprehended, the magistrate is to cause a written proclamation in the language of the district, requiring the party to appear to answer the charge against him within a fixed period of time, not less than one month, to be publicly read and proclaimed by beat of drum, and to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. If the party charged as above cannot be apprehended, and shall not within the period fixed by proclamation appear to answer the charge against him, or if he shall be apprehended, or shall appear in pursuance of the proclamation, and after receiving his answer to the charge and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the magistrate that he is guilty of the charge, the magistrate is to pass judgment against him in the following manner.

Judgment to be passed against persons convicted of such resistance.

If a proprietor of land paying revenue to Government or lakheraj land.

**Second.**—If the offender be a zemindar, talookdar or other proprietor of land paying revenue to Government, or the proprietor of ultumgah, aymah, or other lands

lands exempt from revenue, situated within the zilla in which the resistance was made, and the case shall not come under the rule provided in clause fifth of this section, the magistrate shall declare such lands to be forfeited to Government, and shall hold them in attachment till the receipt of orders from the Governor in Council, to be communicated in the manner hereafter directed.

*Third.*—If the offender be a sudder farmer holding a farm from Government within the zilla in which the resistance may have been made, and the case shall not come under the rule provided in clause fifth of this section, the magistrate shall declare his lease cancelled, and shall proceed as above required with respect to lands declared forfeited to Government.

If a sudder farmer holding a farm from Government.

*Fourth.*—If the offender be not a proprietor of land or sudder farmer paying revenue to Government, as described in the two foregoing clauses, the judgment against him shall declare him liable to the payment of such fine to Government as may appear proper upon a consideration of his rank and circumstances in life, and the offence of which he may be convicted; and the magistrate shall immediately proceed to the attachment of any property appertaining to the offender for the recovery of the same, in the manner authorized by the Regulations for the recovery of sums of money decreed by the civil courts of justice; in cases wherein the offender may have been apprehended, and may not be possessed of property adequate to the discharge of the fine adjudged against him, the magistrate, with the concurrence of the Foujdary Adawlut, may commute such fine to imprisonment or corporal punishment.

If the offender be not of the above descriptions.

*Fifth.*—In cases of resistance to the process of a magistrate, not attended with aggravating circumstances, wherein the magistrate before whom the charge may be tried, shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences under Section XXXII. of this Regulation, it shall not be necessary to transmit his proceedings for the consideration of the Foujdary Adawlut, as required by clause sixth of this section, but the judgment of the magistrate shall be executed, in such cases, without reference to the Foujdary Adawlut.

Magistrates may inflict punishment in certain cases of resistance, without the reference required in clause sixth.

*Sixth.*—Provided always, that the whole of the judgments passed by the magistrates under this section (with an exception to the judgments passed under the preceding clause) be immediately reported, with a complete copy of their proceedings, to the court of Foujdary Adawlut, and the orders of that court be received under the following section; before the judgment passed by a magistrate under this section be considered final and conclusive.

Judgments of magistrates under this section (with the exception specified) to be reported to the Foujdary Adawlut, without whose orders such judgments not to be considered final and conclusive. Foujdary Adawlut, how to proceed in cases referred to them under this Regulation.

XIX. The Foujdary Adawlut, on the receipt of the proceedings above referred to, are to pass such order thereupon as they may think proper, on due consideration of the evidence and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to Government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the Foujdary Adawlut is to be final in all cases of fine, imprisonment and corporal punishment; but in case they shall confirm the judgment of the magistrate for a forfeiture of the offender's lands or lease, they are, previously to ordering such sentence to be carried into execution, to transmit their proceedings with those of the magistrate to the Governor in Council, who will finally determine whether the sentence of forfeiture shall be put in force, or commuted to a fine or otherwise, and who, whenever he may order the land or lease of the offender to be forfeited to Government, will at the same time cause the necessary instructions for the future disposal of the land to be conveyed to the collector through the Board of Revenue. In case the magistrate's judgment of forfeiture be set aside either by the Foujdary Adawlut or the Governor in Council, he shall immediately on being informed thereof, and on receipt of the fine (if a fine be ordered), remove the attachment, and cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

XX. The rules contained in Section XVIII. of this Regulation, shall not restrict the magistrates from admitting to bail persons charged with resistance to a warrant, order or other process of a magistrate, in cases not attended with aggravating circumstances, or in any case when the magistrate upon receipt of the charge, or in the course of his inquiry respecting it, or after he shall have passed judgment upon

Magistrates not restricted from admitting to bail persons accused of resistance to criminal processes in certain cases.

In what cases such persons may be admitted to bail.

it, during the reference required to be made to the Foujdary Adawlut, may judge proper to admit the defendant to bail. As resistance of process is not included in the specification of crimes declared not bailable, it is hereby declared that persons apprehended on a charge of resistance of process under this or any other Regulation, and who may not be accused of any aggravating crime in addition to the resistance of process, such as is declared not bailable by Section X. of this Regulation, are to be admitted to bail until a final decision shall have been passed upon the charge, provided the bail offered by them shall appear to the magistrate sufficient for securing the appearance of the persons so charged during the prescribed investigation of the case.

Magistrate how to proceed when it may appear advisable to offer a reward for the discovery and apprehension of offenders in cases of magnitude.

Discretion vested in the magistrate in such cases, and in the court of Foujdary Adawlut.

In what case a report to be made for the orders of Government.

Reward sanctioned under the preceding section when payable.

In what cases the courts of circuit may order payment in whole or in part, without conviction of the persons apprehended.

In what cases the courts of circuit may also withhold the payment of the rewards offered under preceding section, notwithstanding the conviction of the persons apprehended.

Authority vested in the courts of circuit to direct a remuneration for meritorious service by police officers and others in the discovery or apprehension of public offenders, when no specific reward may be payable to them; and in the court of Foujdary Adawlut. In what case a report to be made to Government.

Prisoner to be examined, but not upon oath, and his deposition to be committed to writing.

The witnesses to the charge to be examined upon oath (or solemn declaration), and their depositions to be committed to writing.

XXI. In cases of gang robbery, murder or other heinous crime, when the magistrate shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, or when the offenders may not be known, if it appear advisable to the magistrate of the jurisdiction in which the crime may be committed to offer a reward for the discovery and apprehension of the offender or offenders, he shall offer such reward as shall be deemed sufficient, not exceeding in any case the sum of one hundred arcot rupees for a surdar or leader of a gang, and twenty rupees for each of the inferior offenders that may be discovered and apprehended in consequence. In any case which may appear to the magistrate to require a larger reward, he shall report the same to the court of Foujdary Adawlut, with his opinion of the reward that should be offered, and the court of Foujdary Adawlut may authorize such reward as shall appear sufficient, not exceeding the sum of five hundred arcot rupees for a surdar or leader, and one hundred rupees for each of the inferior offenders; if these rewards appear to be in any case insufficient, the court of Foujdary Adawlut shall report the same for the consideration and orders of Government.

XXII. All specific rewards offered under the discretion of the magistrate, or which may have been duly sanctioned by the court of Foujdary Adawlut, or the Governor in Council under the preceding section, shall be payable on the conviction of the offender or offenders before the courts of circuit. The courts of circuit are also hereby empowered to direct the payment of any part of the specific rewards authorized, altho' the persons apprehended may not be convicted of the crimes charged against them, if from proof of their notorious bad character and the whole of the evidence, there appear to be ground of presumption that the information given against the prisoners was well founded; provided farther, that it shall be competent to the court of circuit to withhold and prohibit the payment of the whole or any part of the specific rewards offered under the preceding section, altho' the persons informed against and apprehended may be convicted, if it should appear on the trial that any improper means have been taken by the informer with a view to the conviction of the accused, or that the latter has suffered any maltreatment from the former, or from any person under his influence.

XXIII. In cases wherein any meritorious service may have been rendered by police officers or others in the apprehension or discovery of public offenders, for whom no specific reward may be payable to the person or persons who have performed such meritorious service, the courts of circuit, on due consideration of the service rendered, the exertions made, and any expense incurred in the performance of it, are authorized to direct the payment of such remuneration as may be considered adequate, not exceeding the sum of one hundred rupees for a surdar, and ten rupees for an accomplice. If a larger reward be deemed proper, a report of the case shall be made to the court of Foujdary Adawlut, who are authorized to direct the payment of any sum not exceeding five hundred rupees. If in any case it appear proper to grant a higher reward or compensation than five hundred rupees, the court of Foujdary Adawlut shall report the same for the consideration and orders of Government.

XXIV. *First.*—Upon a prisoner being brought in the first instance before the magistrate, charged with any crime or misdemeanor, he shall inquire into the circumstances of the charge, and examine the prisoner, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The witnesses shall be examined upon oath (or on a solemn declaration, if of a rank or cast which would render it improper to take an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this inquiry, if it shall appear to the magistrate that



that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the court of circuit with the calendar ordered to be prepared in Section XL. of this Regulation.

Magistrate to discharge the prisoner if there shall not appear evidence of his guilt, recording his reasons for so doing.

*Second.*—If on the contrary it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there is evidence of the prisoner's having been concerned in the perpetration of it, the magistrate shall send the prosecutor, the witnesses and the prisoner, with the proceedings on the case, to the criminal judge of the zilla; but it shall not be necessary for the magistrate to go further into the examination, than to satisfy his own mind that there is ground to believe the prisoner guilty of the crime charged against him.

Magistrates to send the prosecutor, witnesses and the prisoner, to the criminal judge, if there shall be evidence that the crime or misdemeanor was committed.

Magistrate need go no further into examination than may satisfy his mind of the prisoner's guilt.

XXV. Whenever the magistrate may forward a prisoner to the criminal judge under the preceding section, he shall send by the police peons in charge of the prisoner, a paper containing the name of the prisoner, the crime with which he is charged, and date of the charge, the date of his apprehension, and a list of the prosecutors and witnesses, and of all examinations and depositions that may have been taken either by himself or any police officers. The judge shall immediately on the receipt of such paper, certify on the back of it whether or not the prisoner and documents have been received, and shall return it by the police peons to the magistrate, and no other communication shall be necessary.

Documents to be forwarded with the prisoner to the judge.

XXVI. When a prisoner confesses before the magistrates the crime or misdemeanor of which he may have been accused, the magistrates are to be careful to have such confession witnessed by as many creditable persons, not being servants of the Government, who may be present at the time it may be made, as the Mahomedan law requires to give it validity; but the magistrates are strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary. The magistrates are further required to take special care that persons upon being apprehended, are not made to suffer corporal punishment, or otherwise ill-treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any other pretext whatever.

Prisoners confessions or confirmations of former confessions of their guilt, to be attested by the number of witnesses the Mahomedan law requires to render them valid.

The magistrate to be careful that they are free and voluntary, and to take special care that prisoners suffer no ill-treatment after apprehension, to compel them to speak the truth or for other purpose.

XXVII. No private compromise or razeenamah shall be admitted by the magistrate in crimes of a heinous nature, such as on conviction may require exemplary punishment for the ends of public justice.

Magistrate not to admit any compromise in crimes of a heinous nature.

XXVIII. All examinations and depositions taken before the magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the magistrate, and are to be taken and written in the language in which the deponents may desire to have the same recorded.

Rules respecting examinations taken before the magistrate.

XXIX. The magistrates of the several zillas shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses or against the witnesses of the adverse party, or of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the civil courts, either as plaintiffs, defendants or witnesses, are hereby declared not to be liable to any prosecution of this description, unless they shall be committed to take their trial by the zilla judge under the authority vested in him by Section VIII, Regulation III, 1802.

Magistrates not to receive charges of perjury.

Individuals attending in civil suits not liable to prosecution for perjury, unless committed for trial by the judge.

XXX. The magistrates are to transmit to the court of Foujdary Adawlut, in the month of January of each year, in the form prescribed in No. 9. of the appendix to this Regulation, an abstract statement of the number of robberies and other crimes of a heinous nature, ascertained by the police officers, or otherwise, to have been committed within their respective jurisdictions in the preceding year, the number of persons known or supposed to have been concerned in the commission of such crimes, and the number apprehended and delivered over to the criminal judge.

Magistrates to transmit to the Foujdary Adawlut, in the month of January of each year, an abstract statement of robberies and other crimes committed in the preceding year, containing the particulars herein specified.

XXXI. All Europeans not British subjects shall be amenable to the authority of the magistrates, the criminal judges, and courts of circuit within whose jurisdiction they may be apprehended and brought to trial, in common with the natives of the country.

Process to be observed for apprehension and trial of Europeans not British subjects.

XXXII. The

Misdemeanors which the magistrates are authorized to try ;

and the punishment which they are empowered to inflict for such offences.

Crimes which the magistrates are also authorized to try, under the restrictions herein specified ;

and the punishment which they are empowered to inflict for such crime.

Form of warrant referred to, to be addressed by magistrates, in certain cases, to the keeper of the zilla jail.

Warrant to be accompanied by a paper addressed to the judge. The endorsement therein required.

Punishment to be inflicted on the complainants in the cases herein specified, whose complaints are proved to be litigious, vexatious or groundless.

In what cases bail for personal appearance shall not be required in the first instance, but may be required at any time during the investigation.

How an officer entrusted with the serving of a summons is to proceed.

In what cases the officer serving the summons shall be entrusted to receive a razeenamah, if acquiesced in by the defendant, as a sufficient return to the process entrusted to him.

Provided, that except in the trivial cases noticed, no razeenamah shall be received without the sanction of the magistrate.

Magistrates not required to make examinations in certain cases matter of record.

**XXXII.** The magistrates are empowered to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender when convicted, by committing him to prison in the zilla jail or village choultry, as to them may seem proper, for a term not exceeding fifteen days, or by imposing a fine upon him, but the fine is in no case to exceed the sum of fifty arcot rupees, unless the offender be a zemindar, independent talookdar, or other actual proprietor of land paying an annual revenue to Government of more than ten thousand arcot rupees, or a proprietor of ayma land paying a quit revenue to Government exceeding five hundred arcot rupees per annum, or of lakheraj land, the annual produce of which may be above one thousand arcot rupees, in which cases such offender shall be liable to a fine not exceeding two hundred arcot rupees. The magistrate is to fix the amount of the fine under the limitations prescribed, upon a due consideration of the nature of the case and the situation and circumstances in life of the offender.

**XXXIII.** The magistrates are authorized to hear and determine, without reference to any authority, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters, and to inflict upon the offenders corporal punishment not exceeding eighteen rattans, or commit them to prison in the zilla jail or village choultry, as to them may seem proper, for a term not longer than one month, according as they may think proper upon a consideration of the circumstances of the case.

**XXXIV. First.**—In cases of a prisoner, punishable by the magistrate under the two preceding sections, being sent to the zilla jail, the magistrate shall forward with the prisoner a warrant in the form prescribed in No. 10. of the appendix to this Regulation, addressed to the keeper of the jail, who shall conform to the tenor of the warrant.

**Second.**—The warrant shall be accompanied by the paper addressed to the criminal judge, containing the name, the crime or offence, and the period of confinement to which the prisoner may have been sentenced. The judge shall return the paper by the police officers who may come in charge of the prisoner, with an endorsement attested by his official seal and signature, acknowledging the delivery of the prisoner.

**XXXV.** Where the complaints specified in Sections XXXII. and XXXIII. of this Regulation, shall appear to the magistrate to be litigious, vexatious or groundless, he is authorized to punish the complainant by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section XXXII.

**XXXVI.** In cases of a trivial nature, such as abusive language, slight trespasses, and inconsiderable assaults or affrays, in which there may be no reason to apprehend that the party complained against will abscond, bail for appearance shall not be required in the first instance, but may at any time during the investigation of the charge be called for by the magistrate, if any circumstances should occur to render it necessary. The officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same and to return an acknowledgment for the party. The officer serving the summons in such instances, shall be authorized, on the tender of a razeenamah expressing the plaintiff's desire to withdraw his complaint, and the defendant's acquiescence in the complaint's being withdrawn, to receive such razeenamah as a sufficient return to the process committed to him ; but excepting in the trivial cases noticed in this section, no razeenamah shall be received without the special sanction of the magistrate.

**XXXVII.** The magistrates are not required, in the cases of petty offences specified in Section XXXII. of this Regulation, to make their examinations matter of record, when the punishment they may order shall not exceed two days imprisonment or a fine of five rupees.

**XXXVIII.** The

XXXVIII. The magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension to the date of their discharge or delivery to the criminal judge.

Magistrate to pay the customary diet money to prisoners.

XXXIX. *First.*—No fines, except in the cases specified in the second clause of this section, shall be imposed by a magistrate, save and except to the use of Government, and whenever a fine to the use of Government shall be imposed, the magistrate who may pass the sentence, shall at the same time weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine, at the expiration of which the persons convicted shall be discharged, if they have not previously paid the fine. In cases in which the magistrates shall impose fines, the imprisonment to be fixed by them as equivalent to the fines shall not exceed the periods specified in Sections XXXII. and XXXIII. of this Regulation.

No fines to be imposed by magistrates but to the use of Government, with a definite period of imprisonment to be held as equivalent to the fines imposed.

Imprisonment not to exceed periods herein specified.

*Second.*—In case of injury to any complainant, when the fine may have been levied, it shall be lawful for the magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury, as he may deem equitable.

Application of fine when levied in cases of injury to complainants.

XL. *First.*—The magistrates shall cause to be delivered to the courts of circuit, upon their arrival at the places of residence of the criminal judges of their respective zillas, a calendar in the form prescribed in No. 11. of the appendix to this Regulation, containing a list of all persons whom they may have apprehended for crimes or misdemeanors, and discharged for want of sufficient evidence; as also a calendar in the form prescribed in No. 12. of the appendix to this Regulation, containing a list of all punishments which they may have ordered on petty offences or petty thefts, with the exception of those cases which are not required to be made matter of record under Section XXXVII. of this Regulation.

Magistrates to submit two calendars to the courts of circuit.

What to contain.

*Second.*—These calendars are to be accompanied with all the original proceedings in each case, and if the court of circuit shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar punished upon insufficient grounds, they are to transmit to the magistrate such written orders on the case as may appear to them proper, to which he shall conform.

What papers and proceedings are to accompany these calendars.

Directions to the circuit judge in certain cases.

*Third.*—The courts of circuit are to report to the Foujdary Adawlut, for the information and orders of Government, whenever the magistrate omit or refuse to obey their orders, as also whenever it shall appear to them that the magistrates have been guilty of neglect or misconduct in the discharge of their duty.

Court of circuit to report instances of neglect or misconduct on the part of magistrates in the discharge of their duty.

XLI. Every summons or other criminal process shall be served by a peon or other police officer receiving wages from Government, and no diet money or other allowance or gratuity shall be demanded or received from the complainant or accused, whether the case be adjusted by razeenamah or otherwise, and the demand or receipt of such by any police officers, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence on conviction before the magistrate, the criminal judge of the zilla, or court of circuit; the offender shall also be compellable, either by a criminal prosecution or by a civil action, to refund the amount received, besides being liable to immediate dismissal from office under the provisions contained in the existing Regulations.

Public officers in the pay of Government charged with the serving of process, prohibited from demanding or receiving diet money from the parties.

XLII. Magistrates are hereby empowered to remove police officers from one station to another within their respective jurisdictions, without reference to any authority.

Magistrates empowered to remove police officers from one station to another, at discretion.

XLIII. The zilla magistrates and their assistants are hereby declared amenable to the zilla court in the jurisdiction of which they may reside or carry on the public business committed to their charge, by a civil prosecution for any act or acts done in their official capacity in opposition to any established Regulation.

Magistrates and their assistants amenable to the zilla court for acts done in their official capacity.

XLIV. Such parts of Section II, Regulation I, 1808; Section XXI, Regulation I, 1812; and Section XVI, Regulation III, 1812, as refer to the magistrate of the zilla, are hereby declared applicable to the criminal judge of the zilla only.

Such parts of sections herein specified as refer to the magistrate, made applicable to the criminal judge of the zilla only.

XLV. The offences specified in Section XIII, Regulation I, 1808; Sections XXIII. and XXIV, Regulation I, 1812; and in Sections XX. and XXI, Regulation III, 1812, shall be cognizable by the magistrate, under the limitations with

The offences specified in the sections herein referred to, punishable by the magistrate under the limitations

of punishment prescribed by this Regulation.

regard to the extent of punishment prescribed by Sections XXXII. and XXXIII. of this Regulation ; but in all cases where the magistrate may deem the punishment which he is authorized to inflict inadequate to the offence, he shall send the witnesses and the offender, with the proceedings on the case, to the criminal judge of the zilla.

Part of clause referred to, declared applicable to this Regulation.  
Zilla magistrates to take the prescribed oath as justices of the peace.

XLVI. Such part of Clause first, Section VII, Regulation II, 1808, as refers to Regulation VI, 1802, is hereby declared applicable to this Regulation.

XLVII. The magistrates of the several zillas who have not already taken the prescribed oath of qualification to act as justices of the peace of their respective districts, are hereby required to do so within three months from this date ; and all persons hereafter appointed to the station of zilla magistrate, are hereby required to take the said oath within three months from the date of their appointment.

## A P P E N D I X.

### No. 1.

#### FORM of Oath to be administered to the Magistrate.

I, *A. B.* appointed magistrate of the zilla of \_\_\_\_\_ solemnly swear, that I will to the best of my ability, preserve the peace of the zilla over which my authority extends ; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, reward or emolument whatsoever, in the execution of, or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize ; and that I will perform the duties of my office, according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

So help me God.

### No. 2.

#### FORM of Oath to be administered to the Assistants to the Magistrates.

I, *A. B.* assistant to the magistrate of the zilla of \_\_\_\_\_ solemnly swear, that I will to the best of my ability, assist the said magistrate in preserving the peace of the zilla over which his authority extends ; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, emolument or reward whatsoever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize ; and that I will perform the duties of my office, according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

So help me God.

### No. 3.

#### FORM of Warrant for apprehension.

To \_\_\_\_\_  
Whereas \_\_\_\_\_ inhabitant of \_\_\_\_\_ stands charged on the oath  
(or, solemn declaration) of \_\_\_\_\_ inhabitant of \_\_\_\_\_ with the crime of \_\_\_\_\_  
you are hereby directed to apprehend the said \_\_\_\_\_ and produce  
him before the magistrate of the said zilla. In this fail not. Dated the \_\_\_\_\_  
day of \_\_\_\_\_ A. C. corresponding with \_\_\_\_\_

## No. 4

## FORM of Warrant requiring Bail or Security.

Whereas                   inhabitant of                   stands charged on the oath  
(or, solemn declaration) of                   inhabitant of                   with the crime of  
you are hereby directed to apprehend the said                   and to  
require bail in the sum of rupees                   for his appearance before the magistrate  
of the said zilla on or before the                   you are farther required to take  
security from the said                   for keeping the peace, in the sum of  
rupees; if the said                   shall not give the bail (and security) above stated,  
you are directed to bring him before the magistrate of the said zilla. Herein fail  
not. Dated this                   day of                   A. C. corresponding with

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## No. 5.

## FORM of Bail Bond for appearance before the Magistrate.

Whereas                   inhabitant of                   stands charged with                   and is  
required to appear before the magistrate of the zilla of                   on or before the  
to answer to such charge, I hereby bind myself to produce the said  
before the said magistrate, on the date                   aforesaid, and to be  
answerable for his appearance until a final order be passed by the magistrate upon  
the said charge. In default whereof I further bind myself to forfeit to Government  
the sum of rupees                   In this I will not fail. Dated this                   day of  
A. C. corresponding with

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## No. 6.

## FORM of Security Bond for keeping the Peace.

Whereas                   inhabitant of                   stands charged with  
and has been called upon to give security to keep the peace whilst such charge is  
under investigation, I hereby declare myself surety for the said                   that  
he shall not commit any act that can occasion a breach of the peace whilst the said  
charge is under examination. In default whereof I further hereby bind myself to  
forfeit to Government the sum of rupees                   Dated this

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## No. 7.

## FORM of Summons.

To                   inhabitant of  
Whereas a complaint has been preferred on oath (or, solemn declaration) by  
inhabitant of                   charging you with the crime of  
you are hereby required to appear (in person or by vakeel) before the magistrate of  
the zilla of                   on or before the                   day of                   to answer  
the said charge. Herein fail not. Dated the                   day of                   A. C.  
corresponding with

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## No. 8.

## FORM of Summons when Bail is required.

To                   inhabitant of  
Whereas a complaint has been preferred on oath (or, solemn declaration) by  
inhabitant of                   charging you with                   you are hereby  
required to appear (in person or by vakeel) before the magistrate of the zilla of  
on or before the                   to answer to the said charge; you are  
further required to give bail in rupees                   for your appearance (in person  
or by vakeel) on the day aforesaid. Herein fail not. Dated the                   day of  
A. C. corresponding with

## No. 9.

ABSTRACT Statement of Robberies and other crimes of a heinous nature, ascertained by the police officers, or otherwise, to have been committed within the zilla of \_\_\_\_\_ in the year \_\_\_\_\_ of the number of persons known or supposed to have been concerned in the commission of such crimes, and of the number apprehended and delivered over to the Criminal Judge.

Designation and Number of Crimes.	Computed number of persons concerned.	Number apprehended and delivered over to the Criminal Judge.
1. Robbery and Murder - - - - - 10	100	50
2. Robbery without Murder - - - - - 20	200	100
3. Affrays and violent Assaults, attended with homicide, maiming or wounding - - - - - 20	200	100
4. Murder - - - - - 5	20	10
5. Housebreaking - - - - - 20	40	20
6. Thefts of considerable amount or attended with aggravating circumstances - - - - - 30	60	30
7. Receiving stolen Goods - - - - - 20	20	20
8. Arson, (when committed distinctly from other offences) - 5	20	10
9. Rape - - - - - 2	2	2
10. Adultery - - - - - 4	4	4
11. Perjury - - - - - 10	10	10
12. Forgery - - - - - 5	5	5
Total - - - - - 151	681	361

Note.—Remarks to be subscribed on the increase or decrease of any particular designation of crime, or the greater or less number of persons concerned or apprehended, or on any other circumstance which may call for observation.

## No. 10.

## FORM of Warrant of Commitment.

To the keeper of the jail at \_\_\_\_\_

Whereas *A. B.* having been convicted of (*here specify the offence*) was sentenced by me under this date to be imprisoned for and during the space of \_\_\_\_\_ days from the date hereof. Now you are hereby required to receive the said *A. B.* into your custody in the said jail; and there safely to keep him the said *A. B.* until the expiration of the said \_\_\_\_\_ days from the date hereof; and then to release him.

Given under my hand and seal at \_\_\_\_\_ in the zilla of \_\_\_\_\_ in the year of our Lord 181 .

## No. 11.

## CALENDAR of Persons discharged by the Magistrate of the Zilla of \_\_\_\_\_

No.	Names.	Offence.	Date of apprehension.	Date of release.	Reasons.
1.	Ramiah - -	Murder - - -	1st January - -	10th January -	Want of evidence.
2.	Venkatah -	Highway robbery	10th March - -	15th March - -	Charge groundless.

No. 12.

CALENDAR of Persons punished by the Magistrate of the Zilla of

No.	Names.	Offence.	Punishment.	Date.
1.	Ramah - - -	Assault - - -	6 Rupees fine -	5th December.
2.	Mootoo - - -	Petty Theft - -	12 Rattans - -	—

A. D. 1816. REGULATION X.

A REGULATION for constituting the judges of the Courts of Adawlut of the several Zillas, Criminal Judges of their respective Zillas, and for defining their powers:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 13th of September 1816; corresponding with the 31st Auvanee of the year Dautoo, 1738th year of Saliwahn, and with the 20th Shavaul 1231 Hijeree.

WHEREAS it appears expedient, in order to facilitate the administration of criminal justice, to constitute the judges of the courts of adawlut of the several zillahs, criminal judges of their respective zillahs, and to prescribe rules for their guidance in bringing to trial persons charged with crimes and offences; the following rules have been enacted. Preamble.

II. The judges of the courts of adawlut of the several zillas, shall hold the office of criminal judge of the zilla under their respective jurisdictions; previous to entering upon the execution of the duties of the office, they shall take and subscribe an oath according to the form prescribed in No. 1. of the appendix to this Regulation, before the Governor in Council, or any person whom he may commission to administer it. Judges of the zilla courts, to be criminal judges in their respective jurisdictions.

III. The registers to the zilla courts shall be assistants to the criminal judges of the zillas. Registers to the zilla courts to be assistants to the criminal judges of the zillas.

IV. The criminal judges are authorized to employ their assistants in the execution of such part of their prescribed duties as from the extent of their general business, or other cause, they may be unable to give due attention to themselves; provided, that previous to any such assistant entering upon the exercise of judicial authority, he shall take and subscribe before the judge, an oath according to the form prescribed in No. 2. of the appendix to this Regulation. Assistants may in certain cases be employed judicially. Proviso.

V. *First.*—The assistants to the criminal judges who may have taken and subscribed the oath prescribed by this Regulation, are authorized to exercise the judicial power vested in the judge by this Regulation, as far as may be necessary to enable them to perform the duties committed to them respectively by the judges with whom they are stationed. Assistants having taken the prescribed oath, may in certain cases act judicially.

*Second.*—The provisions of Section XV, Regulation XII, 1802, with the exception of what relates to the preservation of the peace of the district, are hereby declared applicable to the criminal judges of the several zillas and their assistants. The provisions of Section XV, Regulation XII, 1802, declared applicable to the criminal judges and their assistants.

VI. The special jurisdiction of the criminal judges of the several zillas, is to extend throughout the districts included in the zillas in which they are respectively stationed; provided however, that the criminal judges be not considered to have any jurisdiction or authority whatever in the town of Madraspatnam, or any places adjacent within the limits of the jurisdiction of the supreme court of judicature at Madras. Special jurisdiction of the criminal judges of the several zillas. Exception.



Criminal judges empowered in certain cases to pass sentence of imprisonment, with corporal punishment;

and fine, under the limitations herein specified.

VII. The criminal judges are hereby empowered, in all cases of conviction before them of a criminal offence punishable under the Mahomedan law and the Regulations, for which the penalties authorized by Sections XXXII. and XXXIII, Regulation IX, 1816, may appear insufficient, or to which the rules referred to may not be expressly applicable, and for which a more severe punishment than six months imprisonment with thirty rattans, or a fine of two hundred rupees, may not have been especially prescribed (in which case the prisoner, if there appear grounds for it, must be brought to trial before the court of circuit), to pass sentence of imprisonment not exceeding six months, with corporal punishment not exceeding thirty rattans in cases of theft, or in other cases, with a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment not exceeding six months, so that the entire period of imprisonment under the sentence of a criminal judge shall in no instance exceed one year.

Criminal judges competent only to take cognizance of criminal charges brought before them by magistrates or their police officers.

Proviso.

Prisoner to be examined, but not upon oath; and his deposition to be committed to writing.

Prosecutor and his witnesses to be examined upon oath, or on a solemn declaration, and their depositions to be committed to writing. Judge to discharge the prisoner if there shall not appear to him sufficient ground for commitment, recording his reasons for so doing.

Judge to punish the prisoner if the crime be committed, and punishable by fine.

Judge to commit the prisoner, or to hold him to bail, if there shall appear to him sufficient ground for so doing.

All bail bonds and recognizances to be for specific sums, to be forfeited upon non-performance of the conditions;—rule for determining the amount of such sums.

Points to be attended to by the judges in their inquiries into charges before them.

VIII. The criminal judge of the zilla shall not receive or take cognizance of any criminal charge or information, except such as may be brought before him by a magistrate or some police officer under his authority; provided however, that this restriction shall not be considered as applicable to cases in which an European British subject shall be a party.

IX. *First.*—Upon a prisoner being brought before the criminal judge, he shall inquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The complainant and the witnesses shall be examined upon oath (or on a solemn declaration, if the rank or cast of the deponent render it improper to require an oath), but the prisoner shall not be required to swear to the truth of his deposition; after this inquiry, if it shall appear to the judge that the crime or misdemeanor charged against the prisoner was never committed, or that there is no evidence of his having been concerned in the committing of it, the judge shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the court of circuit with the calendar ordered to be prepared in Section XXIII. of this Regulation.

*Second.*—If on the contrary it shall appear to the judge that the crime or misdemeanor was actually committed by the prisoner, and if it shall be punishable by the judge under Section VII. of this Regulation, he shall adjudge such punishment as he may deem proper.

*Third.*—If the crime or misdemeanor be not punishable by the judge, and if it shall appear that it was actually committed, and that there is evidence of the prisoner having been concerned in the perpetration of it, the judge shall commit him to prison, or hold him to bail (according as the offence may beailable or not), to take his trial at the next session of the court of circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

*Fourth.*—All bail bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum, the amount of which shall be determined by the judge upon a due consideration of the case and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government in the event of the condition of it not being performed.

X. The criminal judges are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night the act complained of was committed; when a prisoner confesses before them the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the judges are to be careful, in cases referable to the court of circuit, to have such confession or confirmation of a former confession witnessed by as many creditable persons, not being servants of the Government, who may be present at the time it may be made, as the Mahomedan law requires to give it validity, and to cause such witnesses to be in attendance at the next sessions of the court of circuit; all confessions made by prisoners shall be free and voluntary, and notwithstanding such confessions, the judges are invariably to summon and bind over to attend at the next sessions, the witnesses to the com-

mission of the crime or misdemeanor alledged against the prisoner, that they may be examined before the court of circuit in the same manner as if the prisoner had denied the charge.

XI. In all cases of trial before the court of circuit, if the admission of bail have not been prohibited by the Regulations, and the bail tendered shall appear sufficient for securing the appearance of the party accused, he shall be admitted to bail until sentence be passed upon the charge against him; moreover in special instances wherein the court of circuit on report from the criminal judge, or on other satisfactory information before them, may deem it just and proper to admit to bail a person charged with an offence notailable under the general provisions contained in the Regulations, that court is declared competent to instruct the judge to accept sufficient bail, instead of keeping the accused in confinement whilst the charge against him is under trial. The court of circuit may likewise in allailable cases, wherein the bail required by the judge shall appear excessive, direct the judge to receive such bail as may be deemed sufficient to answer the purpose intended by it.

Bail, if sufficient to secure attendance, may be admitted in all cases not prohibited by the Regulations. Courts of circuit in certain cases may direct the judge to admit to bail persons accused of offences notailable under the Regulations; and may direct judges, wherein excessive bail may have been required by them, to receive such bail as may be deemed sufficient.

bail as may by the court of circuit

XII. The bail to be taken under the preceding section, as well as in all cases of persons being held to bail for trial before the courts of circuit, shall be according to the form prescribed in No. 3. of the appendix to this Regulation.

Form of bail bond for persons to be tried before the court of circuit.

XIII. In all cases of a prisoner being committed, or held to bail for trial before any court of circuit, the criminal judge who may order him to be so committed or held to bail, shall immediately after passing such order, question the prisoner whether he wishes to have any witness or witnesses examined in his defence before the court of circuit, and in the event of his answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations and places of abode, to be taken down and recorded upon his proceedings, or in the event of the prisoner's replying in the negative, shall cause his reply to that effect to be recorded on his proceedings, for the information of the court of circuit.

Prisoner to be questioned at the time of his being committed or held to bail, and his answer recorded on the judge's proceedings, with specification of any witnesses named by him.

XIV. In the event of any person, whether committed or held to bail for trial before the court of circuit, at any time before the session of that court, desiring the examination of any witness or witnesses upon his trial, although the same may not have been named by him at the time of his being committed or held to bail, the criminal judges are to be careful to cause the attendance of such witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.

Any witnesses named before the arrival of the court of circuit, to be summoned to attend the trial before that court.

XV. All examinations taken before the criminal judge are to be written on separate papers, signed by the deponents, attested by the signature of the judge, and arranged according to their respective dates.

Rules respecting examinations taken before the judge.

XVI. All examinations and depositions are to be taken and written in the language in which the deponents may desire to have the same recorded, and the criminal judges shall in all cases of commitment, and in such cases only, accompany all papers written in the native languages, with a translation in the Persian language, which translation is to be compared with the original by the officers of the court of circuit.

Depositions to be taken and written in the language in which the deponents may desire; papers to be accompanied by a Persian translate in cases of commitment only.

XVII. The criminal judges, upon receiving notice from the judges of the courts of circuit of the time by which they expect to arrive at their respective stations, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the court of circuit, under the penalty of forfeiting their recognizances in the event of their not attending. The judges shall send a copy of this publication to the magistrates of the zillas, who shall cause a copy of it to be fixed up in some public place in the principal town or village in each district in their respective zillas.

Notice that the criminal judges are to give of the time by which the judges of circuit expect to arrive at their stations.

XVIII. The criminal judges, previous to the arrival of the courts of circuit at their respective stations, shall again ascertain from the persons committed or held to bail to take their trial, the names or places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process, to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Judges to be careful to cause the witnesses on the part of persons committed, or held to bail to take their trial, to be in attendance by the time of the arrival of the courts of circuit.

XIX. The

Form of the calendar of the prisoners committed or held to bail to take their trial, to be submitted by the judge to the courts of circuit upon their arrival at their respective stations.

Documents which are to accompany the calendar.

**XIX.** The criminal judges are to have in readiness to deliver to the judges of the courts of circuit upon their arrival at their respective places of residence, a calendar in the English and Persian languages, according to the form prescribed in No. 4. of the appendix to this Regulation.

arrival at their respective stations.

**XX.** The calendar is to be accompanied with the criminal judges proceedings on each charge, which shall contain the following vouchers, or as many of them as from the nature and circumstances of the case may be requisite and procurable, with such other papers and documents as the judge may have in his possession or judge necessary to be obtained for the information of the court of circuit.

1st. An attested copy of the complaint or charge.

2d. An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount or computed value of it.

3d. The name or names of the person or persons apprehended.

4th. The examination of the person or persons apprehended.

5th. The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

6th. A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance, and those who are absent, with the cause of the non-attendance of the latter.

7th. The depositions of the witnesses who may have been in attendance.

8th. The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance, and such as are absent, and the cause of the non-attendance of the latter.

Further documents to be produced if required.

**XXI.** The following documents shall also be delivered, if required by the judges of the courts of circuit.

1st. The prosecutor's recognizance to appear and prosecute to the charge.

2d. The recognizances of the prosecutor's witnesses.

3d. A copy of the magistrate's warrant or summons for the apprehension or appearance of the offender.

4th. A copy of such examinations as may have been taken by the magistrate, or by any police officer under him.

Magistrates to furnish the courts of circuit with the original returns of the nazir respecting summonses to witnesses not in attendance;—both nazir and person deputed, to attend the court of circuit.

**XXII.** The list of witnesses shall further be accompanied with the original returns made to the criminal judge by the nazir, and person deputed on his part to serve the summons on any witness who may not be in attendance; and the nazir and person so deputed on his part, shall be kept in attendance on the court of circuit to answer any interrogatories which that court may have occasion to put to him, to the end that the court of circuit may be enabled to ascertain the real cause of the non-attendance of any witness by their own inquiry, and to evince to the court of Foujdary Adawlut, in cases referable to that court, that all due measures have been taken to ensure the attendance of the witnesses, both on the part of the prosecutor and the prisoner.

Two further calendars herein specified to be submitted by the judges to the courts of circuit.

**XXIII.** The criminal judges are to lay before the courts of circuit, upon their arrival at their respective places of residence, two separate calendars, the first containing a list of all persons whom they may have discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail to take their trial for the crime or misdemeanor charged against them, and accompanied with their reasons for having released them, as prescribed in Section IX. of this Regulation. The second comprising a list of the persons whom they may have punished for crimes or misdemeanors cognizable by them, the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them; these calendars shall be in the form prescribed in Nos. 11. and 12. of the appendix to Regulation IX, 1816, and are to be accompanied with all the original papers and proceedings in each case; and if the court of circuit shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified

What papers and proceedings are to accompany these calendars.

specified in the second calendar, punished upon insufficient grounds, the judges of those courts are hereby authorized, whenever any case so brought before them may appear not to have been sufficiently investigated, and a further inquiry may be practicable and requisite for the ends of justice, to direct such additional inquiry to be made by the criminal judge, and the result to be communicated to the judges of the court of circuit collectively for their orders on the case.

The judges of circuit are authorized, whenever any case may appear not to have been sufficiently investigated, to direct a further inquiry to be made by the judge, and the result to be communicated to the court of circuit collectively for their orders.

XXIV. Two or more judges of a court of circuit forming a court at the sudder station, are hereby declared competent, on all occasions when it may appear necessary upon petitions presented to them relative to the proceedings of any criminal judge, or of an assistant to a judge within their jurisdiction, to call upon the judge for his proceedings, or those of his assistant on the case, and to pass such orders thereupon as they may deem proper and consistent with the Regulations.

Two or more judges of a court of circuit competent to call for the proceedings of a criminal judge or his assistant, on occasion of petitions being presented to them relative to such proceedings, and to pass such orders thereupon as may be proper.

XXV. In like manner the court of Foujdary Adawlut are declared competent to call for the proceedings of any court of circuit, or of any criminal judge or assistant to a judge, whenever it may appear requisite, and to pass such orders thereupon as that court may deem just and proper.

The Foujdary Adawlut competent to call for the proceedings of the courts of circuit and of the criminal judges whenever requisite, and to pass such orders upon them as may appear proper.

XXVI. If the criminal judge shall commit any zemindar, independent talookdar, or other actual proprietor of land to be tried before the court of circuit, he is to notify the commitment to the collector of the zilla, that if necessary he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

Judge to notify the commitment of proprietors of land to the collector of the zilla.

XXVII. The jail of the zilla shall be placed under the exclusive charge of the criminal judge of the zilla.

The zilla jail placed under charge of the judge.

XXVIII. The criminal judge shall visit the jail at least once in every month, and redress all well founded complaints of ill-treatment which may be preferred to him by the prisoners against the jailor or any officer having charge of them; he is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

Judges how often to visit the jail, to redress all well founded complaints; to attend to the health and cleanliness of the prisoners.

XXIX. Separate apartments in the jail shall be allotted for the following descriptions of prisoners.

Descriptions of prisoners ordered to be confined in separate apartments.

1st. Prisoners under sentence of death.

2d. Prisoners sentenced to confinement by a criminal judge, by the court of circuit, or the Foujdary Adawlut.

3d. Prisoners committed to take their trial before the court of circuit.

4th. Prisoners sentenced to confinement by the magistrate for petty crimes or misdemeanors cognizable by him. And as the crimes proved or alleged against the second and third descriptions of prisoners must be of different degrees of atrocity, the criminal judges are required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of, or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent their having any communication with each other, and the rules prescribed in this section for keeping apart the several descriptions of the former, are to be considered applicable also to the latter. The judges are further enjoined to endeavour to prevent drunkenness, gaming and other immoralities being practised in the jails.

Further descriptions of prisoners to be confined in separate apartments.

Female to be kept separate from male prisoners in all cases.

XXX. All complaints or charges, with the orders upon them, are to be recorded in the office of the criminal judge, in the English and language of the district in which the court may be held.

Charges and the orders passed upon them by the judge, to be recorded in the English and language of the district.

XXXI. The criminal judges are to pay the customary daily subsistence money to all prisoners, from the time of their being delivered over to them to the date of their discharge.

Judges to pay the customary diet money to prisoners.

XXXII. The criminal judges are to pay to all persons who may be released from jail after an imprisonment of six months or upwards, calculating from the date of their sentences, and who shall appear to be in actual need of such assistance, a sum sufficient

The judges are to pay to persons released after a confinement of six months or upwards, a sum sufficient for a

month's subsistence if they stand in need of it, but it is in no case to exceed five rupees.

sufficient to maintain them for one month. The sum to be so paid to each individual is to be regulated by his situation in life, but it is in no case to exceed five arcot rupees, and in every instance is to be confined as much within that amount as may be consistent with the purpose for which the allowance is granted.

Judges to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the court of circuit.

XXXIII. The criminal judges are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas of a rupee each during their attendance on the court of circuit, and the same allowance for as many days as in their opinion may be sufficient for such prosecutors and witnesses to come from and return to their respective homes.

Amount of fines imposed how to be disposed of.

XXXIV. The provisions of Section XXXIX, Regulation IX, 1816, respecting the imposition and disposal of fines by the magistrate, are hereby declared equally applicable to the office of criminal judge.

Judges to transmit the quarterly reports herein required.

XXXV. The criminal judges are to transmit to the register of the Foujdary Adawlut, quarterly reports on the 1st of January, 1st of April, 1st of July and 1st of October, drawn out according to the forms prescribed in Nos. 5, 6, 7, 8, and 9, of the appendix to this Regulation, which shall contain the several particulars therein specified. The reports for each quarter are to be dispatched from the several stations, so as to arrive at Madras by the twentieth of the first month of the ensuing quarter.

As also further reports after each jail delivery, as herein specified.

XXXVI. The criminal judges are to transmit to the register to the Foujdary Adawlut, within twenty days after the judges of circuit have finished the business of the circuit or jail delivery at their respective stations, reports according to the forms prescribed in Nos. 10. and 11. of the appendix to this Regulation, which shall contain the several particulars therein specified.

Judges to submit in the month of January an annual report to the Foujdary Adawlut, containing the particulars herein specified.

XXXVII. The criminal judges are to transmit to the Foujdary Adawlut, in the month of January of each year, an annual report of all criminal cases depending before them or their assistants respectively, on the 31st of the preceding month of December, according to the form prescribed in No. 12. of the appendix to this Regulation, which shall contain the several particulars therein specified.

Referred cases herein specified made cognizable by the criminal judge.

XXXVIII. Such cases as come under Section XIII, Regulation I, 1808; Sections XXIII. and XXIV, Regulation I, 1812; and Sections XX. and XXI, Regulation III, 1812; which may be referred under Section XLV, Regulation IX, 1816, by the magistrate to the criminal judge, shall be cognizable by him under the limitations with regard to punishment which are prescribed by the sections above specified respectively.

The provisions of certain sections made applicable to the criminal judge.

XXXIX. Such parts of Section XXIII, Regulation II, 1802; Section XI, Clause VI, Section XVIII, Sections XXVIII, XXX, XXXII. and XLI, Regulation VII, 1802; Sections XIII, XVIII. and XXIV, Regulation VIII, 1802; Clause VI, Section II, Clause IV, Section VIII, and Section XI, Regulation XV, 1803; and Section III, Regulation VI, 1808, as refer to the magistrate, are hereby declared to be applicable to the criminal judge only.

Criminal judges to take the prescribed oath as justices of the peace.

XL. The criminal judges of the several zillahs who have not already taken the prescribed oath of qualification to act as justices of the peace of their respective districts, are required to do so within three months from this date, and all persons hereafter appointed to the station of criminal judge are required to take the said oath within three months from the date of their appointment.

## A P P E N D I X.

### No. 1.

#### FORM of Oath to be administered to the Criminal Judges.

I, *A. B.* appointed criminal judge of the zilla of \_\_\_\_\_ solemnly swear, that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, reward or emolument whatsoever, in the execution of, or on account of \_\_\_\_\_ of \_\_\_\_\_



No. 5.

REPORT of Persons apprehended in the Zilla of \_\_\_\_\_ and delivered to the Criminal Judge in the months of January, February and March 181 .

No.	Names.	Abstract of the crime or charge.	Date of apprehension.	Punished, and in what manner.	Released, or if allowed a fine.	Committed, and the date of commitment.	Before what Court of Circuit to be tried.

ABSTRACT.

Punished	-	-	-	-	-	-	-
Committed	-	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-	-

*Note.*—If before the close of the quarter a greater number of persons charged with crimes may be brought before the criminal judges than they are able to examine and proceed with as prescribed previous to the expiration of it, the judges in such cases are to insert the names of persons in that predicament in the above report of persons apprehended, in an additional column, under the head of “not examined.”

No. 6.

REPORT of Casualties, and of Prisoners released in the Zilla of \_\_\_\_\_ in the months of January, February and March 181 .

No.	Name.	Crime.	Removal, and to what places and when.	Natural death, and when.	Escaped, and when.	Released, and when.

No. 7.

REPORT of Sentences of the Foujdary Adawlut, received in the first Quarter, ending the 31st of March 181 .

No.	Name.	Date of commitment.	Crime.	Date of reference.	Sentence.	Sentence when passed.	When enforced.

ABSTRACT.

Death	-	-	-	-	-	-
Imprisonment for life	-	-	-	-	-	-
Temporary Imprisonment	-	-	-	-	-	-
Stripes	-	-	-	-	-	-
Released	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-



No. 8.

REPORT of Prisoners under the charge of the Judge, to be tried on the 31st of March 181 .

No.	Name.	Crime.	Date of commitment.	At large upon bail.	In Jail.

ABSTRACT.

In confinement - - - - -  
 At large upon bail - - - - -  
 TOTAL - - - - -

No. 9.

REPORT of Prisoners tried, and whose cases have been referred to the Foujdary Adawlut, and on whom the sentence of that Court has not been received.

No.	Name.	Date of commitment.	Crime.	Date of the trial.	When referred.

ABSTRACT.

Referred in former Quarters - - - - -  
 Referred in the present Quarter - - - - -  
 TOTAL - - - - -

31st March 181 .

No. 10.

REPORT of Prisoners on whom Sentence has been passed by the Court of Circuit for the Division of in the first sessions of 181 , without reference to the Foujdary Adawlut.

No.	Name.	Date of commitment.	Crime.	Date of the trial.	Sentence.	Sentence when passed.	When enforced.

ABSTRACT.

Punished with Stripes - - - - -  
 Imprisoned - - - - -  
 Fined - - - - -  
 Released - - - - -  
 TOTAL - - - - -

No. 11.

## REPORT of Prisoners confined under Sentence to the of

No.	Name.	Imprisonment for life.	Temporary imprisonment.	Date of commitment.	Sentence when passed.

## ABSTRACT.

Imprisonment for life	-	-	-	-
Temporary imprisonment	-	-	-	-
TOTAL	-	-	-	-

No. 12.

## REPORT of Criminal Cases depending before the Criminal Judge of the Zilla and his Assistant, on the 31st December

No.	Names of the accused.	Whether in confinement or under bail.	Crime charged.	Date of charge.	Date of apprehension or first appearance of the accused.	Explanations of considerable delay, or other remarks.

## A. D. 1816. REGULATION XI.

A REGULATION for the establishment of a general system of Police, throughout the territories subject to the Government of Fort St. George.— Passed by the Right honourable the Governor in Council of Fort St. George, on the 13th of September 1816; corresponding with the 31st Auvanee of the year Dautoo, 1738th year of Saliwahn, and with the 20th Shavaul 1231 Hijeree.

Preamble.

IT being expedient that a system of police founded chiefly upon the ancient usages of the country, should be established throughout the territories subject to the Government of Fort St. George, and that the powers and authorities of the several classes of persons to be entrusted with the performance of police duties should be defined; the Right honourable the Governor in Council has been pleased to enact the following rules.

Regulations rescinded.

II. Regulation XXXV, 1802, and Section XII, Regulation IV, 1808, are hereby rescinded.

Present establishment of police darogahs and tanahdars abolished.

III. The present establishments of police darogahs and tanahdars shall from the first day of November 1816, be abolished, and the duties heretofore discharged by those persons shall be performed by persons of the descriptions hereinafter mentioned.

The persons by whom police duties are hereafter to be discharged.

1. Heads of villages as described in Section III, Regulation IV, 1816, aided by curnums or village registers, and tallyars and other village watchers.

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2. Tahsildars,

2. Tahsildars, or native collectors of districts, by whatever name designated, with the assistance of peshkars, gomashatas, and establishments of peons.

3. Zemindars.
4. Ameens of police.
5. Cutwals and their peons.
6. Magistrates of zillas and their assistants.

IV. Heads of villages shall be ex officio heads of the police of their respective villages.

Heads of villages to be heads of police in their villages.

V. *First.*—Heads of villages are authorized and directed to apprehend all persons charged with committing crimes or offences, or breaches of the peace, and all persons accused of injuring the public buildings, roads, tanks and water channels; and except in the trivial cases, wherein they are authorized by Section X. of this Regulation to inflict punishment, they shall forward the persons whom they may apprehend, together with the accusers and witnesses, to the police officer of the district.

Heads of villages to apprehend offenders and forward them to the police officer of the district.  
Exception.

*Second.*—Heads of villages shall not receive from any person whom they may apprehend any confession either verbally or in writing, except in the trivial cases referred to in the preceding clause; nor shall they on any account, except the accused person be in such a state as to render his removal improper, detain any person in their custody longer than twenty-four hours.

Heads of villages not to receive confessions, Nor to detain any person in their custody longer than twenty-four hours.

VI. In cases of emergency, the head of the village is authorized to call upon the inhabitants generally to assist him in securing offenders, and all the inhabitants of the village are hereby required to co-operate with him on such occasions, provided that no person who is prohibited by the rules of his cast or profession from performing such service, shall be compelled so to do.

Heads of villages authorized to call upon the inhabitants generally for assistance.  
Proviso.

VII. If heads of villages shall be unable with the persons at their command, and the people of their own villages, to apprehend the parties accused, they shall have authority to call on the heads of neighbouring villages for assistance, and all heads of villages are hereby required to afford the most prompt assistance whenever they may be called upon by their neighbours so to do.

Heads of villages authorized to call on the heads of neighbouring villages for assistance.

VIII. Heads of villages shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's villages, and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Heads of Villages to communicate to each other information on subjects connected with the peace of their respective villages.

IX. Heads of villages shall report to the police officer of the district, the arrival in their villages of strangers of suspicious appearance, and all information which they may be able to collect concerning such persons.

Heads of villages to report to the police officer of the district the arrival of suspicious persons in their respective villages.

X. *First.*—In cases of a trivial nature, such as abusive language and considerable assaults or affrays, heads of villages shall have authority on a verbal examination, either to dismiss the parties, or if the offence charged shall be proved to have been committed by the persons accused of it, and shall appear deserving of punishment, to confine the offending parties in the village choultry for a time not exceeding twelve hours, or if the offending parties shall be of any of the lower casts of the people on whom it may not be improper to inflict so degrading a punishment, to order them to be put in the stocks for a time not exceeding six hours.

Heads of villages authorized to inflict punishment in certain cases.

Limitation of punishment.

*Second.*—Heads of villages shall report to the police officer of the district, all cases in which they shall have exercised the power of punishment granted to them by the first clause of this section, but it shall not be necessary for them to report the cases in which they may dismiss parties.

Heads of villages to report to the police officer of the district all cases wherein they have inflicted punishment.

XI. *First.*—Where heads of villages may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made, and the property if found to be secured and forwarded with the offender to the police officer of the district. If the place of concealment be a dwelling house, the search shall be made only between sun-rise and sun-set.

Heads of villages how to proceed on receiving information of stolen property.

*Second.*—Heads

Heads of villages to apprehend and send to the police officer of the district, all persons found selling property suspected to be stolen.

To send also to the police officer the persons acquainted with the circumstances of the case.

Heads of villages to take charge of all strays, and to report each case to the police officer of the district.

Heads of villages how to proceed on the discovery of dead bodies.

Heads of villages to send notice of the discovery of dead bodies to the police officer of the district.

Heads of villages how to proceed if the police officer should not appear to conduct the inquiry.

Heads of villages to apprehend and send to the police officer of the district any person suspected of committing the murder.

Registers of persons confined by heads of villages to be kept by curnums; and transmitted monthly to the police officer of the district.

Form of register.

*Second.*—Heads of villages shall apprehend and send to the police officer of the district, all persons who may be found selling property which there may be reasonable ground to suspect has been stolen, and of which such persons may not be able to give a satisfactory account.

*Third.*—Heads of villages shall also send to the police officer along with the persons accused of selling stolen property, such persons as may be able to give an account of the circumstances of the case.

XII. Heads of villages shall take charge of all stray cattle, horses, sheep, and other strays of which the owners may not be known, and shall report each case to the police officer of the district.

XIII. *First.*—The head of the village, on receiving information of the discovery of the body of a person supposed to have been murdered, shall immediately proceed to the spot with the curnum and two or three respectable inhabitants, in whose presence he shall examine every person who may be able to afford any information regarding the discovery of the body and its appearance when discovered, or regarding the murder of the deceased, if the body should have been deprived of life by murder.

*Second.*—The head of the village, on receiving information of the discovery, shall also without delay send notice of it to the police officer of the district, and if the police officer shall arrive at the spot in time to inquire into the circumstances under which the body may have been discovered, the inquiry shall be conducted under his superintendence.

*Third.*—If the police officer should not appear to conduct the inquiry, the head of the village shall cause the curnum to take down in writing the evidence of the persons who may be examined, and to record any necessary particulars respecting the appearance of the body, and to frame a report of the whole proceedings. The head of the village shall attest such report with his signature, and having procured it to be attested by two or more of the inhabitants who may be present at the investigation and by the curnum, he shall forward it to the police officer of the district, with the evidence he may have taken.

*Fourth.*—If on the proceedings of the head of the village, there shall in any case appear ground for suspecting any person or persons who may be within his jurisdiction of having committed the murder, the head of the village shall immediately apprehend and send such person or persons to the police officer of the district.

XIV. Curnums shall keep registers according to the following form, of persons confined by the heads of villages under Section X. of this Regulation, and these registers shall be transmitted monthly by the heads of villages to the police officers of their respective districts, to be forwarded to the magistrate.

REGISTER of Persons punished in the village of \_\_\_\_\_ in the month of \_\_\_\_\_

No.	Name.	Offence.	Punishment.	Date.
1.	Mootoo - -	Drunken Riot	{ Confinement in the Stocks for } six hours - - - - - }	1st.
2.	Veeran - -	Abusive language	12 Hours confinement - -	2d.
3.	Syed Hussain	Assaulting a Woman	12 Hours confinement - -	3d.

Village watchers to perform police duties. Not to make compensation for losses by theft.

Village watchers to be appointed to villages where none exist. From what classes of persons to be selected.

XV. Village watchers, by whatever local name distinguished, shall perform their customary police duties under the immediate authority of the heads of their respective villages, but they shall not be called upon to make compensation for losses by theft.

XVI. In villages where the office of village watcher does not exist, and where it appears that the duty cannot be discharged by any of the other village servants, village watchers shall be appointed by the magistrate, and shall as far as possible be selected from the Dhers, Beders, and other casts best qualified for police duties.

XVII. *First.*—The

**XVII. First.**—The office of village watcher wherever it may be found to exist, and wherever it may be hereafter created under the provisions of the preceding section, shall be hereditary.

The office of village watcher to be hereditary.

**Second.**—Upon the death of any village watcher, the head of the village shall report the same to the police officer of his district for the information of the magistrate, and also the name of the person who may have succeeded by inheritance to the office.

Death of village watchers to be reported to the police officer of the district; and the name of the successor to the office.

**XVIII.** Village watchers appointed under Section XVI. of this Regulation, shall be entitled to receive such allowances in land, grain or money, as Government may allot for their maintenance, and the allowances thus made shall be hereditary in their families.

Allowances made to the village watchers appointed under Section XVI, to be hereditary.

**XIX. First.**—No village watcher shall be deprived of his office, but by the sentence of the magistrate or of a superior judicial authority, and in such case the heir of the person so deprived of his office shall succeed to it.

Village watchers to be deprived of office only by sentence of the magistrate, or a superior authority.

**Second.**—In failure of heirs on the death or dismissal of a village watcher, the magistrate shall appoint a person to the office.

The magistrate to appoint to the office of village watcher on failure of heirs.

**XX.** Village watchers shall be liable, for neglect of duty, to be suspended from the office by the magistrate, for a period not exceeding six months.

Village watchers liable to be suspended for neglect of duty.

**XXI.** Village watchers shall apprehend persons whom they may discover committing any criminal act or breach of the peace, and carry them before the head of the village. They shall likewise apprehend and carry before the head of the village all persons charged with committing offences or breaches of the peace, and shall require the prosecutor to accompany them.

Village watchers to apprehend and carry before the head of the village, persons found or accused of committing offences.

**XXII.** Village watchers shall report to the curnum and the head of the village, all suspicious persons, either residing in or passing through the village.

Village watchers to report suspicious persons to the curnum and head of the village.

**XXIII.** Village watchers shall likewise report to the curnum and head of the village, all information which they may obtain connected with the peace and good order of the village, and they shall, in all things connected with their duty, obey such orders as they may receive from the heads of their respective villages.

Village watchers to give information of all that concerns the peace and good order of the village.

**XXIV.** Cutwals and their peons, wherever it may be necessary to employ them, shall be subject to the authority of the tahsildars and heads of villages, and shall be directed by their orders in all police duties, in furnishing supplies for travellers, and in the maintenance of the peace.

Cutwals and their peons to be subject to the tahsildar and head of the village.

**XXV. First.**—Tahsildars, or native collectors of districts, by whatever name designated, shall ex officio be heads of the police of their respective districts; they shall be charged with the maintenance of the peace, and they shall report to the magistrate all acts which they may do, and all material information which they may receive connected with their police duties.

Tahsildars, or native collectors of districts, to be ex officio heads of the police of their respective districts.

**Second.**—The peshkars, gomashtas and peons who are or may be employed under tahsildars of districts, shall perform the duties of police as well as revenue duties, and they shall be considered officers of police as well as revenue servants.

The revenue servants to perform police as well as revenue duties.

**XXVI. First.**—Tahsildars shall render all possible assistance to the village police on or for the apprehension of offenders.

Tahsildars to assist the village police.

**Second.**—They shall also send peons to markets, fairs, and other public meetings in their district, in order to preserve the peace.

Tahsildars to send peons to markets, &c.

**XXVII. First.**—Upon a complaint being made to a tahsildar of any murder, robbery, housebreaking, theft of a considerable amount or attended with aggravating circumstances, setting fire to a house or other buildings, counterfeiting the coin, or other heinous offence, he shall make such inquiries as may be necessary to ascertain whether any credit be due to the accusation, and if it shall appear to be worthy of credit, he shall immediately make every exertion to apprehend the person or persons who may be accused, or to whom suspicion may attach of having committed the offence.

How to proceed on information of heinous offences.

**Second.**—When the accused or suspected persons shall be brought before the tahsildar, he shall take down in writing, in their presence, the depositions of the witnesses who may be present, and if, in the course of the inquiry, it shall appear

What evidence to be taken in those cases by tahsildars.

that there are other persons who may be able to give evidence material to the case, he shall summon such persons and take their depositions.

Tahsildars may receive confessions of prisoners.

*Third.*—The tahsildar shall also receive the confession of the prisoner in any case in which the prisoner may make a free and voluntary confession, and cause the same to be reduced to writing and signed, or if the prisoner should be unable to write, marked by the prisoner, in the presence of two or more respectable persons not being servants of the Government.

Tahsildars to forward their proceedings to the criminal judge.

*Fourth.*—So soon as the tahsildar shall have finished the investigation, which shall be completed within forty-eight hours if possible, he shall forward his proceedings, with the prisoner and witnesses, to the criminal judge of the zilla, with a report in the following form.

REPORT of the Tahsildar of \_\_\_\_\_ respecting the Prisoner  
charged with \_\_\_\_\_

Name of prisoner.	Crime.	Date of charge.	Date of apprehension.	Name of prosecutor.	Names of witnesses.	List of Depositions.
Chinna.	Murder.	1st Jan.	5th January.	Abdullah.	Ameer, Ramasawmy.	1 Deposition of prisoner. 2 Ditto of prosecutor. 3 Ditto of Ameer. 4 Ditto of Ramasawmy.

Date.

Signature of the Tahsildar.

*Note.*—If a delay of more than forty-eight hours should occur, an explanation of the cause of such delay is to be stated at the bottom of the report.

The judge to certify on the back of the paper the receipt of the prisoner and documents.

*Fifth.*—The criminal judge shall immediately on the receipt of such paper, certify on the back of it, whether or not the prisoner and documents have been received, and shall return it by the police peons to the tahsildar, and no other communication shall be necessary.

Tahsildar how to proceed if a prisoner shall in his confession criminate another person.

XXVIII. If a prisoner should in his confession made before a tahsildar, criminate another person, the tahsildar shall secure such person, and provided the accusation be corroborated by any persons who may appear or be brought by summons before the tahsildar, he shall forward such accused person to the criminal judge, together with the witnesses and his proceedings in the case, as is directed in the preceding section.

How the tahsildar is to proceed on persons charged with heinous offences being sent to him by heads of villages.

XXIX. Upon the arrival of persons charged with any heinous offence, who may have been apprehended and forwarded to the tahsildar by heads of villages, the tahsildar shall proceed as directed in the two foregoing sections.

Officers of police or others maltreating a prisoner or witness, how punishable.

XXX. Any officer of police or other person maltreating a prisoner or witness for the purpose of obtaining information or confession, shall be subject to punishment by the magistrate according to the nature of the case, and should the offence be of an aggravated nature, the party offending shall be forwarded to the criminal judge, to be punished by him or committed for trial before the court of circuit.

Tahsildars how to proceed in certain bailable cases.

XXXI. In cases of bailable offence or misdemeanor which shall not appear to require the immediate apprehension of the party accused, the tahsildar shall summon him in writing and take his declaration, and if necessary, the depositions of any witnesses to the truth of the charge; he shall then take security for the appearance of the party accused, together with the accuser and witnesses, on a stated day, before the magistrate, to whom he shall immediately report the case and transmit the depositions.

Bail not to be required in trivial cases. Exception.

XXXII. *First.*—In trivial offences bail shall not be required, unless there is reason to believe that the party accused means to abscond.

Tahsildar to dismiss trivial complaints in certain cases.

*Second.*—If the charge in such cases shall appear groundless, or if the parties shall agree in writing, the plaintiff to withdraw and the defendant to permit the withdrawing of the complaint, the writing being attested by two creditable witnesses, the tahsildar shall dismiss the complaint without making any report thereof to the magistrate.

**XXXIII. First.**—Where complaints of offences of a trivial nature, such as are specified in Section X. of this Regulation, may be preferred to a tahsildar in the first instance, he shall inquire into the same, and if the offence be proved, he shall have authority to punish the offender by imposing on him a fine not exceeding one rupee, or by confining him in the choultry for a time not exceeding twenty-four hours, or if he shall be of any of the lower casts of people, by putting him in the stocks for a time not exceeding six hours.

Tahsildars how to proceed on complaint of offences specified in Section X.

**Second.**—The tahsildar shall keep registers of punishments according to the form prescribed in Section XIV. of this Regulation, to be forwarded monthly to the magistrate.

To forward monthly registers of punishments to the magistrate.

**XXXIV.** Tahsildars of districts shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts, and shall cooperate in all things for the apprehension of offenders and the general security of the country.

Tahsildars to communicate to each other, information on subjects connected with the peace of their respective districts.

**XXXV. First.**—Tahsildars and the officers acting under them shall have authority to pursue offenders into whatever district or zilla they may fly, and to require the officers of police in such district or zilla, and if necessary the inhabitants in general, to assist them in securing the offenders, and such police officers and inhabitants shall immediately afford the required assistance. Tahsildars and other police officers apprehending persons within a different zilla from that to which they belong, on a warrant from a magistrate or in consequence of a pursuit on a hue and cry raised against such persons, shall bring them before the magistrate of the zilla in which they may be apprehended, and report the cause of the seizure of such persons. If such persons shall be apprehended under a warrant issued by the magistrate of another zilla, and the magistrate of the zilla in which they may be apprehended shall be satisfied of the identity of such persons with those intended by the warrant, he shall affix his signature to such warrant, which shall be a sufficient authority for the police officers to convey the offenders from the zilla in which they may be apprehended to the magistrate in whose jurisdiction the offence may have been committed. But if the persons apprehended and brought before such magistrate shall appear not to be those intended by the warrant, he shall forthwith cause them to be released.

Police officers to pursue offenders into any district or zilla.

Magistrate how to proceed on the offenders being brought before him on a warrant.

**Second.**—If the parties shall be apprehended without a warrant on information given to the police officers, or on hue and cry, the magistrate within whose jurisdiction they may be apprehended shall investigate the case, and if he shall be satisfied that there is sufficient cause for bringing the parties before the magistrate in whose jurisdiction it may be alleged that they have committed offences, he shall forward them with a letter to such magistrate; but if the magistrate shall be satisfied that the alleged offence or offences have not been committed, or that there is no ground to suspect the persons apprehended to have been concerned in committing such offence or offences, he shall forthwith cause them to be discharged.

Magistrate how to proceed on offenders being brought before him without a warrant.

**XXXVI.** The tahsildar, in all cases of murder within his district, shall himself if possible proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

Tahsildars in all possible cases to proceed to the spot where a murdered body may be found.

**XXXVII.** Where tahsildars may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made, and the property if found to be secured and forwarded with the offender to the magistrate. If the place of concealment be a dwelling house, the search shall be made only between sun-rise and sun-set.

Tahsildars how to proceed on receiving information of stolen property.

**XXXVIII.** In districts where from the land rent being paid directly to the collector there may be no tahsildars, the magistrate shall grant to the most respectable native revenue servant employed in the collection of the customs or other dues of Government, the same police authority as is vested in tahsildars. But in the ancient zemindaries whose revenues have always been under the exclusive management of the zemindars themselves, the magistrate shall not establish any police officer, except in such places as darogahs may have already been established, without the previous sanction of the Governor in Council.

When there may be no tahsildar, the magistrate empowered to entrust the same police authority to other revenue servants. No police officer to be established in certain zemindaries without the sanction of Government.

**XXXIX.** Magistrates

Exception.



Magistrates in certain cases to vest zemindars with police authority.

**XXXIX.** Magistrates are authorized to grant upon their own responsibility, to zemindars who may be desirous of acting as heads of police and whom they may consider to be qualified for the office, sunnuds to act as such within the limits of their respective zemindaries only. The magistrate shall prescribe to the zemindars in their commissions, the whole or such part of the duties and authority vested by this Regulation in tahsildars, as they may deem proper.

Ameens of police to be appointed in large towns.

**XL.** In large towns where it may be found that the police duties cannot be conducted by the head inhabitant, the magistrate shall appoint a person to act as ameen of police, either immediately under his own orders or under the tahsildar of the district, and either with the police powers vested in heads of villages or with those vested in tahsildars by this Regulation, as may appear expedient.

Assistant collectors to be charged with police duties in certain towns.

**XLI.** In towns where from the resort of Europeans, the employment of a native as ameen of police may be found insufficient, an assistant magistrate shall be stationed, and shall within his jurisdiction have the same police authority as is granted to the magistrate by this Regulation, or such part of it as may be deemed expedient by the magistrate.

Limitation of time for the admission by police officers of petty complaints. Such complaints may be received by the magistrate at all times.

**XLII.** No police officer shall entertain complaints of petty offences, unless such complaints shall be preferred within three months from the date of the act complained of. It shall be at the option of the parties however to prefer complaints of such petty offences to the magistrate at any time, and if the delay shall be shewn to have been unavoidable, the magistrate shall have authority to receive and investigate such complaints.

Persons tendering property for sale or pawn under suspicious circumstances, to be arrested.

**XLIII.** All persons are authorized and directed to secure strangers or suspicious persons who may be found offering property for sale, or in pawn, at a price evidently below its real value, or removing property under suspicious circumstances at an unseasonable hour of the night, and to bring them with the least possible delay before the police officer of the jurisdiction in which the offence may be committed.

Police officers liable to prosecution for abuse of authority.

**XLIV. First.**—For extortion, oppression or other abuse of authority, tahsildars, zemindars, ameens of police, heads of villages and all police officers may be prosecuted by the injured party, either criminally before the magistrate or for damages in the zilla court, provided the charge or complaint shall be preferred within three months from the date of the act complained of.

Proviso.

Magistrate empowered to punish police officers for abuse of authority.

**Second.**—If the charge shall be preferred to the magistrate and proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by fine not exceeding fifty arcot rupees, or by imprisonment for a term not exceeding one month.

Punishment for vexatious prosecution for abuse of authority.

**XLV.** Persons preferring complaints or charges under the preceding section, which shall on investigation prove to be false, frivolous or vexatious, shall be punishable by fine not exceeding fifty arcot rupees, or by imprisonment for a term not exceeding one month, to be adjudged by the court by which the complaint or charge may have been tried.

Police officers not to take cognizance of cases of adultery and fornication.

**XLVI.** Tahsildars and other police officers acting under them, shall not take cognizance of cases of adultery or fornication.

Magistrates charged with the maintenance of the peace of their districts.

**XLVII.** The magistrates shall be charged with the maintenance of the peace within their respective zillas; and whenever their establishments may be insufficient to resist banditti or other disturbers of the public peace, they shall apply for assistance to the nearest military station, as directed in Section X, Regulation III, 1810.

Police peons to be considered revenue servants as well as officers of police.

**XLVIII.** The police establishment which may be transferred to the collectors as magistrates, shall not be considered as distinct from the revenue establishments, but shall be equally employed in police and revenue duties, as occasion may require.

Manufacturers of fire arms to take out licenses from the magistrate.

**XLIX.** The magistrate shall require all manufacturers of fire arms and offensive weapons, to take out licenses from their offices, within a certain day, of which due notice shall be given; and any person who shall be found after that period manufacturing such weapons without licence, shall be liable to be punished by the magistrate, by a fine not exceeding fifty rupees. But nothing in this section shall be construed to prohibit the manufacture of arms, or the inhabitants from keeping them for their defence.

Punishment on omission.

L. Magistrates shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious persons having entered or taken refuge in each other's districts, and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Magistrates to communicate to each other information on subjects connected with the peace of their zillas.

LI. *First.*—The magistrate, and under his orders the tahsildars and heads of villages, shall have authority to prevent the forcible occupation or seizure of lands or crops.

The magistrate and officers under him to prevent forcible occupation or seizure of lands or crops.

*Second.*—When riotous assemblages are formed in consequence of disputes respecting the right of ploughing any waste or uncultivated lands which may not be in the possession or occupation of any person, the magistrate, and under his orders the tahsildars and heads of villages, shall have authority to determine who shall plough them for the present, in order that cultivation may not be impeded by the land being kept uncultivated while the trial which the parties may seek is depending. But in all the cases specified in this section, the parties shall be at liberty to seek redress from any competent jurisdiction.

On riotous assemblages about ploughing lands not in the occupation of any one, to determine who shall plough them till the dispute be settled.

*Third.*—The provisions of the two preceding clauses shall be considered as equally applicable to the forcible occupation or diversion of water for cultivation.

The same provisions applicable to the forcible occupation or diversion of water for cultivation.

LII. The strays referred to in Section XII. of this Regulation, of which the owners cannot be found, shall after the expiration of three months be sold by public auction by order of the magistrate, and if within six months more, no person shall appear to claim the proceeds, the amount thereof, after deducting the expenses incurred, shall be carried to the credit of Government.

Strays how to be disposed of.

LIII. Magistrates are authorized to determine the rates of hire to be paid in their respective districts by travellers to palankeen bearers, coolies and boatmen, and for draught and carriage cattle; and the rate so determined shall be made public by a table authenticated by the signature of the magistrate, copies of which shall be kept by the police officers at the several stations in the district, for reference. Provided however, that the resident inhabitants in their ordinary transactions shall not be bound to abide by the rates specified in the tables authenticated as aforesaid.

Magistrates to determine the rates of hire to be paid by travellers to palankeen bearers, &c.

Proviso.

LIV. Magistrates shall have authority to receive complaints regarding frauds committed in using false weights and measures, and in such cases shall proceed as directed in Section XXXII, Regulation IX, 1816.

Magistrates may receive complaints of frauds committed in using false weights and measures.

LV. No order shall be issued to any police officer, excepting by the magistrate of the zilla or his assistants.

No order to be issued to any police officer, except by the magistrate or his assistants.

LVI. The magistrates shall correspond direct with Government in matters of police, whenever they may deem it necessary.

Magistrate to correspond direct with Government when necessary.

A. D. 1816. REGULATION XII.

A REGULATION for authorizing Collectors to refer claims regarding lands or crops, the validity of which claims may depend on the determination of a disputed boundary, as also certain disputes respecting the occupying, cultivating and irrigating of land, to be tried and determined by Village and District Panchayets; and for prescribing the rules under which the trial of such disputes shall be conducted, and the decisions of the Panchayets carried into execution :—  
Passed by the Right honourable the Governor in Council of Fort St. George, on the 13th of September 1816; corresponding with the 31st Auvanee of the year Dautoo 1738th year of Saliwahn, and with the 20th Shavaul 1231 Hijeree.

THE mode of determining the validity of claims to disputed lands or crops prescribed in Section II, Regulation XXXII, 1802, being considered to be inconvenient to the parties, and the determining, in the adawlut of the zilla, of suits respecting the occupying, cultivating and irrigating of land, which may arise between proprietors or renters and their ryots, in those districts where the land revenue is fixed, either permanently or for a term of years, being also regarded as liable to the

Preamble.

same objections; and it being deemed expedient that further provision should be made for the investigation and determination of such claims, and that collectors should for that purpose be authorized to refer them for trial and decision to village and district punchayets; the Governor in Council has passed the following rules, to be in force in the territories subject to the Presidency of Fort St. George.

Village and district punchayets authorized to determine suits referred to them by collectors.

II. Village and district punchayets are hereby authorized to hear and determine such suits as may be referred to them by the collectors of zillas under this Regulation, through the village and district moonsifs.

Vakeels to be relatives, servants or dependants of their employers.

III. Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant to act in their behalf in suits which may be brought before the collectors of zillas under this Regulation, under the same provisions as are prescribed by Clauses second and third, Section XIV, Regulation VI, 1816, for suits before the district moonsifs.

In what cases persons may prefer their claims to the collectors.

IV. *First.*—In cases of claims to lands or crops in districts permanently settled or otherwise, the validity of which claims may depend on the determination of an uncertain and disputed boundary or land-mark, and also in cases of disputes respecting the occupying, cultivating and irrigating of land, which may arise between the proprietors or renters and their ryots, in those districts only where the land revenue is fixed, either permanently or for a term of years, persons having such claims may prefer them in person or by vakeel to the collector of the zilla in which the lands may be situated.

What the plaint is to contain, if for land.

*Second.*—The plaint, if for land, shall contain as accurate a description as can be obtained of the land claimed, its position, boundaries, extent and the value of its estimated annual produce, also whether it be subject to the payment of rent or revenue, or whether it be exempt from any charge on these accounts, also the time when the cause of action arose, the name and residence of the person or persons complained against, and all material circumstances which may elucidate the transaction.

What the plaint is to contain, if for water.

*Third.*—If the plaint be for water, it shall, with regard to the land to be watered, state the above particulars, and in addition thereto, the custom of the village relative to the irrigation of the land in question.

Summons to the defendant to be issued. Contents of the summons.

V. *First.*—The collector, on receiving a complaint preferred under the preceding section, shall issue a summons to the defendant, containing a short abstract of the complaint, and shall require the defendant to appear at the cutcherry of the collector, in person or by vakeel, on a day specified, to make answer to the complaint. The summons shall be attested by the seal of the collector, and his official signature or that of his assistant, and shall be served by a single peon of the collector's establishment.

How to be attested and served.

Peon how to proceed,

*Second.*—The collector's peon shall require the defendant to affix his signature to the summons in acknowledgment of its having been duly served; and in the event of the defendant refusing to affix his signature thereto, the peon shall call upon some of the village officers or neighbours of the defendant to witness such refusal, and to attest the endorsement of it, which he shall make on the summons, and shall return the same to the collector on or before the day fixed for such return.

Refusal to acknowledge the summons how to be attested.

How the collector is to proceed if a defendant is not to be found, or refuse to acknowledge the summons.

*Third.*—If a defendant against whom a summons may issue shall abscond, or is not after diligent search to be found, or shall shut himself up in his own or in any house or building, or retire to any place, so that the process cannot be served upon him, and the peon shall return that on such account he has not been able to serve or execute the process, or if he shall refuse to acknowledge the service of the summons, on return being made in the mode prescribed in the preceding clause, the collector shall cause a writing in the language of the district, to be stuck up in some conspicuous part of his cutcherry, containing a copy of the summons, and a notice that if the party shall not appear on a day to be specified (which shall not be less than fifteen days from the time that the notice may be fixed up), the collector will proceed without further notice, to refer the cause, with the consent of the plaintiff, to be tried and determined by a punchayet of the district in which the disputed lands may be situated, without the appearance or answer of the defendant. The collector shall likewise order a copy of the summons and notice to be fixed up with all practicable despatch on the outer door of the house in which the defendant may have usually dwelt,

Notice to be affixed, containing what.

Where the notice is to be affixed.

dwelt, or in some conspicuous place in the village or other place in which he may have generally resided. The peon serving the summons shall return the order with an endorsement, stating at what times and places the summons may have been fixed up.

Return how to be made.

*Fourth.*—If the defendant shall appear by the time limited in the notice, the collector shall proceed to investigate the cause of his absence or the circumstance of his refusal to sign the summons, and if it shall appear to the satisfaction of the collector that the conduct of the defendant has been contemptuous, he is empowered to punish such contempt by imposing a fine on the defendant, according to the circumstances of the case, not exceeding ten arcot rupees; and if such fine be not immediately paid, or security given for the payment within a reasonable time, the collector shall punish such defendant by committing him to the zilla jail, or by keeping him in custody in the cutcherry or village choultry, for a period not in any case exceeding fifteen days, or until the fine shall be paid.

Collector how to proceed if the defendant appear.

Defendant liable to fine for contempt. Collector how to proceed if such fine be not paid, or security given.

*Fifth.*—On the appearance of the defendant, if he shall appear according to the first summons or by the time limited in the notice, the collector shall cause the plaint to be read over to the defendant in presence of the plaintiff, and shall demand whether he admit or deny the truth of the complaint. If the defendant shall acquiesce in the truth of the complaint, the collector shall record such acquiescence at the foot of the plaint, and require the defendant to attest the same with his signature in the presence of witnesses, not being servants of the collector's establishment, who shall also attest the same, and the document shall be countersigned by the collector, who shall return the document to the complainant, together with an order to the tahsildar or principal native revenue officer of the district, or village moonsif, to transfer the lands described in the plaint to the plaintiff, or if the plaint include crops grown on such lands, to cause the crops or the value of them to be restored to the plaintiff by the defendant, or if the plaint be for water, to order the water to be distributed as required in the plaint, and no other proceedings shall be necessary in the cause.

Plaint to be read to the defendant in presence of the plaintiff.

Collector how to proceed on acquiescence in the truth of the plaint.

*Sixth.*—If the defendant shall deny the truth of the plaint, the collector shall inquire of the parties whether they mutually consent to have the cause investigated and decided by a village punchayet, and upon their agreeing in writing to have the matter investigated and decided by the punchayet of any particular village, the collector shall immediately forward the petition or plaint, with an order to the moonsif of that village to assemble a punchayet without delay, to investigate and determine the suit.

Collector how to proceed on the defendant denying the truth of the plaint.

Under what circumstances a village punchayet to be assembled.

*Seventh.*—If either the plaintiff or defendant shall object to the reference of the cause to be tried and determined by a village punchayet, and either of them shall desire in writing that it may be referred to be tried and decided by a district punchayet, the collector, whether the other party agree to such reference or not, shall forward the plaint to the moonsif of the district in which the disputed property may be situated, with an order to assemble a punchayet within fifteen days from the receipt of such order, to investigate and determine the suit.

Matter may be referred to a district punchayet at the request of either party.

*Eighth.*—If neither of the parties shall agree to the reference of the suit to a district punchayet, the suit shall be dismissed, and the parties shall be at liberty to seek redress from the zilla court or any competent jurisdiction.

If neither party agree to the reference, the suit to be dismissed.

*VI. First.*—The punchayets shall be assembled according to the rules prescribed for assembling village and district punchayets, and their proceedings, in cases referred under this Regulation, shall be conducted according to the general rules enacted in Regulations V. and VII, 1816, for their guidance, with the following qualifications.

Punchayets how to be assembled, and their proceedings how conducted.

*Second.*—When only one of the parties shall appear before the district moonsif, the punchayet shall be formed upon the challenge of such party only, and shall proceed to try the suit without requiring the agreement specified in Clause second, Section IV, Regulation VII, 1816,

On the appearance of only one party, the punchayet to be formed on the challenge of such party; the agreement referred to not required.

*Third.*—When the decree has been framed and two copies of it prepared, it shall be read in the presence of the parties, and the two copies shall be sealed up in a packet and delivered to the moonsif, who shall forward it to the collector, sealed as he received it.

Two copies of the decree, duly attested, to be forwarded to the collector through the moonsif.

*Fourth.*—Decrees

Decrees in suits referred by collectors under this Regulation not to be executed until confirmed by the collector.

Decrees in what cases to be set aside.

What forms to be observed by the collector on receiving the packet.

When the decree is to be delivered to the parties.

Non-appearance or refusal to receive a copy, to be endorsed on it.

Collector how to proceed on a charge of partiality being preferred to him; and proved to his satisfaction.

Decision of a second punchayet in the same suit to be final if it agree with a former decision.

Collector how to proceed on the partiality not being proved. May levy a fine.

Decrees how to be executed.

Suits under this Regulation exempt from stamp duties. Charges to which they are liable.

Decisions to be included in the monthly reports of village and district moonsifs. Copy of this Regulation to be lodged with the village curnum.

*Fourth.*—Decrees of the village and district punchayets, in suits which may be referred to them by the collectors under this Regulation, shall not be carried into execution until confirmed by the collector, nor shall they be set aside for any other cause than gross partiality on the part of the punchayet.

VII. The collector shall detain the packet in the state in which he received it for twenty days, and if in that time no charge of gross partiality shall be preferred by either party against the punchayet, he shall open the packet, and confirm the decision by affixing his seal and signature to each of the two copies, and he shall return them to the moonsif from whom he received them.

VIII. *First.*—The moonsif, on receiving the copies of the decree confirmed by the collector, shall summon the parties and deliver to each of them a copy of the decree.

*Second.*—If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the moonsif shall cause to be endorsed on the copy intended for such party, such omission or refusal and the date. The moonsif shall attest the same with his signature, which shall be witnessed by any two credible witnesses. The copy so endorsed shall be deposited in the records of the district moonsif or the village curnum, as the case may be, to be delivered to the party afterwards claiming it.

IX. *First.*—If either of the parties shall within the prescribed period of twenty days charge the punchayet with gross partiality, and if the partiality charged against the punchayet shall be established to the satisfaction of the collector by the oaths of two credible witnesses at the least, he shall in every case, whatever the amount or value of the suit may be, submit his proceedings, with his opinion on the case, to the provincial court of appeal, who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision, and the parties shall be at liberty to have recourse to another punchayet or to any other competent jurisdiction.

*Second.*—Provided however, that where the decision of a second punchayet shall agree with the decision of a former punchayet in the same suit, it shall be final.

*Third.*—If the partiality charged against the punchayet shall not be proved to the satisfaction of the collector, he shall confirm the decree as prescribed in Section VII. of this Regulation, and shall levy a fine from the party making such groundless charge not exceeding one hundred arcot rupees.

X. Decrees of village and district punchayets, in cases referred to them under this Regulation, shall be carried into execution on the written application of the party in whose favour the decree may be given, by the collector, or by the tahsildar or principal native revenue officer of the district, by causing the boundary, when the suit relates to a disputed boundary, to be marked out in the presence of the village moonsif and curnum and two or more of the principal inhabitants, and in all other cases by causing the land to be given up or the water to be distributed, as prescribed by the decree.

XI. Suits instituted before the collectors under this Regulation shall be exempt from all stamp duties, and shall be liable only to such charges as are specified in Regulation V, 1816, if decided by a village punchayet, or to such charges as are specified in Regulation VII, 1816, if decided by a district punchayet.

XII. The village and district moonsifs shall include in their monthly reports all decisions of punchayets in suits referred to them under this Regulation.

XIII. A copy of this Regulation shall be lodged with and preserved by each village curnum, for the information of the village moonsifs.

A. D. 1816. REGULATION XIII.

A REGULATION for modifying and amending the Rules before enacted regarding stamp paper and stamp cadjans; and for consolidating the fees payable on the institution of suits, and on exhibits and summonses for witnesses, with the duty levied by means of stamps:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 26th of October 1816; corresponding with the 12th of Arpysee of the year Dautoo 1738th year of Saliwahn, and with the 4th of Zulhudge 1231 Hijeree.

THE rules prescribed by the existing Regulations for computing and realizing the fees on the institution of suits on exhibits, and on summonses for witnesses, have occasioned inconvenience by occupying the time of the courts of judicature to the hindrance of their more important duties, and it has appeared that the convenience both of the Government and of the community at large, would be promoted by consolidating these fees with the duty already levied by means of stamps on the pleadings, and further by modifying the existing rules for raising a revenue by means of stamps. The Governor in Council has therefore been pleased to enact the following rules, to be in force throughout the territories immediately dependent upon the Presidency of Fort St. George, from and after the first day of February 1817.

Preamble.

II. Regulations IV, V, VIII. and XVII. of 1808, Section XXXV, Regulation VII. of 1809, and Regulation II, 1813, and generally all rules respecting the duties levied by means of stamp paper and stamp cadjans, and regarding the fees to be paid on the institution of suits, on exhibits and on summonses for witnesses, shall be rescinded from and after the first day of February 1817.

Regulations rescinded.

III. *First.*—A general stamp office shall be established at or near the Presidency, under the superintendence of a civil covenanted servant of the honourable Company, to be designated the superintendent of stamps, and all paper or other material intended for any of the purposes hereinafter mentioned, shall be stamp at his office, and counter-stamp at the general treasury of Government.

A general stamp office to be established at or near the Presidency, under a covenanted servant, who shall be designated the superintendent of stamps.

*Second.*—The superintendent of stamps shall be subordinate to the Board of Revenue, and previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed in the appendix (form No. I.) of this Regulation, before one of the members of that board.

The superintendent of stamps to be subordinate to the Board of Revenue, and to take an oath as prescribed in the appendix No. 1.

*Third.*—The superintendent shall prepare and transmit to the different officers entrusted with the disposal of stamps, the quantities which they may require for use in their respective districts.

He shall prepare and transmit stamps to the different officers.

*Fourth.*—The superintendent shall keep an account of the quantity and value of stamps prepared by him, of the issue of stamps, of the sums brought to credit in the several districts, and of the quantity of stamps remaining in store, and he shall prepare and submit to the Board of Revenue such periodical reports and statements as they may require.

What account of stamps to be kept by him.

*Fifth.*—It shall be the duty of the superintendent of stamps to proceed in person to any district in which he or the Board of Revenue may at any time conceive that his presence is necessary, with the view of detecting forgeries, or other abuses or irregularities committed in the sale of stamps.

The superintendent to proceed in person to any district, in which he or the Board of Revenue may consider his

presence necessary for the detection of forgeries or other abuses.

IV. *First.*—No stamp shall be valid or be issued from the stamp office, until the paper, parchment, cadjan leaf, or other material on which the stamp has been impressed, shall have received the prescribed counter-stamp at the general treasury.

No stamp to be valid or issued from the stamp office, until it shall have received the prescribed counter-stamp at the general treasury.

*Second.*—The sub-treasurer shall keep an account of the quantity and value of the stamps which may be counter-stamped by him, which account shall be transmitted to the Board of Revenue at the close of each official year, in order that it may be compared with the accounts of the superintendent.

The sub-treasurer to keep an account of the stamps which may be counter-stamped by him, and to transmit it to the

Board of Revenue at the close of each official year.

Only one set of stamps, applicable to every purpose for which stamps are required by the present Regulation, to be used.

Inscriptions thereon.

V. *First.*—One set of stamps applicable to every purpose, for which stamps are required by this Regulation, shall hereafter be used in the general stamp office, bearing inscriptions in the English, Persian, Tamul and Teloogoo characters, as follows;—

Two Annas,  
Four Annas,  
Eight Annas,  
One Rupee,  
Two Rupees,  
Four Rupees,  
Eight Rupees,  
Sixteen Rupees,  
Thirty-two Rupees,

Fifty Rupees,  
One hundred Rupees,  
One hundred and fifty Rupees,  
Two hundred and fifty Rupees,  
Three hundred and fifty Rupees,  
Five hundred Rupees,  
Seven hundred and fifty Rupees,  
One thousand Rupees,  
Two thousand Rupees.

In ordinary cases the stamps to be impressed on paper of the manufacture of the Madras-provinces; and the Board of Revenue to regulate the sizes of the paper. Copies of the proceedings and judgments of the Sudder Udalt, in appeal to the Governor General in Council, to be on paper of European manufacture bearing a stamp of the value prescribed in the present Regulation, as also copies of decrees in certain cases. Cadjan leaf to be used in certain districts.

Persons desirous of having instruments executed on vellum, parchment or other material, entitled to have the same stamp on paying the established duty.

Bonds, deeds and other instruments executed on such materials, if duly stamped, will be received in evidence in the courts of judicature.

The superintendent's signature not necessary for stamp paper or other material, but all cadjans before being issued shall be signed by a native register.

Dies to be prepared at the mint at Madras.

Size and shape of the dies may be changed as often as the Board of Revenue may deem it necessary. Prescribed impression not to be altered.

Bonds or other instruments not written on paper bearing the prescribed stamp not to be admitted in evidence, or received in any court of judicature.

*Second.*—The above stamps shall in ordinary cases be impressed on paper of the manufacture of the territories dependent upon the Presidency of Fort St. George, and it shall be the duty of the Board of Revenue to regulate the sizes of such paper in such manner as may be best adapted to the convenience of the community without injury to the public revenue, according to the true intent and meaning of the rules contained in the present Regulation; provided however, that paper of European manufacture, bearing a stamp of the value hereinafter specified, shall be used for the copies of the proceedings and judgments of the court of Sudder Udalt which may be appealed to the Governor General in Council, as also for all copies of decrees in regular or summary suits which may be furnished to the parties by the sudder ameens, by the judges, assistant judges, or registers of the zilla courts, by the provincial courts and by the Sudder Udalt; provided also, that the superintendent shall always keep in deposit a sufficient supply of the cadjan leaf duly stamped, for the use of those districts in which that material is ordinarily employed for the execution of certain instruments, instead of paper; provided likewise, that if any person shall be desirous of having any instrument executed on vellum, parchment or any other material, instead of paper or cadjan leaf, he shall be entitled to have the same stamp, supposing it to correspond nearly with the regulated size of stamped paper, on paying the established duty: bonds, deeds of conveyance, and other instruments executed on any material of the above description, if duly stamped, shall accordingly be receivable in evidence in the courts of judicature, in the same manner as if such instruments had been executed on common paper according to the ordinary practice of the stamp office.

VI. It shall not be necessary for stamped paper or other material to bear the written official signature of the superintendent of stamps or other authorized officer under him, but stamped cadjans, previously to being issued from the stamp office, shall be signed by a native register to be appointed for this purpose by the superintendent.

VII. It shall be the duty of the mint master at Madras, to cause the dies to be engraved at the mint, on the application of the Board of Revenue, and in conformity to such suggestions as they may offer.

VIII. The size or shape of the dies shall be changed as often as the Board of Revenue may deem necessary, with the view of detecting or preventing forgeries; provided, however, that nothing herein contained shall be construed to authorize that board to alter the prescribed impression of the dies.

IX. From and after the period fixed for the operation of this Regulation, any bond, promissory note, bill of exchange, letter of credit, or other obligation for the payment of money; any receipt or acquittance by which any sum of money or demand shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied; any deed of gift, sale, devise, or other transfer of property, real or personal; any lease, deed of mortgage or other limited assignment of land; any deed of contract, partnership, agreement, security or engagement, which may not have been written on paper or other material bearing the prescribed stamp, shall not be admitted in evidence, or otherwise received or filed in



any court of judicature. Provided however, that if any person shall inadvertently have taken any such bond or other instrument on paper or any other material not bearing the prescribed stamp, and shall present the same to any collector of the land revenue within sixty days from the execution of it, with a penalty equal to ten times the amount of the stamp duty which would have been payable on such bond or other instrument in the first instance, if it had been prepared on paper or other material bearing the prescribed stamp, it shall be transmitted by the collector to the superintendent of the stamp office, for the purpose of being duly stamped. Provided also, that if any bond or other instrument required to be written on stamped paper or other material, shall be produced in a court of judicature, having a stamp or signature apparently forged, the judge or other officer before whom the document may be exhibited, shall make the necessary inquiry, previously to admitting the said instrument in evidence, to satisfy himself whether the paper or other material on which it was written, was purchased at either of the regular places established for the vend of stamps. If it shall appear that the paper or other material was so purchased, (the proof of which must of course rest with the person producing it,) and that it bear a stamp and signature resembling those prescribed by this Regulation, it shall be admitted, notwithstanding any doubts which may exist of its authenticity; but supposing the judge or other officer to be satisfied that the stamped paper upon which the deed produced may be written was not purchased from any of the authorized venders, or if so purchased that the party producing it was privy to the forgery, the deed in question shall be rejected as inadmissible in evidence.

Provido.

What steps should be taken as to bonds or instruments, having stamps or signatures apparently forged.

X. *First.*—An office for the sale and distribution of stamps shall be established in each district, under the superintendence and responsibility of the collectors of the land revenue, who shall receive a commission of five per cent. on the gross produce derived from the sale and distribution of stamps in such district.

An office for the sale and distribution of stamps to be established in each district, under the superintendence of the collector of land revenue, who shall be allowed a commission.

*Second.*—The collectors shall indent upon, and grant receipts in duplicate to the superintendent of the general stamp office, for such quantities of stamps as may be required by them for the supply of their respective districts.

The collectors to indent upon the superintendent of the general stamp office for such quantity of stamps as they may require.

*Third.*—It shall be the duty of the collectors and their assistants, or other European officers authorized to dispose of stamped paper, previously to issuing such paper to their native agents for sale, or to disposing of it themselves, to endorse their official signatures in writing upon each paper; and the courts of judicature shall not admit or file any stamped paper, unless it be authenticated in the manner herein provided.

All stamped papers, previous to being issued by the collectors, to be endorsed with their official signature, and no stamped papers unless so endorsed, to be admitted in any court of judicature.

*Fourth.*—A darogah of stamps shall be appointed at each of the stations of the collectors and assistant collectors, who shall be paid by commission or by salary, or partly by commission and salary, as the Board of Revenue with the sanction of Government may deem most advisable.

A darogah of stamps to be appointed at each collector's station, who shall be paid either by salary or commission.

*Fifth.*—It shall be the duty of the darogah of stamps to count and examine the stamps received from the stamp office, and to countersign the receipts granted by the collector.

Duty of the darogah of stamps.

*Sixth.*—Licensed venders of stamps shall be established in every pergunnah, or at such places as the Board of Revenue may determine, who shall be paid by salary or commission, or partly by salary and commission, as that board may with the sanction of Government direct. It shall be the duty of the collectors to cause those officers to be at all times adequately supplied with the requisite quantities of each sort of stamps. In like manner, it shall be the duty of the Board of Revenue at all times to satisfy themselves that no obstacles occur to the mercantile business, or other pecuniary transactions of the country, from any delay or difficulty in procuring the stamps required for the conduct of the affairs of individuals.

Licensed venders of stamps to be established in certain places, who shall be paid by salary or commission; and to be at all times adequately supplied with the requisite quantities.

*Seventh.*—Every stamp darogah, and every person authorized to retail stamps, shall give security to the collector for the due performance of an engagement to be executed by him, agreeably to the forms prescribed in the appendix, Nos. 2. and 3. and shall receive a sunnud prepared agreeably to the forms Nos. 4. and 5.

Stamp darogahs and persons authorized to retail stamps, to execute certain engagements and to receive certain sunnuds.

*Eighth.*—The stamp darogah shall keep an account of the quantity and value of stamps supplied by him to the different venders, and every vender shall keep a day book exhibiting the stamps sold by him, which day book shall be transmitted to the silla stamp office at the end of each month, and every vender shall, on receiving a supply

What accounts to be kept by the stamp darogahs.

supply of stamp paper or cadjan for sale from the stamp darogah, grant a receipt for it; he shall at the same time carefully examine the stamp paper or cadjan entrusted to his charge, to satisfy himself that it bears the government stamp, which he must certify in the receipt granted to the stamp darogah.

The collector to transmit to the general stamp office, such accounts as the superintendent may require.

*Ninth.*—The collectors shall transmit to the general stamp office, such accounts as the superintendent may be authorized by the Board of Revenue to require.

No person to sell stamps excepting those authorized by the present Regulation, under pain of prosecution and punishment.

*Tenth.*—No person, excepting the superintendent of stamps, the collectors of the land revenue, or other European officers invested with the charge of the office for the sale and distribution of stamps, and the authorized native venders, shall be deemed competent to sell stamps; and any other person who may sell stamps in opposition to this prohibition, shall be liable to be prosecuted for such act before the criminal judge, and punished on conviction to the full extent of the powers vested in the criminal judges by the Regulations.

What instruments are to be written on stamp paper, and how the value is to be regulated.

XI. From and after the date specified in the preamble to this Regulation, every bond, promissory note, bill of exchange, letter of credit, or other obligation for the payment of money; every receipt or acquittance, whereby any sum of money or demand shall be acknowledged to have been paid, received, liquidated, discharged, accounted for, or in any manner satisfied; every deed of gift, sale, devise, or other transfer of property, real or personal; every lease, deed or mortgage, or other limited assignment of land; every deed of contract, marriage settlement, partnership, agreement, security or engagement for a sum of money, or for property exceeding the value of sixteen rupees, which may be executed within the provinces subject to the Presidency of Fort St. George, shall be written on paper (or some other material) impressed with the government stamp, the value of which stamp shall be regulated as follows:

#### TABLE.

1. If the bond or other instrument shall be for a sum exceeding sixteen rupees, or if the value of the property transferred or otherwise affected by it shall exceed sixteen rupees, and not exceed 64 rupees, the deed shall be executed on stamp paper of the value of two annas.
2. If above 64 rupees and not exceeding 125 rupees—four annas.
3. If above 125 rupees and not exceeding 250 rupees—eight annas.
4. If above 250 rupees and not exceeding 500 rupees—one rupee.
5. If above 500 rupees and not exceeding 1,000 rupees—two rupees.
6. If above 1,000 rupees and not exceeding 2,000 rupees—four rupees.
7. If above 2,000 rupees and not exceeding 5,000 rupees—eight rupees.
8. If above 5,000 rupees and not exceeding 10,000 rupees—sixteen rupees.
9. If above 10,000 rupees and not exceeding 20,000 rupees—thirty-two rupees.
10. If above 20,000 rupees and not exceeding 50,000 rupees—fifty rupees.
11. If above 50,000 rupees and not exceeding 100,000 rupees—one hundred rupees.
12. If above 100,000 rupees—one hundred and fifty rupees.

All pottahs, caboolyets, or other instruments relative to lands held exempt from the payment of revenue to Government, to be written on stamp paper.

XII. *First.*—To prevent misconstruction, it is hereby declared, that every lease and its counterpart (pottah and caboolyet), or other engagement contracted between landlord and tenant, and every receipt or other acknowledgment for the payment of rent, exceeding sixteen rupees, is required to be written on paper or other material bearing the prescribed stamp, supposing that such lease, receipt or other instrument, relate to lands held exempt from the payment of revenue to Government; but that instruments of the correspondent descriptions, which have relation to lands subject to the payment of revenue to Government, need not be written on stamps.

Rules regarding the stamp papers on which copies of certain documents are required to be written.

*Second.*—All authenticated copies of the documents specified in the preceding section, which may be prepared as legal vouchers by a cazee, mooftee or other authorized person, shall be written on stamp paper or cadjan, according to the rates prescribed

prescribed for the originals of such deeds : any copies not written on such paper or cadjan, will not be admissible in evidence under Section IX. of this Regulation.

*Third.*—Security bonds for appearance (hazeer zaminee,) security bonds for the payment of eventual costs of suit, as well as all other security bonds not being for a specific amount, and all deeds of contract, partnership or agreement, and engagements of whatever nature, which may not relate to a specific sum of money or to a specific value, so as to make it practicable to apply to them the table of rates stated in the preceding section, are required to be written on stamp paper or stamp cadjan of the value of one rupee, under the penalty declared in Section IX. of this Regulation.

Security bonds and other deeds not relating to any specific sum of money or any specific value, are to be written on stamp paper of the value of one rupee.

XIII. *First.*—From and after the date specified in the preamble to this Regulation, the fees hitherto paid on the institution of civil actions, on summonses and on exhibits, shall be discontinued, and the following stamp duties shall be levied in lieu thereof:

Stamp duties to be levied in lieu of fees hitherto paid on the institution of civil actions, on summonses and on exhibits.

TABLE.

1. In original regular suits instituted in any court of judicature, and in appeals regular or special, preferred from the judgments of any such court to a superior court, if the amount or value of the property claimed shall not exceed sixteen arcot rupees, the plaint or petition shall be written on paper of one rupee.

2. If above 16 rupees and not exceeding 32 rupees—two rupees.

3. If above 32 rupees and not exceeding 64 rupees—four rupees.

4. If above 64 rupees and not exceeding 150 rupees—eight rupees.

5. If above 150 rupees and not exceeding 300 rupees—sixteen rupees.

6. If above 300 rupees and not exceeding 800 rupees—thirty-two rupees.

7. If above 800 rupees and not exceeding 1,600 rupees—fifty rupees.

8. If above 1,600 rupees and not exceeding 3,000 rupees—one hundred rupees.

9. If above 3,000 rupees and not exceeding 5,000 rupees—one hundred and fifty rupees.

10. If above 5,000 rupees and not exceeding 10,000 rupees—two hundred and fifty rupees.

11. If above 10,000 rupees and not exceeding 15,000 rupees—three hundred and fifty rupees.

12. If above 15,000 rupees and not exceeding 25,000 rupees—five hundred rupees.

13. If above 25,000 rupees and not exceeding 50,000 rupees—seven hundred and fifty rupees.

14. If above 50,000 rupees and not exceeding 100,000 rupees—one thousand rupees.

15. If above 100,000 rupees—two thousand rupees.

XIV. *First.*—In suits for land paying revenue to Government, the value of the property shall be assumed at the amount of the annual produce of the land, to be estimated according to the rule prescribed in Section III, Regulation III, 1802.

The value of the property how to be assumed in suits for land paying revenue to Government;

*Second.*—In suits for land held exempt from the payment of the public revenue to Government, the value of the property shall be assumed at ten times the amount of the annual produce of the land, to be estimated as directed in Section III, Regulation III, 1802.

In suits for land exempt from the payment of revenue to Government.

*Third.*—In suits for houses, gardens, tanks or other property, real or personal, excepting the two descriptions of lands mentioned in the two preceding clauses, and in actions for the recovery of damages in matters relating to marriage, cast or any personal injury, the value shall be estimated according to the rule contained in Section III, Regulation III, 1802.

In suits for houses, gardens or other property, real or personal, and in actions for the recovery of damages,

XV. It is not intended by the provisions of this Regulation to deprive the registers of the zilla courts, the sudder ameens, or the district moonsifs, of the established

Registers, sudder ameens and district moonsifs entitled to receive the fees in-

incorporated with the stamp duties under Section XIII. of the present Regulation.

proportion of the fees hitherto received on suits which may be instituted in the zilla courts, and referred to them for decision. But as those fees are now incorporated, under Section XIII. of the present Regulation, with the stamp duty payable on the plaint or petition, it shall be the duty of the zilla judges to cause accounts of the proportion of the fees receivable by the registers, sudder ameens and district moonsifs under the existing rules, to be prepared at the expiration of every month, and to attest the same with their seals and official signature. The account so authenticated, shall be deemed a sufficient warrant to the collectors for the payment of the amount receivable on the above account by the registers, sudden ameens and district moonsifs.

No exhibit to be filed without an application praying its admission, written on stamp paper of a prescribed value.

**XVI. First.**—No exhibit in any original regular suit, or in any appeal regular or special, shall be filed in any court of judicature, without an application praying the admission of the exhibit, which application shall be written on stamp paper as follows :

In the court of the sudder ameen, on paper of the value of four annas.

In the court of the register, on paper of the value of eight annas.

In the zilla courts, on paper of the value of one rupee.

In the provincial courts of appeal and in the Sudder Udalt, on paper of the value of two rupees.

Vakalutnamahs and certain other documents declared to be not liable to stamp duties on exhibits.

**Second.**—Vakalutnamahs and mokhtarnamahs, arbitration bonds, security bonds for appearance, as well as security bonds for the eventual payment of costs, or for the performance of a decree, or for staying or enforcing the execution of a decree which may be executed in any original suit or appeal, shall not be liable to the stamp duty on exhibits.

No summons to be issued for the attendance of a witness without an application written on stamp paper of the value specified in the preceding section.

**XVII.** In like manner no summons shall be issued for the attendance of any witness in any original regular suit, or in any appeal regular or special, without an application praying the attendance of such person, which application shall be written on stamp paper of the value specified in the preceding section, according to the court in which it may be delivered and recorded.

A separate application for each exhibit or attendance of each witness not required, but one or more applications or lists including any number of exhibits and the names of any number of witnesses. Proviso.

**XVIII.** In lieu of filing a separate application for the admission of each exhibit and the attendance of each witness, it shall be sufficient to file one or more applications or lists including any number of exhibits desired to be filed, and the names of any number of witnesses desired to be summoned, provided that such applications or lists be written on one, two, or more sheets or rolls of stamp paper, the total value of which shall correspond in amount with that of the stamp paper which would have been requisite had the application for each exhibit or witness been written on separate stamp paper, under the rules contained in Sections XVI. and XVII. of this Regulation.

Every answer, reply and rejoinder, &c. which may be filed in any suit, to be written on stamp paper of a specified value.

**XIX.** Every answer, reply and rejoinder, every supplement, razeenamah or petition which shall hereafter be filed in any original regular suit, or in any appeal regular or special, shall be written on stamp paper as follows :

In the court of the sudder ameen, on paper of the value of four annas.

In the court of the register, on paper of the value of eight annas.

In the zilla courts, on paper of the value of one rupee.

In the provincial courts of appeal and in the Sudder Udalt, on paper of the value of four rupees.

In all original summary suits and appeals, the plaint, petition, answer and other proceedings, and all miscellaneous petitions and applications of a certain description in the revenue and judicial departments, to be written on stamp paper of a specified value.

**XX.** In all original summary suits and summary appeals authorized by the Regulations, the plaint, petition or application, the answer and other pleadings; all miscellaneous petitions and applications which may be presented to the different authorities in the judicial department and to the Board of Revenue; all mokhtarnamahs and vakalutnamahs, shall be written on stamp paper, as follows :

If preferred to a sudder ameen, on paper of four annas.

If preferred to a zilla or criminal judge, or to a register or assistant to a criminal judge, on paper of eight annas.

If preferred to a provincial court of appeal or circuit, on paper of one rupee.

If preferred to the court of Sudder or Foujdaree Udalut, or to the Board of Revenue, on paper of two rupees.

**XXI.** All applications made by the collectors or the assistant collectors, or by the Board of Revenue, to the courts of judicature, for the apprehension or confinement of defaulters, or on any other subject relating to the public revenue, may be written upon common paper without a stamp. This rule, however, shall not be considered applicable to any regular suit in which the Board of Revenue, a collector, or an assistant collector, may be a party, either on their own account as individuals, or on the part of Government.

All applications made by the collectors or Board of Revenue to the courts of judicature on subjects regarding the public revenue, may be written on common paper. *Proviso.*

**XXII. First.**—No copy of any paper shall be authenticated by any public officer or received as evidence in any court of judicature, unless transcribed on stamp paper, according to the following rates, viz.

No copy of any paper to be authenticated by any public officer or received as evidence, unless transcribed on stamp paper, according to the rates specified in this section.

Copies of decrees passed by the sudder ameens shall be written on paper of the value of eight annas.

Copies of decrees passed by registers and by judges of the zilla courts, shall be written on paper of the value of one rupee.

Copies of decrees passed by the provincial courts of appeal, shall be written on paper of the value of two rupees.

Copies of decrees passed by the court of Sudder Udalut, shall be written on paper of the value of four rupees.

Copies of the proceedings of the court of Sudder Udalut prepared in order to be transmitted to the Governor General in Council, shall be transcribed on paper of the value of two rupees.

Authenticated copies of revenue and judicial proceedings, authenticated copies of accounts, statements, reports or other documents which individuals may require for use or reference, shall be written on paper of the value of eight annas.

**Second.**—Copies of decrees which may be prepared by the courts above mentioned, to remain with their own records, shall be written on unstamped paper of European manufacture, of the same size and description as that which may be stamped for the copies of decrees to be delivered to the parties.

Copies of decrees kept as records of the courts to be written on unstamped paper of European manufacture, of same size and description as that mentioned in the preceding clause.

**Third.**—Copies of proceedings and orders, accounts, statements or other papers made for records of court, or for transmission to other courts of public offices, may be written as heretofore on unstamped paper, except in cases in which it may be otherwise specifically provided for by the Regulations.

Copies of decrees, &c. made for records of the courts, or for transmission to other courts, may be written as heretofore on unstamped paper.

**XXIII. First.**—All pleadings, petitions and applications, all deeds, documents and other papers, whether originals or copies, which are required by the Regulations to be written on stamp paper, are to be written in a fair, legible manner, and as they have been hitherto usually prepared, as well with regard to the size of the writing, the space between the words, and the number of lines in each page, as to all other matters regarding their engrossment.

Pleadings and other documents on stamp paper, how to be written.

**Second.**—If the subject matter of any plaint or petition of appeal cannot, under the rule contained in the preceding clause, be conveniently comprised in a single sheet or roll of the stamp paper prescribed for such plaint or petition of appeal, any additional sheets or rolls which may be required for that purpose shall be of the description of stamp paper specified in Section XIX. of this Regulation. In like manner, if the subject matter of any answer, reply, rejoinder or other pleading, cannot be comprised in a single sheet or roll of the stamp paper prescribed for such pleading, any additional sheets or rolls which may be required for that purpose shall be of the description of the stamp paper specified in Section XIX. of this Regulation.

Rules to be adopted when the whole of the subject matter of a plaint or other pleading cannot be contained in a single sheet of paper.

**Third.**—If a party or vakeel, or other person shall hereafter file in a zilla court, in a provincial court, or in the Sudder Udalut, any plaint or pleading required to be written on stamp paper, which may not have been prepared in conformity with the foregoing provisions of this section, the court is authorized to impose on such party, vakeel or other person, any fine which they may deem proper, provided that such

Fine to be imposed on a breach of the preceding rule.

fine

fine shall in no instance exceed three times the amount or value of the additional stamp paper which would have been required had the plaint or pleading been drawn up in conformity with the foregoing provisions.

Similar provisions with reference to miscellaneous petitions or applications.

*Fourth.*—If the subject matter of any miscellaneous petition or application, or of other papers specified in Section XX. of this Regulation, cannot under the rule contained in clause first of this section, be conveniently comprised in a single sheet or roll of the prescribed stamp paper, any additional sheets or rolls which may be required for that purpose shall be of the value and description specified in the said section of the Regulation in question; and if any such petition or paper which may not have been prepared in conformity with the foregoing rule, and with the rules contained in clause first of this section, shall be hereafter presented to any of the courts or officers specified in Section XX. of this Regulation, such court or officer is hereby authorized to impose a fine on the party or person presenting it, under the same limitations as are prescribed in the preceding clause.

In what cases the courts may authorize a plaintiff to file a duplicate of the plaint for the purpose of correcting errors in the valuation of the cause of action.

XXIV. *First.*—If during the trial of any regular suit it shall appear that the plaint has been written on stamp paper of a less value than that which ought to have been used under the provisions of Section XIII. of this Regulation, and the court shall be of opinion that the error or omission did not arise from any fraudulent motive, or from any design on the part of the plaintiff to evade the provisions of the Regulations, it shall be competent to the court, either to permit or to direct the plaintiff or appellant in the suit, to file a duplicate of the plaint on stamp paper, of such a value as may be sufficient to complete the full amount of the stamp duty prescribed by the section above mentioned.

Provisions for the repayment to a plaintiff of the stamp duty or institution fee in certain cases.

*Second.*—In addition to the provisions of Section IV, Regulation XII. of 1809, it is hereby declared that if on the trial of any summary appeal preferred under that section, the provincial court shall be of opinion that the original suit was not from its amount regularly cognizable in the zilla court, but that the irregularity in the institution of such suit did not arise from any fraudulent motive on the part of the plaintiff, it shall be competent to the provincial court to direct the zilla judge to refund to the plaintiff the amount of the fee or stamp duty paid by him on instituting the suit in the zilla court, and the plaintiff shall be permitted to institute his suit de novo in the provincial court.

In the event of a judgment in favour of a pauper plaintiff being reversed on appeal by a higher court, and the original claim pronounced to be groundless, the amount of stamp duty to be repaid to appellant or his legal representative; and how to be recovered from the pauper.

XXV. *First.*—If on the suit of a pauper plaintiff a judgment be passed in favour of the plaintiff, and the defendant appealing from such judgment shall obtain a reversal of it with costs, so that the final judgment may be in favour of the defendant and the original claim shall be declared groundless, the amount of stamp duty, substituted for the institution fee, which such defendant may have paid upon his appeal, shall be returned to him or to his legal representative by the court into which the same may have been paid; and the amount shall be recovered from the pauper against whom the final judgment may be passed, in the event of his being found to possess property sufficient to make good the same, as provided in Section III, Regulation XIV. of 1802.

The court of Sudder Udalt may in all other cases order return of the whole or any part of the stamp duty to be made, as may appear to them just and proper.

*Second.*—In all other cases, the court of Sudder Udalt are authorized to direct a return of the whole or a portion of the amount of stamp duty, substituted for the institution fee, as on due consideration of the circumstances of the case, whether brought before them in appeal or referred to them by a provincial or zilla court, may appear to them just and proper.

The Board of Revenue to cause the greatest possible publicity to be given to the present Regulation, and the rates of

XXVI. It shall be the duty of the Board of Revenue to cause the greatest possible publicity to be given to the provisions of this Regulation, and especially to the rates of duty thereby established on stamp paper and stamp cadjan.

The Board of Revenue, and the officers acting under their authority, to adopt all legal and proper measures for the conviction and punishment of persons forging or selling stamp paper, or guilty of other abuses.

XXVII. It shall likewise be the duty of the Board of Revenue and of the officers acting under their authority, to adopt all legal and proper measures for the conviction and punishment of persons suspected of forging or selling stamps, or uttering stamps knowing them to be forged, and likewise for the punishment of any authorized vender of stamps, either by means of a criminal prosecution or by dismissal from office, as may appear most proper, according to the circumstances of the case, who may be guilty of exacting more than the prescribed rates for the sale of stamps.

XXVIII. The

XXVIII. The collectors and assistant collectors of the land revenue shall, in ordinary cases, be vested with the charge of the stamp office ordered by the present Regulation to be established in each zilla. The Governor in Council however reserves to himself the power of nominating any other public officer, or deputing specially any other covenanted servant of the honourable Company, to take charge of any such stamp office in any district in which that measure may appear to him to be advisable, and persons so nominated or deputed shall be entitled to exercise all the powers and enjoy the emoluments granted to collectors of the land revenue by this Regulation.

The collector of the land revenue shall be vested in ordinary cases with the charge of the stamp office ordered to be established in each zilla, and power reserved to Government to nominate any other public officer to take charge of any such office.

XXIX. *First.*—Any ministerial officer who may hereafter file in any court of justice or in the office of any collector or other public officer, without the written order of such officer, any petition, pleading or other document required to be written on stamp paper, which may not have been written on the prescribed stamp paper, or who shall furnish a copy of any paper or proceeding required to be written upon stamp paper, on any other paper than the required stamp paper, shall be liable to dismissal from office, and to the payment of a fine to Government equal to ten times the amount of the stamp duty which would have been payable if the prescribed stamp paper had been used for such petition, pleading or other document.

Penalties for filing or furnishing copies of papers not written on stamp paper.

*Second.*—Such penalty shall be recoverable by a summary process in the courts of Udalur.

How such penalty is recoverable.

XXX. The provisions of this Regulation are not intended to preclude individuals from making for their private use and at their own expense, copies of the judicial or revenue papers with the permission of the court, collector or other public officer having charge thereof, on any paper which they may prefer; but if such copies be not made on stamp paper of the prescribed rate, they shall not be authenticated by the seal or signature of any court, collector or other public officer, and shall not be received as evidence in any court of justice, or in any public office whatever.

Copies which individuals may be authorized to make for their own use need not be written on stamp paper, but shall not be authenticated by any official seal or signature

XXXI. Nothing in this Regulation shall be construed to affect suits instituted before the native tribunals established under the provisions of Regulations IV, V, VI, and VII. of 1816, or suits preferred to collectors under Regulation XII. of 1816, Provided however, that in appeals from the decisions of district moonsifs under Section LIII, Regulation VI, 1816, the petition shall, agreeably to the amount or value of the property claimed, be written on stamp paper of the rate prescribed in Section XIII. of this Regulation; and provided also, that in all other cases which may be brought before the different authorities in the judicial department under the Regulations referred to in this section, the petition shall be written on stamp paper of the rates specified in Section XX. of this Regulation.

Nothing in this Regulation intended to affect certain suits specified. Proviso.

## APPENDIX.

No. 1.

### OATH.

I, *A. B.* appointed superintendent of stamps, solemnly swear, that I will diligently and faithfully execute the duties of the said office, according to the best of my knowledge and judgment; and that I will not directly or indirectly derive, or knowingly allow any person to derive, any pecuniary advantage or emolument from or on account of any matters relating to the said office, excepting such as may be expressly authorized by the Governor in Council.

So help me God.

No. 2.

FORM of Engagement to be executed by Persons appointed to the office of Stamp Darogah.

I, *A. B.* appointed by the collector of *C* to be stamp darogah, do hereby engage to perform the duties attached to the office of stamp darogah.

38.

N n

“ I will



I will carefully count and examine the stamps transmitted from the general stamp office, and attest the receipts executed by the collector for the same, and likewise prepare the indents for the supplies of stamps which may be required from the superintendent.

I will cause the different stamp venders established in the district, to be supplied, in pursuance of such instructions as I may receive from the collector, with proper quantities of stamps; and I will carefully examine and compare the accounts of such stamp venders.

I will be responsible for the accounts of the stamp office, and for the value of the stamps entrusted to my charge, and I will do every thing in my power to prevent imposition and fraud in the stamp office, and will submit to the collector any information which I may obtain respecting the forgery or fabrication of stamps.

Executed before me this \_\_\_\_\_ day of \_\_\_\_\_  
(Signed) C. D. Collector.

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No. 3.

FORM of Engagement to be executed by Persons appointed to the office of Stamp Vender.

I, *A. B.* appointed to vend stamps at *C* in the pergunnah of *D* in the district of *E* do hereby engage faithfully to observe the following conditions:

1st. That I will carefully examine every stamp paper which may be entrusted to me for sale, and certify in my receipts for the same that such paper bears the stamp of Government and the signature of the collector or his assistant.

2d. That I will not charge more for any stamp or stamps entrusted to me for sale, than the established price for such stamp or stamps.

3d. That I will monthly prepare and deliver to the stamp darogah, or such persons as may be authorized to receive the same, a faithful account of all the stamps which may be sold by me, and will likewise specify the balance which may remain in store under my charge, and will on no account allow any person to take stamp paper or cadjan away without receiving and bringing to account the price of such stamp paper or cadjan.

Executed before me this \_\_\_\_\_ day of \_\_\_\_\_  
(Signed) C. D. Collector.

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No. 4.

FORM of Sunnud to be granted to Persons appointed to the office of Stamp Darogah.

(L. S.)

Whereas *A. B.* has executed the engagement prescribed by Clause seventh, Section X; Regulation XIII, 1816, to be entered into by persons appointed to the office of stamp darogah; *L. C. D.* collector of *E* do hereby constitute and appoint the said *A. B.* to be darogah of the zilla stamp office under my charge.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
(Signed) C. D. Collector.

No. 5.

FORM of Sunnud to be granted to Persons appointed to the office of Stamp Vender.

(L. S.)

Whereas *A. B.* has duly executed the engagement required by Clause seventh, Section X, Regulation XIII, 1816, to be executed by persons authorized to sell stamps; *I, C. D.* collector of E do hereby authorize the said *A. B.* to be a stamp vender and to open an office for the sale of stamps at in pergunnah in the district under my charge.

Given under my hand and seal this

day of

(Signed)

*C. D.* Collector.

A. D. 1816. REGULATION XIV.

A REGULATION for amending and modifying the rules which have been passed regarding the office of Vakeel or Native Pleader in the Courts of Civil Judicature:—Passed by the Right honourable the Governor in Council of Fort St. George, on the 26th of October 1816; corresponding with the 12th of Arpysee of the year Dautoo 1738th year of Saliwahn, and with the 4th of Zulhudge 1231 Hijeree,

I. WHEREAS it has been deemed expedient to amend and modify the provisions applicable to the office of vakeel or native pleader, and to transfer to the provincial courts the control now exercised by the Sudder Adawlut in the appointment and removal of vakeels or native pleaders in the zilla courts, and in the provincial courts; and whereas the speedy adjustment of disputes may be facilitated by empowering the authorized vakeels to receive certain fees for legal opinions furnished by them, and by vesting them with authority to act as arbitrators under the general Regulations; the following rules have been passed by the Governor in Council, to be in force from and after the first day of February 1817, throughout the provinces immediately subject to the Presidency of Fort St. George. Preamble.

II. Regulation X. of 1802, Sections XXXII. and XXXIII, Regulation VII. of 1809, shall be rescinded from and after the first day of February 1817. Regulations rescinded.

III. *First.*—The Sudder Adawlut and the several provincial courts are empowered to appoint to the office of vakeel in their respective courts such a number of persons, being natives of India, of the Hindoo or Mohummudan persuasion, and duly qualified for the situation, as may from time to time appear to them to be necessary. The Sudder Adawlut and the provincial courts empowered to appoint the vakeels of their respective courts.

*Second.*—Whenever the appointment of a vakeel may be requisite in any of the zilla courts, the judge of such zilla shall nominate, for the approbation of the provincial court of the division, some person being a native of India and otherwise duly qualified for the situation, and shall communicate to the provincial court such information as he may have obtained regarding the age, capacity, character, education and past employment of the individual whom he may recommend, and no person shall be authorized to practise as a vakeel in any zilla court without the previous sanction of the provincial court. Vakeels of the zilla courts to be nominated by the judges of those courts for the function of the provincial courts.

IV. *First.*—Persons who may hereafter be appointed to the office of vakeel in the zilla courts, the provincial courts, or the Sudder Adawlut, shall receive a sunnud of appointment, duly authenticated by the court to which they may be respectively attached. This sunnud, which is not required to be written on stamp paper, shall be drawn up according to the form No. I. in the appendix to this Regulation. Pleaders to receive a sunnud from the courts to which they may be appointed. The sunnud to be of a prescribed form.

*Second.*—Whenever a vakeel may be dismissed from his office, or may die or may resign his situation, his sunnud of appointment shall be recalled and cancelled by the court to which such vakeel may have been attached. And to be cancelled on the death, removal or resignation of the pleaders.

V. Every

Pleaders to take an oath according to the prescribed form. Or a solemn declaration in lieu thereof.

V. Every vakeel, previously to being allowed to practise, shall take and subscribe before the court to which he may be appointed, an oath, drawn up according to the form No. 2. of the appendix to this Regulation, or a solemn declaration in lieu thereof, under the provisions now in force, or any other provisions which may be hereafter enacted.

Pleaders liable to be dismissed for certain acts of misconduct.

VI. Pleaders employed in the several courts of civil judicature, shall be liable to dismissal from their office, whenever they may be guilty of encouraging or promoting litigious suits, of wilfully delaying the suits of their clients for their own advantage, or refusing or omitting, without sufficient cause to be shewn to the court, to carry on the suits of their clients after having accepted a vakalutnamah; of demanding or accepting from their clients any fee or sum of money, goods, effects or other valuable consideration beyond the fees which they are or may be authorized to receive under the Regulations; or of fraudulent practices, neglect or other misconduct in the discharge of their professional duty; or of gross profligacy or misbehaviour in their private conduct.

Agreements to receive less than the authorized fees declared to be illegal, and vakeels liable to dismissal when parties to such agreements.

VII. All agreements which may be entered into between pleaders and their constituents, for paying or receiving less than the established fees, are to be considered null and void; the whole of the vakeel's fees, which may be payable by the party in such cases, shall be forfeited to Government, and the pleader who may be convicted of having been a party in such illicit agreement, shall be liable to immediate dismissal from his office.

Pleaders accepting vakalutnamahs in fictitious names, liable to be dismissed.

VIII. The vakeels are required to use due precautions to ascertain the real names and the identity of persons who may propose to employ them as pleaders; and any authorized vakeel, who shall hereafter receive and file a vakalutnamah from any person under a fictitious name, shall be liable to be dismissed from his office; provided, however, that the judge upon full inquiry into the circumstances of the case, and the provincial court on consideration of the judge's report, shall deem him to be deserving of such punishment.

Vakeels required to examine and sign the pleadings before they are filed.

IX. *First.*—The vakeels are hereby enjoined not to file any plaint, answer or other pleading, without previously ascertaining that such pleading has been duly prepared in conformity with the Regulations; that it contains no unnecessary repetitions of former pleadings, no terms of personal abuse or reproach against the opposite party, his vakeels, witnesses or other persons, and no groundless imputations on any court of justice or public officer, but that it contains such matter only as is apparently material and relevant to the suit. Every pleading filed by an authorized vakeel shall be signed by him, in testimony of his having considered and approved its contents.

Pleaders to examine exhibits previously to their being filed on the part of their clients;

*Second.*—In order that the expense, trouble and inconvenience, frequently experienced by filing irrelevant exhibits, and by summoning useless witnesses, may be avoided, the vakeels are hereby further required to examine the documents which their constituents may propose to exhibit in proof of their claims, previously to their being filed in court; and to ascertain from their constituents previously to summoning any witnesses, the specific points which such witnesses are expected to prove by their testimony.

and not to summon witnesses without previously ascertaining to what points their testimony is required.

Pleaders to be censured and eventually dismissed, for breach of the preceding rules.

*Third.*—The courts will carefully point out to the notice of the vakeels such parts of the pleadings as are irregular, irrelevant or otherwise objectionable, and shall record their censure of any vakeel whose conduct, in opposition to the preceding rules, may in any particular instance demand such animadversion. If notwithstanding such recorded censure, a vakeel shall again be guilty of similar misconduct, he shall be liable to forfeit, in each instance, the amount of the fee to which he may be entitled in the suit, or to such other fine to Government, not exceeding twenty rupees, as the court may deem it proper to impose.

The Sudder Adawlut and the provincial courts, authorized to dismiss the pleaders of their respective courts.

X. *First.*—The Sudder Adawlut, and the several provincial courts, will at all times exercise their discretion in removing from office any pleader of their respective courts, who may be guilty of any of the acts above mentioned, or who may be otherwise deemed unfit for the situation.

Misconduct or disqualifications of pleaders attached to the zilla courts, to be reported by the

*Second.*—Whenever a zilla judge shall be of opinion that a vakeel attached to his court or to that of a register, or any of the sudder ameens, is unfit for the situation, in consequence of his having been guilty of any of the acts mentioned in the preceding

preceding sections, or that he is otherwise disqualified for the office of pleader, the judge shall report the circumstances of the case, together with his own opinion upon it, to the provincial court, who will pass such orders on the case as may appear to be proper, or will call for any additional information, or direct any further inquiry that the nature and circumstances of each case may appear to demand.

Judges of those courts to the provincial courts; who will pass such order thereon as may be proper.

XI. The zilla judges are empowered, without the previous sanction of the provincial court, to suspend from his office any pleader, attached to their courts, who may be guilty of any gross act of fraud or misconduct; but in such instances, it shall be the duty of the judge to report the circumstances of the case, with as little delay as possible, for the information and orders of the provincial court.

Pleaders attached to zilla courts may be suspended from office without the previous sanction of the provincial court.

Such cases to be immediately reported for the information and orders of the provincial court.

XII. *First.*—The parties in a cause are authorized to prosecute their respective pleaders in the civil courts of judicature, for any damages or injury which they may have sustained from any breach of the Regulations on the part of their pleaders, or from any fraudulent conduct or malpractices committed by their pleaders regarding the suit.

In what cases the pleaders are liable to be prosecuted in the civil court by their clients.

*Second.*—Any party in a suit, who may be dissatisfied with the conduct of his pleader, shall be at liberty at any stage of the trial previously to the decision, to withdraw the power delegated to his pleader, and to appoint another vakeel to plead the cause. In such cases, the party is to present a petition to the court, notifying that he has withdrawn the management of the suit from such pleader, and is to file a new vakalutnamah in the name of the pleader whom he may appoint to carry on the suit: all acts, however, which may have been done by the first pleader on the part of his client, previously to his having been dismissed, are to be held valid; and on the conclusion of the suit, the court will exercise its discretion in awarding to the pleader first employed, any portion of the authorized fee, to which he may appear justly entitled, on a consideration of the trouble which he may have undergone, and the other circumstances of the case.

Parties may withdraw the management of a depending suit from their pleaders, and may appoint new pleaders in their room.

The court may award to a pleader so removed, any portion of the fee which may be proper.

XIII. If a pleader should be unable to attend the court in consequence of indisposition or other sufficient reason, he is to notify the same in writing to the court, on unstamped paper; and the hearing of any cause in which such pleader may be employed is to be postponed to a future day, unless the party or his authorized agent shall commit the management of the cause to any other pleader of the court, or unless the party himself shall be present and willing to plead the cause in person. If the management of the cause shall be entrusted to any other pleader of the court, instead of filing a new vakalutnamah, it shall be sufficient for the party, or his agent duly authorized, to endorse on the back of the original vakalutnamah, a written declaration that he has appointed some other vakeel of the court to conduct the cause, either permanently or during the absence of the pleader first appointed; and on passing a decision in such cases, the court shall direct the amount of the authorized fee to be divided between the two pleaders, in such proportions as may furnish an equitable remuneration for the trouble which they may have respectively undergone.

Measures to be adopted when a pleader may be unable to attend the court from indisposition or other sufficient cause.

XIV. *First.*—If a pleader shall fail to attend in court on any day fixed for the transaction of civil business, and shall omit to notify in writing to the court his inability to attend, in consequence of indisposition or other sufficient cause, the court is authorized to impose on such pleader, a fine for the first offence, not exceeding the sum of fifty arcot rupees, and for the second offence, not exceeding one hundred arcot rupees. If such pleader shall be guilty of a similar offence a third time, he shall be liable to dismission from his office.

Penalties for pleaders absenting themselves from court without notifying the cause of their absence.

*Second.*—If any pleader shall be guilty of disrespect to the court, in open court, the court is empowered to impose a fine upon him, not exceeding the sum of one hundred arcot rupees.

Pleaders may be fined one hundred rupees for disrespect to the court.

XV. *First.*—Whenever a sudder ameen may find it necessary to impose any fine on a pleader attached to his court, he shall report the circumstances of the case to the judge, who will either confirm and enforce, or modify or remit the fine, as may appear to him reasonable and proper.

Fines imposed on pleaders by the sudder ameens, to be reported to the zilla judge.

*Second.*—All orders imposing fines on pleaders, which may be passed by the judges or registers of the zilla courts, in conformity with this Regulation, shall be final, and the amount of the fines shall be levied either by a deduction from the fees

The orders of zilla judges and registers, imposing fines on pleaders, to be conclusive.

Proviso.

fees which may become due to the offender, or by the process which is prescribed for the execution of decrees; provided, however, that if a zilla judge shall in any particular instance see reason to believe that a fine has been imposed by a register on insufficient grounds, or that the amount of such fine is disproportionate to the offence, it shall be competent to the zilla judge to remit or modify the fine at his discretion; and the order of the zilla judge in such cases shall be conclusive.

Vakeels not allowed to plead in other courts than in those to which they may be attached.  
Exceptions.

XVI. The vakeels attached to one court are not to be allowed to plead in any other court; but this rule is not intended to preclude the zilla judges from making such an allotment and distribution of the pleaders attached to their courts, as may from time to time appear convenient, on a consideration of the civil business in their own courts, and in those of their registers, and of the sudder ameens.

Vakeels prohibited from being employed as agents in the four-daree courts of the zillas.

XVII. The authorized pleaders of the zilla courts are hereby prohibited, without obtaining the previous sanction of the judges of those courts, from officiating as agents in any prosecution, trial or proceeding, before the magistrates or their assistants. This prohibition, however, is not intended to apply to the cases of pleaders, who may be employed on the part of Government in conducting the prosecution of persons charged with criminal offences, or in the execution of any other duties in the criminal department which such pleaders may be directed or authorized to perform on the part of Government, under the Regulations which are now or may hereafter be in force.

Publication to be issued on the death, resignation or removal of a pleader in a zilla court.

What the publication is to contain.

XVIII. *First.*—Whenever a vakeel attached to a zilla court may die, or may be removed from his office, or may voluntarily resign his situation, the judge of such zilla shall notify the same in a publication, to be affixed in his own cutcherry, and in the cutcherries of the register, sudder ameens, and the collector of the district; the publication shall contain a statement of the several depending cases in which such vakeel may have been employed, and a requisition to the parties who have retained such vakeel to attend in person, or to substitute another vakeel in room of the pleader formerly appointed by them, within a reasonable period, to be fixed by the court, not being less than six weeks. In such instances, instead of filing a new vakalutnamah, it shall be sufficient for the party, or his agent duly authorized, to endorse on the original vakalutnamah a written declaration that he has appointed some other vakeel of the court, in lieu of the pleader who may have died or resigned his office, or have been removed from his situation.

Such publication to be considered a good and sufficient notice.

*Second.*—A publication issued in conformity with the preceding rules shall be held and considered to be a good and sufficient notice; and if any party shall not attend or appoint another vakeel within the period limited in the publication, he shall be required to shew cause for the omission, and if sufficient cause be not assigned, the court shall proceed as in case of default, in conformity with the provisions in force.

Publication to be issued on the death, resignation or removal of a pleader in the provincial courts, or in the Sudder Adawlut.

*Third.*—A similar notification shall be issued on the death, resignation or removal of any pleader attached to the provincial courts, or to the Sudder Adawlut; if the pleader shall have been attached to a provincial court, the publication shall be affixed in the cutcherry of such provincial court and of the Sudder Adawlut, and in the cutcherries of the several zilla courts included in the division; and the period to be allowed for the parties to appear and substitute another vakeel shall not be less than two months. If the pleader shall have been attached to the Sudder Adawlut, the publication shall be affixed in that court, and in such of the provincial courts and of the zilla courts in which it may appear necessary to publish the same, with reference to the depending causes in which the vakeel may have been employed; and the period to be allowed to parties to appear and substitute another vakeel shall not be less than three months.

Similar publication may be issued in other cases.

*Fourth.*—The courts are authorized to apply the principle of the preceding rules to cases in which the decision of suits may be materially delayed by the protracted indisposition of a pleader, or by his continued inability to attend the court from any other cause which may be expected to be permanent or of considerable duration.

Courts empowered to adjudge a reasonable portion of the fee to a pleader whom may have been removed from

*Fifth.*—Whenever a pleader, originally entertained by a party, may have commenced the pleadings and prosecution or defence of a suit, and from any cause, not originating in the misconduct of such pleader, another pleader shall be employed in his stead, it shall be competent to the court in which the suit is decided or terminated,

minated, to adjudge to the pleader so employed at the commencement of the suit (or if he be dead, to his heirs or legal representatives), such part of the established fee as may appear to be an equitable remuneration for the trouble which he may have undergone.

management of a cause without an fault on his part.

XIX.—The courts of civil judicature are hereby empowered to permit any of the authorized vakeels of their respective courts, to be arbitrators in depending suits, subject to the several rules and provisions in force for referring suits to arbitration.

Pleaders may be employed as arbitrators.

XX. *First*.—The authorized vakeels of the Sudder Adawlut, of the provincial courts, and of the zilla courts, are hereby empowered to receive fees for legal opinions, under the provisions contained in the following clauses of this section.

Pleaders may receive fees for legal opinions.

*Second*.—Any person who may be desirous of obtaining the opinion of an authorized pleader, regarding the legal validity and sufficiency of any claim, right or title which he may suppose himself to possess, and on the consequent expediency of prosecuting or defending, either originally or in appeal, such supposed claim, right or title, in the courts of civil judicature, may submit a written statement of his claim, under his seal, signature or mark, to the pleader whose opinion he may wish to obtain.

A written statement of the case to be submitted to the pleader.

*Third*.—The pleader to whom such statement may be submitted, after an attentive consideration of the laws, regulations, usages or precedents which may be applicable to the case, and of the arguments and proofs which may be adduced in support of the claim, shall furnish to the party, under his signature, a written declaration of his opinion, and of the grounds upon which that opinion may be formed.

The pleader to give a written declaration of his opinion.

*Fourth*.—If the pleader who may have furnished such written opinion shall be attached to the court of Sudder Adawlut, he shall be entitled to a fee of twenty-four arcot rupees; if he shall be attached to any of the provincial courts, he shall be entitled to a fee of sixteen rupees; if he shall be attached to a zilla court, he shall be entitled to a fee of eight rupees.

Rates of fees to be allowed in such cases.

*Fifth*.—Provided, however, that it shall not be lawful for any pleader who may have received a vakalutnamah in any suit instituted in a court of civil judicature, to receive the fee above prescribed, on account of any legal opinion which he may subsequently furnish to his constituent respecting any subject or question connected with such suit.

But pleaders who may have accepted a vakalutnamah in the case, not authorized to receive such fee.

*Sixth*.—Any pleader who, under the preceding rules, may knowingly furnish an opinion of a nature evidently calculated to promote the institution of unfounded or litigious suits, or to discourage the amicable adjustment of dubious claims, shall be liable to be dismissed from his office; and if after furnishing such dishonest opinion, he shall be employed as a pleader in the suit, his fees shall be liable to be forfeited by order of the court, either to Government or to the party whom he may have wilfully misled by such opinion.

Pleaders liable to penalties for wilfully furnishing a dishonest opinion.

XXI. *First*.—When a party in a cause may be desirous of retaining a vakeel for the prosecution or defence of any civil suit, he shall not be required to pay to such vakeel the retaining fee of four annas, heretofore prescribed; but he shall execute to him a vakalutnamah, constituting him pleader in the cause and authorizing him to prosecute or defend the suit, and further binding himself to abide by and to confirm all acts which such pleader may do or undertake in his behalf in the cause, in the same manner as if such party had been personally present and consenting; the party is to attest the instrument with his seal or signature, or with his mark if he cannot write, in the presence of two credible witnesses, who are likewise to attest it in the same manner, and who are to attend the court and prove the vakalutnamah in all cases in which it may be judged requisite.

Retaining fee abolished.

Rules for the execution of a vakalutnamah.

*Second*.—Such vakalutnamahs are to be written on the stamp paper prescribed in Section XX, Regulation XIII. of 1816, but shall not be liable to the stamp duty on exhibits under Section XVI. of that Regulation.

Vakalutnamahs to be written on stamp paper, but not liable to the stamp duty on exhibits.

XXII. When a vakeel, to whom a vakalutnamah may have been executed under the preceding section, shall consent to undertake the prosecution or defence of the suit, he shall affix his signature to the back of the vakalutnamah, together with the date on which such signature may be affixed, and shall thenceforward be precluded from

Pleaders, after accepting a vakalutnamah, are prohibited from being employed in the same cause against the party who

may have retained them.

from being employed in the same cause against the party who may have so retained him.

Security formerly required for the payment of vakeels fees no longer necessary. But the amount of the fees to be deposited in court.

**XXIII. First.**—Whenever a pleader may have been duly appointed on the part of any plaintiff or appellant in any regular or summary suit instituted in a zilla court or provincial court, or in the Sudder Adawlut, such plaintiff or appellant, instead of furnishing security as heretofore required, shall deposit in the court a sum equal to the amount of his pleader's fee, according to the rate prescribed in the following section as applicable to regular suits, and in Section XXXII. as applicable to summary suits; and until such deposit be made, no vakeel shall be allowed to do any act in the suit, except in the case of paupers or in other cases specially provided for by the Regulations; a similar deposit shall likewise be required from defendants or respondents for the fees of the pleaders whom they may employ, and until such deposit be made, the vakeels shall not be allowed to plead, or to perform any act in the suit on the part of their constituents, except in the special cases above mentioned.

Receipt to be granted for such deposit.

**Second.**—A receipt on unstamped paper, duly attested by the sheristadar of the court, shall be granted in each instance to the party making the deposit; and a duplicate receipt similarly attested, shall be filed with the proceedings on the suit; an account of such deposits shall also be regularly entered into a register book to be kept by the sheristadar of the court for that purpose.

And a register book of such deposits to be kept by the treasurer of the court. Receipts and register book to be drawn up according to prescribed forms.

**Third.**—The receipts shall be drawn up according to the form No. 3, and the register book shall be prepared and kept according to the form No. 4, of the appendix to this Regulation.

In what cases the preceding rules are not applicable.

**XXIV.** The preceding rules are not intended to be applicable to the fees of vakeels employed on the part of paupers, or in presenting to the courts miscellaneous petitions or applications of the descriptions mentioned in Section XXXIV. of this Regulation. In such cases no previous deposit or security shall be demanded on account of the vakeel's fee; but the amount of the fee which may be ultimately awarded by the court under Section XXXV, shall be levied in the manner prescribed for the execution of decrees, in all instances in which the interposition of the authority of the court may be requisite for the purpose of realizing such fee.

Specification of the rates of fees payable to vakeels in regular suits.

**XXV. First.**—In all regular suits which may be instituted either originally or in appeal, from and after the first day of February 1817, in any of the zilla courts, the provincial courts, or the Sudder Adawlut, the vakeels employed by the respective parties are to be allowed, for pleading the causes of their clients, the rates of fees calculated as follows:

In suits for money, effects or for other personal property, or for land or other immovable property of any description, if the amount or value of the claim, estimated according to the provisions of Section XIV, Regulation XIII. of 1816, shall not exceed 5,000 arcot rupees—five per cent.

If the amount or value shall exceed 5,000 rupees and shall not exceed 20,000 arcot rupees; on 5,000 as above, and on the remainder two per cent.

If the amount or value shall exceed 20,000 rupees and shall not exceed 50,000 rupees; on 20,000 as above, and on the remainder one per cent.

If the amount or value shall exceed 50,000 arcot rupees, and shall not exceed 80,000 arcot rupees; on 50,000 as above, and on the remainder eight annas per cent.

If the amount or value shall exceed 80,000 rupees, the fee to the vakeel shall be one thousand rupees; and shall in no instance exceed that sum, however great may be the value or amount of the suit in which such vakeel may be employed.

Fractions of rupees to be rejected in the preceding calculations.

**Second.**—In all the preceding calculations, where the amount or value may be in fractions of rupees, such fractions are to be rejected in calculating the fees thereupon.

A receipt to be given for the prescribed fees on stamped paper.

**Third.**—For every sum which may be paid to a vakeel by a civil court, on account of his fees, such vakeel shall give a receipt written on the stamped paper prescribed in Section XI, Regulation XIII, 1816.

Pleaders fees how to be charged in the judgment.

**XXVI. First.**—If the decree shall be given against the defendant or respondent, and the whole of the money or property which may be demanded by the appellant



appellant or plaintiff shall be decreed to him, a sum equal to the whole of the fees of his pleader shall be adjudged to the plaintiff or appellant, in addition to the other costs which may be awarded to him; but if only a part of the money or property claimed is decreed to the plaintiff or appellant, a sum bearing the same proportion to the money, or to the value of the thing decreed, as the fee did to the demand stated in the plaint or appeal, is to be decreed and added to the costs which may be awarded to the plaintiff or appellant.

*Second.*—If the suit of the plaintiff or appellant shall be dismissed, whether upon an investigation of the merits or otherwise, the plaintiff or appellant is to be charged with the fees of his own pleader and with those of the defendant or respondent.

Continuation of the same subject.

*Third.*—Provided, however, that if in any instance the payment of the pleaders fees, according to the preceding rules, should not appear to be just and equitable, the courts of civil judicature may exercise their discretion in charging the fees of the pleaders to the parties respectively, in such proportions as may appear equitable and proper under a consideration of all the circumstances of the case.

Proviso.

XXVII. The courts of civil judicature are to insert in their decrees, all sums paid or payable by the parties, under the Regulations, on account of fees or stamp duties, as well as on account of compensation for the expense of witnesses and of subsistence money to peons employed in serving the processes of the courts, and of all other costs and expenses of the suit; such costs and expenses shall be ultimately charged to the parties cast, or to the parties respectively, in such proportions as the court may deem equitable.

All legal expenses and costs to be included in the decree, and to be charged to the parties in such mode as may appear equitable.

XXVIII. When a suit, in which one of the parties may have been admitted to plead as a pauper, may be decided with costs in favour of the adverse party, and such pauper cannot make good the full amount of the costs awarded against him, the courts are authorized to return to such adverse party, any portion of the fee deposited by him on account of his vakeel, which may be deemed expedient, and to pay the remaining portion of the fee to the vakeel entitled to receive it. In exercising this discretion, the courts will be careful that the vakeel receive such a portion of the deposit as may in each instance appear to be a reasonable remuneration for the duty performed by him. The courts shall further endeavour to realize the remainder of the fee due to such vakeel, from any property which may subsequently be found to belong to the pauper.

Discretion vested in the courts to return a portion of the pleader's fee in certain cases to the party who may have deposited it.

XXIX. Upon a decision being passed by the court, whether upon an investigation of the case or otherwise, the fees of the pleaders, deposited in the court, shall be paid to the persons respectively entitled to receive them; and such payment shall not be stayed or postponed, in consequence of an appeal being preferred from the decision.

Pleaders fees to be paid on the determination of the suit.

XXX. *First.*—The parties in a suit are respectively permitted to entertain two or more pleaders, who shall either divide the authorized fee between them, in an equal or in any other proportion which may have been previously agreed upon between them and their constituent, or shall each be entitled to receive the full established fee, as may be specified in the vakalutnamah; but all stipulations to this effect shall be distinctly stated in the vakalutnamah, which shall otherwise be construed to entitle the whole of the vakeels appointed by it to an equal division of the established fee and no more.

Rules where two or more pleaders may be employed by the same party.

*Second.*—It shall be sufficient in such cases for the party employing two or more vakeels in the same suit, to file a single vakalutnamah; but the party shall be required to deposit in court the whole amount of the fees payable to his pleaders, under the rules contained in Section XXIII. of this Regulation.

In such cases one vakalutnamah only is requisite.

*Third.*—If the party shall agree to pay to each of the vakeels employed by him the full amount of the authorized fee, the opposite party in the suit shall in no case be required to make good more than the fee of one of those pleaders, or such part of that fee as may be adjudged against him by the court. The fees of the other pleader are to be considered as a separate expense, to be defrayed exclusively by the party entertaining him, and for which he is not to be reimbursed in any case whatever.

When two or more pleaders may be employed, the adverse party shall in no case pay more than the prescribed fee for one pleader.

XXXI. *First.*—If a suit shall be withdrawn or dismissed on default without a determination upon the merits of the case, before all the requisite pleadings shall have

Rules for the payment of vakeels fees when the suit may be withdrawn or dis-

missed without an investigation of the merits of the case.

been filed in court, the respective pleaders of the plaintiff and defendant, or of the appellant and respondent, shall each be entitled to only one fourth of the established fee which they would have received had the suit been brought to a regular decision by the court. If a suit shall be withdrawn or dismissed on default, after all the requisite pleadings shall have been filed in court, the respective pleaders are to be entitled to one half the fees which they would have received if judgment had been given in the cause. The fees in both of the above mentioned cases are to be charged to the plaintiff or appellant withdrawing the suit, or suffering it to be dismissed on default, together with all the admitted costs incurred by the defendant or respondent.

Rules applicable to the fees of pleaders in suits adjusted by razeenamahs.

*Second.*—The same rules shall be considered applicable to cases adjusted by razeenamah, except that the fees of the pleaders and all other costs of the suit, shall be paid by the parties in such manner and proportions as may have been agreed upon and inserted in the razeenamah.

Pleaders employed in summary suits to receive only one fourth of the fee prescribed in regular suits.

XXXII. The vakeels who may be employed by the respective parties in summary suits for the recovery of arrears of rent or revenue, or for recovering the possession of land, and generally in all other suits in which a summary process is authorized by the Regulations, are to be allowed for pleading such summary suits a fee equal to one fourth of the fee which they would have received had such suits been instituted as regular, and not as summary suits.

Such fees to be deposited in court, as in regular suits.

XXXIII. The fees which may be payable under the foregoing section shall be deposited in court, and paid to the vakeels entitled to receive them, in the same manner as is prescribed in regular suits under the preceding rules of this Regulation.

Pleaders to receive a fee of four annas for presenting miscellaneous petitions and applications; unless such applications may be connected with a suit in which the pleader is or may have been employed.

XXXIV. The pleaders in the several courts of civil justice are permitted to demand and receive a fee of four annas for each miscellaneous petition or application which they may present, or motion which they make in writing to the court; provided that such petition, application or motion, shall not relate to any suit depending before the court, wherein the person on whose behalf they may present such petition or application, or make such motion, may be a party; but all petitions, applications or motions presented or made to any of the courts on behalf of parties in a suit on which the fees prescribed by Sections XXV. and XXXII. of this Regulation may have been paid or may be payable, are to be considered as paid for by the fee allowed to the pleaders in the above mentioned sections; and the pleaders are to make all such motions, and do all such acts as may be requisite, relative to any suit in which they may have been entertained, not only during the trial of such suit, but after a decision shall have been passed, until the final judgment shall have been enforced.

Mode in which such fee is to be paid.

XXXV. The fee of four annas for miscellaneous petitions and motions, prescribed in the above section, is not required to be deposited in the court, but is to be paid by the party himself to the vakeel, at such time as may be mutually agreed upon; but as cases may occur in which the above fee of four annas may not be a sufficient compensation to the pleader or pleaders, the several courts of civil justice are authorized to award such additional fee in any instance, as they may consider to be a reasonable compensation to the pleader for the duty performed by him; and to cause payment thereof to be made either by the party who may have employed such pleader or pleaders, or as costs of suit by the opposite party, as may be deemed just and proper; provided, however, that the compensation which may be awarded in such cases shall in no instance exceed one fourth of the established fee to which the pleader or pleaders would have been entitled on a regular suit in the case in question.

Provisions for the payment of a higher fee in cases in which it may appear to be equitable.

Proviso.

Pleaders to give written receipts for documents entrusted to them by their clients.

XXXVI. Pleaders are to give written receipts on unstamped paper, for all accounts, writings or documents which may be delivered to them by their clients in the course of any suit or process; and if a pleader shall refuse to return such accounts, documents or writings, the court, upon a petition being presented to them for that purpose by the owners of the papers so withheld, shall cause them to be restored.

Rules for the appointment of pleaders on the part of Government.

XXXVII. *First.*—One or more of the authorized pleaders of the Sudder Adawlut, of the provincial courts, and the zilla courts, shall be appointed for the purpose of conducting the prosecution or defence of any suits in those courts respectively, which may be directed to be carried on at the public expense by any

Regulation, or by a special order from the Governor in Council or other authority competent to pass such order. Those pleaders shall be furnished with a sunnud or written authority to that purport, in the English and Persian languages, under the signature of the secretary to Government in the judicial department, and the sunnud shall be drawn up according to the form No. 5. of the appendix to this Regulation.

*Second.*—The several courts of justice shall report to the secretary to Government in the judicial department, the death, resignation or removal of any of the vakeels of Government attached to their respective courts; and shall at the same time nominate, for the approbation of Government, a proper person, being one of the authorized vakeels of the courts, to succeed to the vacant office. The courts shall in all instances select from amongst the established pleaders, such individual as may appear best qualified for the situation by his character and capacity.

The death or removal of a pleader on the part of Government, as well as the nomination of a successor, to be reported to the secretary to Government in the judicial department.

*Third.*—The pleaders for Government are to undertake all causes which they may be directed to plead by orders from Government, or which may be directed by any Regulation to be carried on at the public expense, upon receiving an order for that purpose either from Government or from any officer or officers empowered by any Regulation to superintend and to furnish instructions for conducting such suits. The order of Government, or of such officer or officers, is to be filed in court as the authority of the pleader to plead the cause, and is to form part of the record of the proceedings.

Duties to be performed by pleaders on the part of Government.

*Fourth.*—The pleaders of Government are prohibited from giving any advice to the parties opposed to Government in any civil suit or proceeding, and from being concerned, directly or indirectly, on their behalf, in suits which are directed to be carried on at the public expense; but in all other suits the pleaders of Government are to be at liberty to plead for either of the parties, in the same manner as the other authorized pleaders of the courts.

Such pleaders prohibited from advising parties opposed to Government.

*Fifth.*—The pleaders for Government are to be paid the same fees in causes directed to be pleaded at the public expense, as pleaders employed in causes between individuals, and under the same rules and restrictions; provided however, that the previous deposit, prescribed in Section XXIII. of this Regulation, shall not be required for the fees payable to the pleaders of Government, in the prosecution or defence of suits conducted at the public expense.

What fees they are entitled to receive.

Proviso.

*Sixth.*—In pleading suits directed to be carried on at the public expense, the pleaders for Government are to be subject to all the rules prescribed for their guidance when pleading on behalf of individuals, except in matters or cases in which it may be otherwise specially directed by any Regulation.

To be guided by the same rules as pleaders in other suits.

*Seventh.*—The Board of Revenue, the Board of Trade, or any other authorities entrusted with the management of suits on the part of Government, are empowered to associate with the established vakeel of Government, any other authorized pleader, in cases in which such aid may, from the importance of the suit or any other reason, be judged necessary or advisable; such additional pleader shall be furnished with a vakalutnamah, duly authenticated by the officer or authority employing him, and shall be entitled to receive the same fees, and under the same rules and restrictions, as if he were employed on the part of an individual, subject however to the provision contained in clause fifth of this section.

Another pleader may be associated with the pleader of Government, in carrying on suits at the public expense.

XXXVIII. No part of this Regulation is to be construed to prohibit or to prevent any individual from appearing and pleading his own cause in person, in any of the courts of civil judicature, without employing an authorized pleader.

Individuals not prohibited from pleading their own suits.

XXXIX. The provisions of this Regulation are not intended to apply to vakeels who may be employed in the courts of the village or district moonsifs, or before the village or district punchayets, or before the collectors of zillas, under the provisions of Regulations IV, V, VI, VII. and XII. of 1816.

This Regulation not intended to apply to vakeels under Regulations IV, V, VI, VII. and XII, 1816.

XL. That the pleaders in the several courts, as well as all other persons, may have it in their power to render themselves acquainted with the Regulations enacted by the British Government, there shall be kept for public inspection, in the several courts of judicature, printed copies of all such Regulations, and of the translations in the native languages, bound up with the annual indexes; until the Regulations which may be passed in each year are so bound up, the separate copies of each Regulation, with the translation which may be printed and circulated to the courts, are

The regulations are to be exposed for the public inspection, and the pleaders are required to make extracts from them.

to

to be exposed as above directed; the Regulations are to be deposited upon a table, expressly allotted for that purpose, in some part of the court room, and to lie for public inspection every day, Sunday excepted, during the ordinary hours of business, when the pleaders of the courts and all other persons are to be at liberty to refer to the Regulations, or to take copies or extracts from them in the court room: on receipt of the translations of the Regulations in the country languages, the several courts of civil justice shall cause the same to be publicly read in their cutcherries, and shall require the native pleaders of their respective courts, to take copies of any of those translations which relate, directly or indirectly, to the administration of civil justice.

## APPENDIX.

### No. 1.

#### SUNNUD to be granted to Vakeels.

In conformity with the provisions of Regulation XIV, 1816, you *A. B.* are hereby appointed to the office of pleader in the Sudder Adawlut, or in the provincial court for the division of \_\_\_\_\_ or in the zilla court of \_\_\_\_\_ you will not be liable to be removed from your situation so long as you may conduct yourself with propriety, and discharge your duty with zeal and integrity, under the rules contained in the Regulations which now are or may hereafter be in force.

### No. 2.

#### OATH to be administered to Vakeels.

I, *A. B.* solemnly swear, that I will truly and faithfully execute the duties of pleader of the Sudder Adawlut, or the provincial court for the division of \_\_\_\_\_ or the adawlut of the zilla of \_\_\_\_\_ to the best of my knowledge and judgment.

### No. 3.

#### RECEIPT to be granted for deposits made on account of Vakeel's fees.

I, *A. B.* treasurer of the court of \_\_\_\_\_ do hereby acknowledge to have received this \_\_\_\_\_ day of \_\_\_\_\_ the sum of arcot rupees \_\_\_\_\_ being a deposit made by \_\_\_\_\_ on account of the fees payable to his vakeel or vakeels, in suit No. \_\_\_\_\_ in which the value or amount claimed by the plaintiff or appellant, amount to rupees \_\_\_\_\_

### No. 4.

#### REGISTER of Deposits on account of Vakeel's fees.

Number of the Suit and date of its institution.	Value or amount claimed.	Amount of deposit on account of the Plaintiff or Defendant, &c. &c.	By whom deposited, and for what Vakeel or Vakeels.	Date of the deposit and of the receipt for it.	Date of the payment to the Vakeel, and of his receipt.
No. 759. 25th July 1815.	700 Rupees.	Rupees 35 on account of Ramsing, Appellant.	By Tarmuchurn moktar of the Appellant, for Mersyfoo Vakeel.	10th of August 1815.	

## No. 5.

SUNNUD to be granted to the Pleaders of Government, in the English and Persian Languages.

In conformity with the provisions of Regulation XIV, 1816, you *A. B.* are hereby appointed to the office of pleader on the part of Government, in the *Sudder Adawlut*, or in the provincial court for the division of \_\_\_\_\_ or in the *zilla court* of \_\_\_\_\_ you will not be liable to be removed from your office so long as you may conduct yourself with propriety, and discharge your duty with zeal, ability and integrity, under the Regulations which are now in force or which may hereafter be enacted.

## A. D. 1816. REGULATION XV.

A REGULATION for modifying the jurisdiction of the *Zilla* and Provincial Courts, and the Court of *Sudder Adawlut*, in the trial of original suits and appeals; for amending some of the rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits; and for limiting and altering some of the existing provisions respecting the pleadings and processes, and the mode of executing decrees in regular suits and appeals;—Passed by the Right honourable the Governor in Council of Fort St. George, on the 26th of October 1816; corresponding with the 12th of Arpysee of the year Dautoo 1738th year of Saliwahn, and with the 4th of Zulhudge 1231 Hijeree.

WITH the view of promoting the speedy administration of civil justice, it has been deemed expedient that certain modifications should be made in the existing rules regarding the jurisdiction of the *zilla* and provincial courts, and the court of *Sudder Adawlut*, in the trial of original suits and appeals, and that some of the provisions at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular civil suits should be amended; and it has been also deemed expedient to alter the rules at present in force regarding the pleadings and processes, and the mode of executing decrees in regular civil suits and appeals; the Governor in Council has therefore been pleased to enact the following rules, to be in force from and after the first day of February 1817.

II. All original regular suits in which the value or amount of the claim, calculated according to the provisions of Section II, Regulation XII. of 1809, may exceed five thousand arcot rupees, shall be instituted and tried as heretofore in the provincial courts; but if it shall at any time appear to the *Sudder Adawlut* that, from the pressure of business in any of the provincial courts, suits amounting to forty-five thousand arcot rupees and upwards, being the amount fixed for appeals to the Governor General in Council, can be more conveniently or expeditiously tried in the first instance by the *Sudder Adawlut* than by the provincial court before which they may be depending, it shall be competent to the *Sudder Adawlut* to order the transfer of all or any of such suits from the provincial courts to the *Sudder Adawlut*. In the transfer and trial of such suits the *Sudder Adawlut* shall be guided by the same provisions as are prescribed for the conduct of the provincial courts, regarding the transfer and trial of original suits exceeding five thousand arcot rupees in amount or value, depending in the *zilla* courts.

The *Sudder Adawlut* empowered, whenever they shall see fit, to call up from provincial courts and try in the first instance suits for 45,000 rupees and upwards.

To be guided by the same rules as the provincial courts, in the transferring of causes to them from the *zilla* courts.

III. Section VIII, Regulation VII. of 1809, is hereby rescinded, and no appeal shall lie to the provincial courts from the decree of a *zilla* judge on an appeal from the decision of a register; provided however, that nothing in this section shall be construed to prohibit the provincial courts from admitting a second or special appeal from decisions passed by the *zilla* judges on regular appeals from the original judgments of registers, *sudder ameens* or *moonsifs*, such special appeals being admitted and tried under the rules and restrictions contained in Section IV. of this Regulation.

Section VIII, Regulation VII. of 1809, rescinded.

Provision for special appeal from *zilla* judge's decision on an appeal from the decisions of registers, *sudder ameens* and *moonsifs*.

Provisions in modification of the rules in force regarding the mode of admitting special appeals.

**IV. First.**—In modification of the provisions contained in Sections XXVI. and XXIX, Regulation VII. of 1809, it is hereby enacted, that from and after the first day of February 1817, no special or second appeal shall be admitted by a provincial court or by the Sudder Adawlut, unless upon the face of the decree or of documents exhibited with it (assuming all the facts of the case as stated in the decree), the judgment shall appear to be inconsistent with some established judicial precedent or with some Regulation in force, or with the Hindoo or Mahomedan laws in cases which are required to be decided by those laws, or with any other law or usage which may be applicable to the case, or unless the judgment shall involve some point of general interest or importance not before decided by the superior courts.

Party to present a petition to the court competent to admit such special appeal.

**Second.**—When a party, upon any of the grounds specified in the preceding clause, may be dissatisfied with a judgment passed on a regular appeal by a competent civil court, and may in consequence be desirous of a second or special appeal, he shall within the limited periods prescribed for the admission of regular appeals, present a petition to the court which, under the provisions of Regulation VII. of 1809, may be competent to admit a special appeal in the case.

Such petition to be written on stamp paper, of what description, and what it is to contain.

**Third.**—Such petition shall be written upon the stamp paper prescribed in Section XIII, Regulation XIII. of 1816, with reference to the value or amount of the suit; the petition shall state distinctly the specific ground or grounds, under clause first of this section, on which the special appeal is solicited, and shall be presented either by the party in person or by an authorized pleader of the court. In the latter case the petition shall be signed by the pleader, who shall certify on the back of the petition that he has duly considered the grounds stated for admitting a special appeal under clause first of this section, and believes them to be well founded and sufficient.

Mode of proceeding when a special appeal may be admitted.

**Fourth.**—If on a consideration of the circumstances of the case, the court shall see reason for admitting a special appeal on any of the grounds stated in the first clause of this section, the appellant shall be required to furnish the prescribed security, and to deposit the amount of the fees payable to his pleader under the rules in force, within a reasonable period to be fixed by the court; when the required security and deposit shall have been duly furnished, the court will admit the special appeal, and proceed to investigate the suit under the same rules as are prescribed for the trial and determination of regular appeals.

Courts authorized to refund a portion of the stamp duties in certain cases when the petition for a special appeal may be rejected.

**Fifth.**—If the court shall not see sufficient reason for admitting the special appeal, and shall in consequence reject the petition, the appellant shall not be entitled to receive back the amount or value of the stamp on which the petition may have been written, under clause third; the courts are however vested with a discretionary authority, in any particular instance of hardship, to refund any portion not exceeding three fourths of the amount of such stamp duty, to the party who may have paid the same or to his legal representative.

All orders passed by competent courts regarding special appeals to be final.

**Sixth.**—It is hereby declared that the order of a provincial court, refusing to admit a special or second appeal under the powers vested in them by this Regulation, as well as the judgments which they may respectively pass on special appeals admitted by them, shall in all cases be final, and shall not be liable to any further revision by a superior court.

Pleaders entitled to certain fees on the rejection of special appeals.

Proviso.

**Seventh.**—When an application for a special appeal presented through an authorized pleader to a provincial court or to the Sudder Adawlut, may be rejected by the court, such pleader shall be entitled to receive from the party employing him any remuneration for his trouble which the court may think proper to adjudge; provided, that such remuneration shall in no case exceed one fourth of the amount of the fee to which the pleader would have been entitled had the special appeal been admitted and determined by the court; nothing in this section shall be understood to affect any special appeals which may have been already admitted, and which may be admitted previously to the first day of February 1817, by the provincial courts or the Sudder Adawlut.

Provisions rescinded.

**V. First.**—Clauses twelfth and thirteenth, Section XII, Regulation IV. of 1802, and Clause thirteenth, Section X, Regulation V. of 1802, and Section XXVIII, Regulation VII. of 1809, are hereby rescinded, and the following provisions are enacted in their stead.

*Second.*—It shall be competent to the Sudder Adawlut to receive a summary appeal from the orders or decrees of the provincial courts, in all cases in which the latter may have refused to admit an original suit or appeal regularly cognizable by them; or having admitted such suit or appeal, may have dismissed it on the ground of delay, informality or other default, without an investigation of the merits of the case.

Cases in which the Sudder Adawlut may admit a summary appeal.

*Third.*—In like manner it shall be competent to a provincial court to receive a summary appeal from the orders or decrees of the zilla courts, in cases in which the latter may have refused to admit an original suit or appeal regularly cognizable by them, or having admitted such suit or appeal, may have dismissed it, without an investigation of the merits, on the grounds of delay, informality or other default.

Cases in which the provincial courts may admit a summary appeal.

*Fourth.*—On the same principle it shall be competent to the zilla judges to receive a summary appeal from the orders or decrees of a register or sudder ameen, in cases in which the register or sudder ameen may have dismissed, on the grounds of some default, and without an investigation of the merits of the case, any original suit or appeal regularly referred to them.

Cases in which the zilla judges may admit a summary appeal.

*Fifth.*—In all the preceding cases the summary appeal shall be preferred within the same limited period as is prescribed for the admission of regular appeals, and subject to the provisions contained in the following clauses.

Limitation of time for the admission of summary appeals.

*Sixth.*—Whenever a party may be desirous of preferring a summary appeal in the cases above mentioned, he shall appear either in person or by a vakeel duly authorized, before the court which under the preceding rules may be competent to receive such appeal, and shall present a petition written on the stamp paper prescribed by Section XX, Regulation XIII. of 1816, and accompanied by an attested copy of the order or decree passed in the case.

On what stamp paper the petition for a summary appeal is to be written.

*Seventh.*—The party presenting such petition shall not be liable to the payment of the stamp duty substituted for the institution fee by Section XIII, Regulation XIII. of 1816, nor shall he be required to furnish the deposit for the fee of his vakeel, or any security, except such as may be eventually necessary, under the Regulations in force, for staying the execution of the decree from which the appeal may be preferred.

Party not liable to pay the institution fee nor to furnish the usual deposit or security.

Exception.

*Eighth.*—It shall not be requisite to give any notice to the respondent, or to require his attendance on such summary appeal being preferred, unless in any particular instance the court may deem it proper to adopt that measure, nor shall any pleadings or proceedings be holden on such summary appeal, excepting such as may suffice to determine whether the suit was or was not rejected or dismissed by the lower court on sufficient grounds and in conformity with the Regulations.

Mode of proceeding in summary appeals.

*Ninth.*—If upon such summary proceedings, it shall appear to the court that the suit was rejected in the first instance, or after having been admitted was dismissed, without an investigation of the merits, upon insufficient grounds or in opposition to the Regulations, it shall be competent to the Sudder Adawlut, to the provincial courts, and to the zilla judges respectively, to direct the lower court or officer from whose order or decree the petition of appeal may have been presented, to receive the original suit or appeal, or to revive it if it shall have been received and dismissed, and to try and determine such cause on its merits according to the Regulations.

In what cases the lower courts may be directed to receive or revive the suit.

*Tenth.*—If on the contrary such summary appeal shall be found to be groundless and litigious, the Sudder Adawlut, the provincial courts, and the zilla judges, are respectively authorized and required to reject the petition for a summary appeal, and to impose such fine on the litigious appellant as may appear to be in each instance proportionable to the condition of the party and to the circumstances of the case, provided that such fine shall in no case exceed the amount of the stamp duty which would have been payable by the appellant on the institution of such case as a regular suit or appeal. All orders imposing fines, or rejecting petitions of summary appeals, which may be passed under this clause by the Sudder Adawlut, the provincial courts, or by the zilla judges, shall be final and conclusive.

In what cases the courts may reject the summary appeal, and fine the appellant.

Provido.

The orders of the courts in such cases to be final.

*Eleventh.*—When a pleader may be employed in such summary appeals, the court is authorized to award to him such fee as may be considered to be a sufficient compensation for his labour; provided that it shall in no case exceed one fourth of the

Provisions for pleaders fees in such cases.

Provido.

fee



fee to which such vakeel would have been entitled, if the suit had been instituted either as an original suit or as a regular appeal.

Provisions rescinded. VI. *First*.—Section XXII, Regulation II. of 1802; Section XXX, Regulation IV. of 1802; and Section XXXVII, Regulation V. of 1802, are hereby rescinded; and the following rules are substituted in their stead.

Provisions regarding the mode of applying for permission to review judgments from which no appeal shall have been preferred.

*Second*.—Any persons considering themselves aggrieved by a decree passed in a regular civil suit or appeal by a zilla or provincial court, from which decree no further appeal may have been admitted by a superior court, and who from the discovery of new matter or evidence, which was not within their knowledge or could not be adduced by them at the time when the decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against them, are at liberty to present a petition for this purpose to the court in which the decree in question may be passed; such petition shall be written on stamp paper of the value prescribed in Section XX, Regulation XIII. of 1816, and shall be presented within the period of three calendar months from the delivery or tender of the decree, which period shall be calculated according to the provisions of Clause tenth of Section VIII. of this Regulation. The courts are nevertheless authorized to admit applications for a review after the period above mentioned, provided that the parties preferring the same shall be able to shew just and reasonable cause to the satisfaction of the court for not having preferred such application within the limited period; in such case, however, the courts are enjoined to proceed with caution, and to state at large upon the proceedings their reasons for admitting such applications after the limited period. If the courts shall be of opinion that there are not any sufficient grounds for a review, they shall reject the petition, and their order to that effect shall be final; but if on the contrary they shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, they shall report the same to the Sudder Adawlut, transmitting at the same time a statement of the grounds of their opinion, with a copy of the petition presented to them and a copy of the decree passed in the case.

Provisions empowering the Sudder Adawlut to grant a review.

*Third*.—The court of Sudder Adawlut, in cases referred to them under the preceding clause, as well as in all cases in which a petition may be presented to them for a revision of their own judgments which may not have been appealed to the Governor General in Council, (or though appealed, the proceedings in which may not have been transmitted to the Governor General in Council), are authorized to grant the review desired, if upon a consideration of the reasons stated, the circumstances of the case shall appear in justice to require it; the Sudder Adawlut shall record on their proceedings the grounds upon which a review may be granted by them in each instance, and shall issue any instructions regarding the admission or rejection of new evidence in the case, which they may deem just and proper.

The orders rejecting applications for a review, not to bar the right of a party to prefer a regular appeal.

*Fourth*.—The order of a zilla court, or of a provincial court, or of the Sudder Adawlut, rejecting the petition for a review in the first instance, or of the latter court refusing to sanction a review when applied for by a lower court, shall not be construed to preclude the party from instituting a regular appeal (if the case be appealable) in a competent court, subject to the conditions and rules prescribed by the Regulations in force for the admission of such appeals.

An appeal to lie to the Sudder Adawlut from the provincial courts in all civil suits tried by them in the first instance.

*Fifth*.—It is hereby further declared that an appeal shall lie to the court of Sudder Adawlut from the judgments passed by the provincial courts, in all regular civil suits which may be tried and determined by them in the first instance.

Modification of certain provisions in force.

VII. *First*.—The rules contained in Sections V. and VI, Regulation III, 1802, are hereby declared subject to the following modifications.

Registers not required to file a rejoinder when the defendant may refuse or neglect to do so.

*Second*.—When a defendant in an original civil suit shall refuse or neglect to file a rejoinder within the period prescribed for that purpose, it shall not be necessary for the register (as hitherto required) to enter a rejoinder for him, but the court before whom the trial may be depending, after recording such refusal or neglect, shall proceed in the trial of the suit, in the same manner as if a rejoinder, containing a general denial of the claim, had been regularly filed.

Rules regarding the admission of supplemental pleadings.

*Third*.—From and after the 1st day of February 1817, no supplemental complaint or other supplemental pleadings shall be admitted in any suit, unless the court, upon

upon a perusal of the pleadings previously filed, and from a consideration of the circumstances alleged by the parties, shall deem it just and proper to admit such supplemental plaint or other supplemental pleadings to be filed in the suit.

**VIII. First.**—Such parts of Section XII, Regulation IV, 1802, and Section X, Regulation V. of 1802, or of other provisions in force, as relate to the admission of regular appeals, are hereby declared subject to the following modifications.

Modification of provisions relative to the admission of regular appeals.

**Second.**—Any party who may be desirous of appealing from a judgment passed against him, from and after the first day of February 1817, by a sudder ameen, a register, or a judge of any zilla court from which a regular appeal may be admissible under the Regulations, shall be at liberty to present his petition of appeal without an authenticated copy of the decree, to the judge of the zilla in which the decision may have been passed; such petition of appeal shall not be required to contain the specific grounds or reasons of the appeal, but may state shortly that the party being dissatisfied with the judgment, is desirous of appealing from it. The petition must be written on stamp paper according to the rates contained in Section XIII, Regulation XIII. of 1816, and must be accompanied by the prescribed security for the eventual costs in appeal.

The petition of appeal from the decisions passed in the zilla court may be presented to the judge without an authenticated copy of the decree.

The petition need not contain the detailed reasons for the appeal.

But must be written on prescribed stamp paper, and accompanied by the requisite security.

The judge may admit the appeal, after referring to the original decree. *Provido.*

The deposit of pleaders fees to be paid into the court by which the appeal may be tried.

**Third.**—The zilla judge, after referring to the decree in the original record of the suit, shall admit the appeal, provided that the petition of appeal and the security required shall have been duly presented in the mode above prescribed, within the periods limited for the admission of such appeals under the existing Regulations.

**Fourth.**—The deposit for the pleader's fees prescribed by Section XXIII, Regulation XIV, 1816, in lieu of the security formerly demanded for such fees, is not required to be furnished with the petition of appeal; but in cases in which a pleader shall be appointed to conduct the appeal, the deposit shall be delivered to the court by which the appeal is to be tried.

**Fifth.**—The specific objections to the judgment, and detailed grounds and reasons for preferring the appeal, may be stated, at the option of the party, in the original petition of appeal, or may be subsequently filed in the court trying the appeal as a separate pleading; in the latter case such pleading is to be written on the stamp paper, and according to the rates prescribed for other pleadings in Section XIX, Regulation XIII. of 1816.

Appellants authorized to state their reasons of appeal, either in the petition or in a separate pleading.

**Sixth.**—In like manner any parties who may be desirous of appealing from the judgments passed by the provincial courts in suits regularly appealable to the Sudder Adawlut, or from the judgments of the Sudder Adawlut in suits which may be regularly appealable to the Governor General in Council, shall be at liberty to present their petition of appeal without an authenticated copy of the decree, to the court by which the judgment may have been passed, in conformity with the provisions contained in the preceding clauses of this section.

The provisions in the preceding clauses applicable to appeals from decisions passed by the provincial courts and by the Sudder Adawlut.

**Seventh.**—Under the preceding rules, parties in suits decided in the first instance in a zilla court, a provincial court, or the Sudder Adawlut, will be enabled to prefer an appeal from such decision without the necessity of filing an authenticated copy of the decree; but if any party in a suit which may be regularly appealable to a provincial court, or to the Sudder Adawlut, may be desirous, under the option allowed by the Regulations, of presenting his petition of appeal in the court by which the appeal is to be tried, rather than in the court by which the decision may have been passed in the first instance, it shall be requisite for such party to file with his petition of appeal an authenticated copy of the decree.

In what cases it shall be necessary to file an authenticated copy of the decree with the petition of appeal.

**Eighth.**—For the purpose of obtaining an authenticated copy of the decree in such case, the party desiring it shall furnish to the court by whom the decision may have been passed, one, two or more sheets or rolls of the stamp paper prescribed in Section XXII, Regulation XIII. of 1816, as may be necessary for transcribing the decree.

Parties requiring a copy of a decree, to furnish the requisite stamp paper.

**Ninth.**—When such stamp paper shall be furnished, the sherishtadar, or such other principal officer as may be authorized by the court to discharge that duty, shall endorse on it the date of its being furnished, the name of the party on whose account it may be presented, and the number of the suit to which it may be intended to be applicable, and shall grant to the party a corresponding receipt for the same on unstamp paper; the copy of the decree shall then be prepared and duly authenticated,

Courts how to proceed when such stamp paper may be furnished.

cated, and shall be delivered or tendered to the party by whom the stamp paper may have been furnished, or to his vakeel, in open court, and the date of the delivery or tender of such copy shall be also endorsed on the copy.

Limitation of time for the admission of appeals, how to be calculated in such cases.

*Tenth.*—The respective periods limited by the Regulations for the admission of appeals in such cases, shall be calculated from the date on which the decision may have been passed; excluding from the calculation of such periods, the interval which may have elapsed in each instance between the date on which the requisite stamp paper may have been furnished by the party to the court, and that on which the copy of the decree may have been tendered or delivered to the party in open court, in the mode prescribed in the Regulations. The courts will in all cases be enabled to ascertain such interval by the endorsements on the copy of the decree required to be made under clause ninth of this section.

The provisions of the three preceding clauses applicable to copies of decrees or orders from which a party may desire to prefer a special appeal and a summary appeal.

*Eleventh.*—The principles of the rules contained in clauses eighth, ninth and tenth of this section, are to be considered applicable to all copies of decrees from which a party may be desirous of preferring a special or a summary appeal, and to all copies of orders passed by the judges and registers of the zilla courts, by the provincial courts and by the Sudder Adawlut, which those courts may be required to furnish to parties under the provisions of any Regulation.

Modification of rules regarding pleadings in appeals.

*IX. First.*—Such parts of the Regulations in force as require that the pleadings in appealed suits shall be conducted and filed in the same manner and under the same rules as pleadings in original suits, are hereby declared subject to the following modifications.

The respondent may file an answer to the reasons of appeal or not, at his option.

*Second.*—In all regular civil suits which may be appealed from and after the first day of February 1817, to a zilla court, to a provincial court, or to the sudder adawlut, it shall be left to the option of the respondent, either to file an answer to the petition and reasons of appeal, or not, as he may judge proper; provided however, that if no answer shall be filed by a respondent, it shall be competent to the court trying the appeal, in all cases in which it may be deemed expedient, to direct the respondent to file an answer to the petition of appeal, or to any particular points in it which may appear to require an answer or explanation.

Proviso.

No further pleadings beyond the answer to be admitted, with certain exceptions.

*Third.*—No further pleadings beyond the answer of the respondent, shall be admitted in any appealed suits which may be instituted from and after the first day of February 1817, except the duplicate of the plaint provided for by Clause first, Section XXIV, Regulation XIII. of 1816, or such supplemental pleadings as may be authorized by the court under the provisions of Clause third, Section VII. of this Regulation.

Pleadings to be read before exhibits are filed or witnesses summoned. Exception.

*X. First.*—In the trial of original regular suits, as well as in the trial of appeals in such suits, the prescribed pleadings shall be completed and read in open court, before any exhibits are filed or witnesses summoned in support of the allegations of either of the parties, unless special and sufficient reason be assigned for taking the immediate deposition of a witness without waiting until the pleadings are completed and read in open court.

Courts to require any necessary explanations of the case from the parties or their pleaders.

*Second.*—If from the pleadings in the case the points at issue cannot be clearly ascertained, or if from any other reason further explanations may be requisite, the courts shall on the day on which the suit may be first brought to a hearing, make such inquiries from the parties or their pleaders as may appear necessary, with a view to ascertain the precise object of the action and the grounds on which it is maintained, and shall record the result on their proceedings.

The courts to record the points necessary to be established by the parties.

*Third.*—The court shall then consider and record the point or points to be established respectively by the plaintiff or appellant, and by the defendant or respondent, and shall proceed to take the evidence which may be adduced by either party upon such points, in the manner prescribed by the rules in force.

And any additional points which may subsequently appear necessary; and no evidence to be admitted except with regard to the points so recorded. Evidence of witnesses which may be required in certain

*Fourth.*—In like manner, if proof shall be required on any other points in the course of the trial, such points shall be recorded on the proceedings, and the proper party shall be called upon for the requisite evidence; and no exhibit shall be filed or witness summoned, unless expressly declared to be in proof or refutation of some point upon which the court may have directed that evidence should be taken.

*XI.* In modification of Section IX, Regulation XII. of 1809, it is hereby provided, that whenever a witness, whose evidence may be required by the Sudder Adawlut

Adawlut or by a provincial court, may reside at such a distance as to render his attendance before such court inconvenient, or whenever from any cause it may be deemed improper to summon a witness to such court, the Sudder Adawlut or the provincial court, instead of merely instructing the zilla judge upon what points the witness is to be examined, shall prepare and transmit to the zilla judge distinct written interrogatories to be put to each witness; such interrogatories shall be prepared and signed by the parties or their vakeels, under the direction of the court, and shall be countersigned by the judge of the court who may order the examination. The zilla judge, to whom such interrogatories may be sent, shall in the first instance cause the depositions of the witnesses to be taken in answer to the interrogatories, and shall then allow the parties or their pleaders, in whose presence the witnesses may be examined under Section IX, Regulation XII. of 1809, to put any other questions which may appear relevant to the points at issue in the case.

cases by the provincial courts and Sudder Adawlut, to be taken by the zilla judges on written interrogatories.

**XII. First.**—In order that the parties in a suit, or their authorized pleaders, may be fully prepared to file their exhibits and to name their witnesses, as well as to furnish any explanations of the case which may be required at the time when the suit may first be brought to a hearing, the several courts are enjoined carefully to attend to those provisions in the Regulations which require that eight days previous notice shall be given to the parties of the day on which the court may propose to bring the suit to a hearing.

Previous notice to be given by the courts of the day on which a suit is to be brought to a hearing.

**Second.**—For this purpose, it shall be sufficient for the court to affix, in some conspicuous place in the court room, a notification, specifying the number of the suit, the names of the parties and of the vakeels respectively entertained in the suit, together with the date on which it may be intended that such suit shall be brought to a hearing before the court, and such notice shall be held and considered to be in force until the suit can be brought to a hearing, either on the day fixed or any subsequent day.

A notification of the day duly affixed in the cutcherry, shall be sufficient notice.

**Third.**—If either of the parties in a suit, which may be brought to a hearing after due notice shall have been given in the manner above prescribed, shall not be prepared to file his exhibits or the names of his witnesses, or to furnish any explanations of the case which may be required by the court, and shall not assign sufficient and satisfactory reason for the delay, the courts are authorized to impose upon such party such fine as may appear just and proper; provided that the fine shall in no instance exceed one fourth of the fee paid on the institution of the suit, or of the amount of the stamp duty substituted for such fee. If a similar neglect shall occur a second time, after due notice shall have been given of the day fixed for the case being again brought forward, the courts are authorized either to impose a second fine under the limitation above prescribed, or to proceed as in other cases of default.

Courts authorized to fine parties, who may not be prepared to file exhibits or to name their witnesses on the day notified for the hearing of the suit.

Further penalty on a repetition of similar neglect.

**XIII. First.**—The following provisions are enacted in addition to the rules now in force, regarding the security to be required from parties for the execution of decrees of the civil courts, or for staying the execution of judgments in the civil suits during an appeal in such suits.

Additional rules regarding security furnished in civil suits.

**Second.**—All persons who may enter into security bonds for the purposes mentioned in the preceding clause, are prohibited from transferring or from causing to be transferred, by sale, gift, mortgage or otherwise, any land or other immovable property belonging to them, and specified in the schedule of property on which their security may have been accepted, until the object of their security shall have been completely fulfilled.

Sureties prohibited from transferring their rights in any immovable property on which their security may have been accepted.

**Third.**—This prohibition, however, shall not be construed to affect the legality of any private transfer or mortgage of such property, in cases in which the amount of any demand on the surety, which may eventually arise under the terms of the security bond, shall be duly discharged by him; but it is hereby declared, that no private transfer or mortgage of such property, which may be made by a surety in the interval between the execution of the security bond and the final and complete enforcement of the judgment, shall be considered to bar the prior right of the court to hold the whole or any part of such property answerable, in the first instance, for the amount of any demand upon it which may eventually arise under the terms of the security bond, and which may not be duly discharged by the surety.

Explaining the purport and intent of the foregoing prohibition.

**XIV. First.**—Such

Modification of existing rules regarding the execution of decrees.

**XIV. First.**—Such parts of the Regulations as are construed to require that the decrees passed in civil suits shall be executed and enforced by the courts without any application for that purpose from the parties, are hereby declared subject to the following modifications.

Under what rules the decrees of village and district punchayets are to be enforced.

**Second.**—The execution of decisions passed by village punchayets and district punchayets, which may be required to be carried into effect by the zilla judge, under Regulations V. and VII. of 1816, shall be subject to the modifications of this section.

Decrees passed previously to this Regulation being in force, to be executed under the rules heretofore in force.

**Third.**—Decrees which may be passed by the zilla courts, the provincial courts, or the Sudder Adawlut, on regular suits or appeals, previously to the time when this Regulation shall begin to take effect, shall be executed by those courts according to the provisions of the Regulations heretofore in force, and in the same manner as they have hitherto been enforced.

Courts not bound to execute decrees from and after the 1st of February 1817, except in conformity to the following rules.

**Fourth.**—The zilla courts, the provincial courts, and the Sudder Adawlut, shall not be required to carry into execution any decree, which may be passed in original suits or in appeals, from and after the first day of February 1817, except in conformity with the following rules and provisions.

Parties desiring to have their decree enforced, to present a petition to the court.

**Fifth.**—Any party who may be desirous of obtaining the execution of a decree passed from and after the first day of February 1817, shall appear either in person or by an authorized pleader, before the court by whom such decree may have been passed, or if the decree shall have been passed by a sudder ameen, before the zilla judge, and shall present a petition, written on the stamp paper prescribed in Section XX, Regulation XIII. of 1816, praying for the execution of the decree.

What the petition is to contain.

**Sixth.**—The petition shall state the number of the suit, the names of the parties, the date and substance of the decree, whether any appeal has been preferred or admitted from the decision, and whether any or what adjustment of the matter in dispute has been made between the parties subsequently to the decree; it shall further contain a statement of the specific amount due to the petitioner under the decree, whether on account of costs of suit or otherwise, and the name of the individual or individuals against whom the enforcement of the decree is solicited.

The court how to proceed in the execution of the decree.

**Seventh.**—The court, after causing the purport of the petition to be compared with the decree contained in the original record of the suit, shall proceed to execute the same, in conformity with the provisions which are now in force or which may be hereafter enacted.

In certain cases specified, the court to make previous inquiries and to pass such orders as may appear just and proper with regard to the execution of the decrees.

**Eighth.**—Provided however, that if the suit shall have been tried *ex parte*, or that an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or that the enforcement of the decree shall be solicited against individuals being heirs or representatives of the original parties in the suit, or against one only of several individuals equally affected by the decree, or if there shall appear reason to believe that the matter in dispute has been adjusted by the parties subsequently to the decree, either by the voluntary surrender of the thing adjudged, or by the payment of the sum decreed either in whole or in part, by instalments or otherwise, it shall be competent to the court, instead of proceeding to the immediate enforcement of the decree, to issue a notice to the party against whom execution may be sued out, requiring him to shew cause, within a limited period to be fixed by the court, why the decree should not be executed against him. If upon such notice the party shall not attend in person or by vakeel, or shall not shew sufficient cause to the satisfaction of the court, why the decree should not be forthwith executed, the court will cause the judgment to be satisfied according to the rules in force. If the party shall attend in person or by vakeel, and shall offer any objection to the enforcement of the decree, the court shall issue such order, after a due consideration of the circumstances of each case, as may appear just and proper.

Provisions for recovering costs due to Government, and vakeels fees, and for executing decrees in pauper suits.

**Ninth.**—The preceding rules shall not be construed to prevent the courts from issuing process of execution, for the purpose of recovering any fees or costs which may be due to Government, or any fees due to vakeels by a party in a suit, whether decided before or after the first day of February 1817. In such cases, as well as in suits in which a party may have been allowed to plead *in formâ pauperis*, the court shall proceed, without any application from the parties, to enforce execution of

of the judgment, so far as relates to the recovery of the amount of fees or costs due to Government or to pleaders in the suit.

**XV. First.**—Such part of Section XXI, Regulation III. of 1802, and such other provisions of the Regulations as require all orders and processes of the courts to be written or printed in the Persian language, and such part of Section IV, Regulation XIII. of 1802, as requires the keepers of the records to keep a register in the Persian language of all the proceedings, documents and other records belonging to the courts to which they may respectively be attached, are hereby rescinded.

Rescinding of provisions requiring all orders and processes of the courts and registers of records to be written and printed in the Persian language.

**Second.**—The decrees passed by the zilla and provincial courts, and by the court of Sudder Adawlut, shall be written in English, and shall have annexed or subjoined to them a translation in one of the current languages of the country.

Decrees by the different courts of judicature to be written in English, and translation of the current language of the district to be annexed to them.

**Third.**—The orders passed on miscellaneous petitions presented to a zilla court, shall be written in the current language of the district in which such court is stationed; and English translations of such orders shall be furnished on the special application of the parties presenting the petitions.

Orders on miscellaneous petitions presented to the zilla courts to be written in the current language of the district; and English translations to be furnished on special application.

**Fourth.**—The orders passed on petitions presented to the provincial courts, or to the court of Sudder Adawlut, shall be written in English, and shall have annexed or subjoined to them a translation in one of the current languages of the country.

Orders passed on petitions by the provincial courts and Sudder Adawlut, to be written in English, and a translation in one of the current languages of the country to be annexed

**Fifth.**—The summonses and other processes issued by the several courts, shall be written or printed in one of the current languages of the country.

Processes to be written or printed in one of the current languages of the country.

**Sixth.**—It is to be understood that the country language in which the processes, orders and decrees are to be written, or into which they are to be translated as above directed, shall be the language most familiar to the party or parties concerned; and if a party shall be desirous of having a Persian translation of a decree or order, instead of a copy or translation thereof in one of the current languages of the country, the court passing the decree or order shall comply with his application to that effect.

The country language in which the processes, &c. are to be written, must be the one most familiar to the parties; and any party preferring a Persian translation, to be furnished therewith.

## III.

## REGULATIONS

Passed by the Governor in Council of *Bombay*,  
in the Year 1816.—N<sup>os</sup> I. to X.

A REGULATION for modifying and amending the rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers:—Passed by the Right honourable the Governor in Council, on the 31st January 1816; corresponding with the 2d Maha Sood Sumbut or Vikramajet era 1872; Salbahan 1737; and the 30th of Suffer 1231 of the Hijeree.

*Preamble.*

WHEREAS it has been deemed expedient to reduce into one Regulation the whole of the provisions which will be applicable to persons suing in formâ pauperis, the following rules have been enacted, to be in force from the 1st of March 1816.

II. Regulation X, A. D. 1802, is hereby rescinded.

No pauper suit to be admitted in which the value of the thing claimed shall not exceed rupees fifty.

Persons preferring claims of certain descriptions, not to be admitted to sue as paupers.

III. No person shall be hereafter entitled to institute or defend any suit in formâ pauperis in any civil court of judicature, unless the amount or value of the thing claimed shall exceed the sum of fifty rupees.

IV. No person shall be hereafter permitted to institute a suit as a pauper, in any civil court of judicature, if the claim shall be for damages on account of loss of cast, slander, abusive language, assault or personal injuries of any description; or if the claim shall be for the possession or recovery of deeds or papers, or for fines, forfeitures or pecuniary penalties, on account of any breach of the Regulations.

Parties desiring to sue as paupers are to present a petition on stamp paper in person.

V. *First.*—Whenever a party may be desirous of instituting an original suit as a pauper in any zillah or city court, or in a provincial court, he shall appear in person before such court, and shall present a petition, written on the stamp paper prescribed for miscellaneous petitions in Section XXXII, Regulation XIV, 1815; provided however, that if the party be a female of a rank and description which, according to the prejudices of the country, would render it improper to require her personal attendance in a court of justice, such petition may be presented by a mokhtar or agent duly authorized for that purpose.

What the petition is to contain.

*Second.*—The petition shall contain a general statement of the nature and grounds of the damage, of the value of the thing claimed according to the provisions contained in Sections XXVII. and XXVIII, Regulation XIV, 1815, of the name of the persons intended to be sued, and a schedule of the whole real or personal property belonging to the petitioner, with the estimated value of such property.

Petitioner's examination to be taken on oath, with certain exceptions.

*Third.*—The court in which such petition may be presented, or one of the law officers of the court specially authorized, shall then proceed to take the examination of the petitioner, or if the petitioner be a female of the description mentioned in clause first of this section, the examination of her agent, with regard to the points above noticed, and shall question him particularly with respect to any real or personal property which the petitioner may have recently sold, mortgaged, transferred or otherwise disposed of; such examination shall be taken on oath, unless the court should, in any particular instances, judge it proper to admit a solemn declaration in lieu thereof, under the provisions now in force or any other provisions which may be hereafter enacted.



*Fourth.*—In taking the examination of the petitioner or agent in such cases, it shall be the duty of the court to admonish him that any wilful misrepresentation or falsehood, or the fraudulent concealment of any material fact regarding the property in the petitioner's possession, or the recent transfer of such property, will subject him to be tried for perjury, and on conviction, to the punishment which is now or may be hereafter prescribed for that crime by the Regulations. The petitioner or agent shall subscribe his examination, which shall then be authenticated by the court in the usual manner.

Court to admonish the petitioner in taking his examination.

*Fifth.*—If upon such examination it should appear to the court that the petitioner is possessed of property sufficient to defray the expenses of the suit, or that he has recently sold, mortgaged or otherwise transferred any property with the view of being admitted to sue as a pauper, the court will at once refuse to admit his suit in that form and will refer him to the general rules in force.

Courts, when to reject the prayer of the petition.

*Sixth.*—If there shall appear any grounds for suspecting that the petitioner is possessed of property, or has recently transferred any property, beyond that which he may have acknowledged or stated in his petition and examination, the court may issue a notice to the adverse party, signifying that if such party shall appear within a reasonable period, to be fixed by the court, he shall be permitted to shew cause why the plaintiff should not be allowed to sue as a pauper; the court may also summon witnesses, or institute a local inquiry, in the neighbourhood of the petitioner's residence, with the view of ascertaining whether the petitioner has recently transferred or is possessed of any property beyond that stated in his examination.

Court how to proceed when they may be desirous of ascertaining the amount of the petitioner's property.

*Seventh.*—If from the result of such inquiry, or at any subsequent period, it shall be satisfactorily established that the petitioner, or the agent of a female petitioner, has been guilty of wilful perjury in his examination, the court will not only refuse the prayer of the petitioner (or nonsuit the plaintiff if the cause be depending), but will cause the person appearing to have been guilty of perjury, to be committed to the court of circuit to take his trial for such offence.

When the petitioner shall have been guilty of perjury, he shall be committed to the court of circuit.

**VI. First.**—If none of the objections stated in clauses fifth and seventh of the preceding section shall exist, and the petitioner shall not appear to be possessed of sufficient property to enable him to defray the probable expenses of the suit, the court is empowered to admit him to sue as a pauper, on his finding two good and sufficient sureties, both of whom shall be householders, for his appearance, whenever his attendance may be required by the court.

A party admitted to sue as a pauper shall find two sureties for his appearance.

*Second.*—The suits of pauper plaintiffs, which may be hereafter instituted in the *zillah* or city courts, shall be tried by the judge or register, and shall not be referred to any of the *sudder ameen*s.

Pauper suits not to be referred to the *sudder ameen*s.

**VII. First.**—When the required sureties shall have been furnished, if the pauper shall be unable to prevail on any of the *vakeels* of the court to undertake his suit, and he shall be unable to plead the cause in person, the court may require any of the authorized pleaders of the court to undertake and plead the suit, and no security or deposit shall be required from the plaintiff for the fees of such pleader.

The courts are authorized in certain cases to direct one of the pleaders to undertake the suit.

*Second.*—The courts are to state on the record of the trial, their reasons for every exercise of the power vested in them by this section; and the order of the court in such cases shall be a sufficient warrant to the *vakeel* to plead in the suit, without filing the usual *vakalutnamah*.

Reason for exercising that power to be recorded.

**VIII.** The stamp duty which has been substituted for the institution fee by Section XXV, Regulation XIV, 1815, shall not be required from plaintiffs who may be admitted to sue as paupers under this Regulation. The plaint, reply or other pleadings on the part of the plaintiff, as well as applications on his part for receiving exhibits and summoning witnesses, may be written on unstamped paper. The notice to the defendant, the summons for witnesses, and other processes on the part of the plaintiff, shall be served through the *peons* on the establishment of the courts, without any expense to the plaintiff; and the copy of the decree, as well as copies of orders or proceedings which he may be required to take, shall be furnished to a pauper plaintiff on unstamped paper.

Stamp duties and other expenses to be remitted to paupers; pleadings on their part, and copy of the decree, to be on unstamped paper.

All costs and expenses to which the plaintiff would have been liable had he not been admitted to sue as a pauper, to be inserted in the decree.

**IX.** On the conclusion of the suit, the court shall calculate the whole of the costs which would have been incurred by the plaintiff, on account of the several stamp duties prescribed by Regulation XIV, 1815, and other legal expenses, had he not been admitted to sue as a pauper, and shall charge the same in the decree, to the party cast, or to the parties respectively, in such proportions as may be deemed equitable.

The fees of the pauper's pleader, when to be paid by the defendant.

**X. First.**—If the pauper plaintiff shall gain his suit, the court will cause the defendant to make good the amount of the fees due to the pleader who may have been employed on account of the plaintiff, or such part of them as the court may decree.

If the claim be dismissed, the defendant is to pay to his own pleader such adequate compensation as the court may direct.

**Second.**—If the claim of the plaintiff be dismissed with costs, the court is authorized and required to levy from the defendant, such part only of the established fee, for his own pleader, as may appear to be an adequate compensation; leaving the remainder to be recovered from any property that may subsequently be found to belong to the plaintiff.

Pauper plaintiffs, under certain circumstances, liable to a sentence of six months imprisonment.

**XI. First.**—If the plaintiff shall not establish his claim, and the court shall deem the suit to be unfounded, vexatious or wilfully exaggerated, and the plaintiff shall not pay the amount of his own fees, and the fees and costs which may be awarded against him in favour of the opposite party, the court is authorized to commit him to close custody in the civil jail, without labour, for a period not exceeding six months.

Execution of such sentence not to be suspended on account of an appeal being preferred from the decision. Proviso.

**Second.**—Such order of confinement shall be carried into immediate execution, and shall not be suspended in consequence of the plaintiff's being desirous of appealing from the judgment; provided however, that the plaintiff shall at any time be entitled to his discharge from such confinement, on his paying into court the full amount of the costs and expenses awarded against him in the decree.

Sureties failing to produce a pauper plaintiff, liable to six months imprisonment.

**Third.**—If the pauper plaintiff shall abscond, and his sureties shall not produce him before the court, and the order for his imprisonment cannot therefore be carried into effect, the said sureties shall be called upon to make good the full amount of the costs adjudged against the plaintiff. In the event of their refusing or failing to make good the costs, the court is authorized to commit them to close custody, without labour, in the civil jail, for a period not exceeding six months, subject to the provision contained in clause second of this section.

Court to realize the costs due from paupers, notwithstanding their imprisonment or the imprisonment of their sureties.

**Fourth.**—The confinement of a pauper plaintiff or of his sureties, under this section, shall not preclude the court from realizing the costs and expenses adjudged against a pauper plaintiff; but in all cases in which such plaintiff may fail to make good the costs and expenses to which he may be declared liable in the decree, whether those costs may be due to the defendant or to Government, the court shall endeavour to realize the amount by the sale of any property which may belong to the plaintiff, either at the time of the decree or subsequently thereto.

Persons desirous of appealing as paupers, to present a petition to the superior court.

**XII. First.**—If any party to an original suit may be desirous of appealing in formâ pauperis from the decision passed in such suit, he shall present a petition, in the mode prescribed by Clause first, Section V. of this Regulation, to the court by which his appeal may be regularly cognizable under the Regulations.

With copy of a decree; what the petition is to contain.

**Second.**—Such petition shall be accompanied by an authenticated copy of the decree, and shall contain a schedule of the whole real or personal property belonging to the petitioner, and the estimated value of such property, together with a statement of the specific grounds on which the petitioner may desire to present an appeal.

Court when to reject the petition.

**Third.**—If upon a perusal of the petition and the copy of the decree, the original judgment shall not appear to the court to be erroneous or unjust, or if the nature of the cause shall not appear to be of sufficient importance to merit a further investigation in appeal, the court will reject the petition, and will refuse to admit the petitioner to sue in appeal as a pauper. Provided however, that the petitioner shall nevertheless be entitled to institute his appeal, on performing the conditions of appeal prescribed by the Regulations for persons not suing as paupers.

In what cases the court may admit the petitioner to appeal as a pauper.

**XIII.** If upon the perusal of a petition presented under the preceding section, and of the copy of the decree accompanying it, the court shall be of opinion that there is reason to believe the judgment to be erroneous or unjust, or that the nature of the cause renders it deserving of a further investigation in appeal, the court is empowered

Subject to what rules.

empowered to admit the appeal, subject to the rules and conditions prescribed in Sections V. and VI. of this Regulation; Sections VII, VIII, IX, X. and XI. shall also be considered applicable to persons who may be admitted to appeal in formâ pauperis.

XIV. If a decision be passed in any original suit in favour of a pauper plaintiff, and the adverse party shall appeal from such decision, the principles of the rules contained in Sections VII, VIII, IX. and X. shall without any further inquiry be considered applicable to the respondent or original pauper plaintiff in such appealed suit, provided that the execution of the original decree shall have been suspended during the appeal.

Pauper plaintiffs, who may have gained their suit, to be admitted to respond in appeal as paupers. *Provido.*

XV. If a decision in favour of a pauper plaintiff be reversed in appeal, the amount of the stamp duty substituted for the institution fee which may have been paid by the appellant, shall be returned to him by the court, together with such portion of the fee payable to his vakeel as may be deemed reasonable; and the amount of such stamp duty and fee, as well as all other costs and expenses which may be awarded in the decree against the respondent, shall be recovered from any property which the respondent may at any time be found to possess.

Amount of stamp duty paid on appeal, to be returned to the appellant in certain cases.   
 And recovered with other costs from the respondent's property.

XVI. *First.*—If a defendant or respondent in any suit, (except in the case provided for by Section XIV.) shall be desirous of being admitted to plead in formâ pauperis, he shall appear either in person or by an authorized agent, before the court in which the suit may be depending, in conformity with the rules prescribed in Clause first of Section V. of this Regulation, and shall present a petition containing an exact schedule of the whole real or personal property belonging to him, and the estimated value of such property.

Defendants or respondents wishing to plead as paupers, to present a petition to the court.

*Second.*—The court to whom such petition may be presented, shall then proceed in conformity with Clauses third, fourth, fifth, sixth and seventh of Section V. of this Regulation.

Court how to proceed.

*Third.*—If after the examination and inquiries prescribed in those clauses, the court shall be satisfied that the petitioner is not possessed of sufficient property to defray the probable expenses of the suit, and that he can neither plead the suit in person nor prevail on any of the authorized pleaders of the court to undertake the defence of the suit, the court is empowered to grant to the petitioner the same advantages and facilities in the defence of the suit as are allowed to pauper plaintiffs and appellants under Sections VII, VIII, IX. and X. of this Regulation; and no security, except for personal appearance, shall be required from such defendant or respondent.

And in what cases authorized to comply with the prayer of the petition.   
 And dispense with securities.

XVII. It is hereby declared that the rules contained in this Regulation are intended to apply to regular suits and appeals only, and not to summary suits or summary appeals of any description; neither are they intended to apply to pauper suits which may have been instituted, either originally or in appeal, previously to the 1st of March 1816; such pauper suits and appeals are to be tried and determined in conformity with the rules heretofore in force.

This Regulation is not applicable to summary suits, or to suits of paupers instituted before the 1st March 1816.

XVIII. The courts of civil and criminal judicature, the collectors and other public officers, are not authorized to receive from persons professing themselves to be paupers, any miscellaneous petitions or applications on any other paper than the prescribed stamp paper; provided however, that the courts of criminal judicature shall be at liberty to receive petitions on unstamped paper, from prisoners who may be confined under examination or sentence in any of the criminal jails.

Explanation that miscellaneous petitions and applications are to be written on the prescribed stamp paper. *Provido.*

## A. D. 1816. REGULATION II

A REGULATION for amending part of Regulation II, 1814, intituled, A Regulation for establishing the office of Tullaties or Village Accountants, and defining the duties of the said office, in the British Territories under the Presidency of Bombay:—Passed by the Governor in Council, on the 31st January 1816; corresponding with the 2nd Maha Sood Sumbut or Vikramajet era 1872; Salbahan 1737; and the 30th of Suffer 1231 of the Hejree.

Preamble.

WHEREAS in consequence of the revenue survey of the pergunnah of Broach, the duties imposed on the tullaties have been simplified and diminished in a considerable degree, and superseded the necessity of granting remuneration to persons holding those situations upon a scale so extensive as that established by Section XIII, Regulation II, 1814; and whereas the same advantages in this respect may be expected to result from the completion of the surveys of the pergunnahs dependent on the zillahs of Surat Kaira and Salsette, the following enactment has been passed.

Sections XII, XIII, and XIV, Regulation II, 1814, rescinded.

II. Sections XII, XIII, and XIV, of Regulation II, 1814, are rescinded.

Tullaties salary to be fixed by Government on certain principles.

III. On the appointment of tullaties to the charge of villages, their salaries will be fixed on by the Governor in Council, on a consideration of the state of the several villages, and on the qualifications and characters of the persons to whom the charge of such villages may be confided.

## A. D. 1816. REGULATION III

A REGULATION to explain and modify the existing rules respecting the Records of Proceedings to be kept by the several Courts of Judicature:—Passed by the Right honourable the Governor in Council, on the 10th April 1816; corresponding with the 13th Chytur Sood Sumbut of Vikramajet era 1872; Salbahan 1738; and the 11th Jumadyeolawul, 1231 of the Hijree.

Preamble.

WHEREAS doubts have been entertained as to the construction of Regulation VI, A. D. 1802; and whereas it has been found to be inconvenient for the purpose of reference, to use the form of a roll for recording the proceedings of civil courts, the following rules have been established, to have effect from the date of the promulgation of this Regulation.

Records in use anterior to 1802, to be kept.

II. *First*.—It is hereby declared that Regulation VI, 1802, is not to be understood as having superseded the use of the records, required, by the Regulations of 1799 and 1800, to be kept of the proceedings of the courts of civil judicature.

In the form to be prescribed by the Sudder Adawlut.

*Second*.—The records in question shall hereafter be kept in the form and manner which may be prescribed to the several courts by the Sudder Adawlut, under the authority vested in that court by Section III, Regulation XI, 1812.

Record dispensed with.

III. *First*.—The record prescribed by Section X, Regulation VI, A. D. 1802, to be written upon a roll of strong paper, is dispensed with.

Register what to contain.

*Second*.—The register specified in Section IV, shall contain a copy of every original paper enumerated in Section X. of the same Regulation.

Book of daily proceedings by whom to be kept.

*Third*.—The book of daily proceedings enjoined by Section IX. shall be kept by the sheristadar, and shall contain, in addition to all therein specified, a faithful translation, into the language of the record, of every deposition or exhibit which may have been filed in any other language.

## A. D. 1816. REGULATION IV.

A REGULATION for the manufacture and sale of Spirituous Liquors and Toddy, in the several Collectorships under the Presidency of Bombay:—Passed by the Right honourable the Governor in Council, on the 17th of April 1816; corresponding with the 6th Chyter Vud Sumbut or Vekramajet era 1872; Salbahan 1738; and the 18th Jumadyool Avul 1231 of the Hejres.

WHEREAS it has been deemed advisable, with a view to the more effectual prevention of the unauthorized manufacture and sale of spirituous liquors distilled according to the country process, that distilleries should be established under the immediate control of the collectors of the land revenue, or other officers invested with the charge of the abkaury mehaul; and whereas it is necessary to provide for the collection of the established duties on the importation and sale of Batavia, Columbo, and other arrack or foreign spirits, as well as toddy; the following rules have been passed, to be in force from the date of its promulgation.

II. *First.*—One or more spots of ground shall be inclosed in the chief towns or cities of each collectorship, either by a wall or other fence, according as the Right honourable the Governor in Council may direct, to be denominated the suddur distilleries of the district.

*Second.*—No stills shall be constructed, kept or worked within four coss of any of the distilleries above described, or of the boundary of the city or town in or near which they may be established, except within the circumference of the said distilleries or inclosures; and no person shall be permitted to introduce, within those limits, spirits manufactured at any other place.

*Third.*—The rate of duty per surat maund weighing 1480 surat rupees, to be levied on the spirits manufactured in the suddur distilleries, shall be annually fixed by the collectors, with the approbation of the Right honourable the Governor in Council.

*Fourth.*—The duty that may be established, shall be paid by the vender or other person by whom the spirits may be removed from the distillery.

*Fifth.*—No liquor shall be allowed to be removed from the said distilleries but under a pass from the collectors.

III. Each suddur distillery shall be placed under the immediate charge of a native superintendent, to be denominated darogha of the suddur distillery, who shall keep an account of the quantity and strength of all spirits manufactured in the distillery of which he is darogha, and shall be responsible to the collectors that no liquor is removed from the said distillery without a regular pass.

IV. On granting licenses, agreeably to form (No. 1.) annexed to this Regulation, for the sale of spirits manufactured in the suddur distilleries, the collectors shall adjust with the venders the quantity which they shall respectively receive each day from the distilleries, and the duty on the quantity so fixed, according to the rate previously approved of by the Governor in Council, under Clause third, Section II. of the present Regulations; and monthly passes shall be issued to the venders accordingly.

V. A pass, prepared agreeably to the form (No. 2.) annexed to this Regulation, shall be granted every month to each licensed vender, specifying the name of the vender, the number and situation of his shops, and the quantity of spirits to be passed daily; and the daroghas of the distilleries shall certify daily, on the back of each pass, the quantity of spirits issued from the distilleries, and likewise the hour at which the liquor may have been removed.

VI. Persons licensed to retail spirits being the produce of the suddur distilleries, who may be desirous of obtaining from such distilleries a quantity of spirits exceeding the number of maunds specified in their monthly passes, shall, upon the payment of the established rate of duty on such additional quantity, be furnished by the collectors with an extra pass, to be prepared agreeably to the form (No. 3.) annexed to this Regulation.

VII. It

No spirits to be removed from any sudder distillery, the strength of which may exceed 25 per cent. below London proof.

Mowra to be admitted into the cities and towns where sudder distilleries are established, and lodged in warehouses.

Batavia, Columbo, and other arrack or foreign spirits, to pay an import duty, but nothing to be charged on their being re-exported.

Toddy imported into the chief towns or cities of each district, or sold within four kofs thereof, to pay a tax to Government.

Penalties on persons who may be discovered in any attempts to evade the rates prescribed by this Regulation.

A register of passes to be kept by the collectors, and venders to return their passes when no longer in force.

Collectors to issue instructions for the internal control of the distilleries.

Rules to be observed respecting the manufacture and sale of spirituous liquors at places situated more than four kofs from the sudder distilleries.

The rate of duty how to be fixed, and when.

The collectors to cause the highest rates of duty to be fixed.

Applications for licenses shall specify whether the manufacture and sale are to be conducted at one and the same place, or at different places.

A caboolyet to be executed by persons obtaining licenses.

And the duty to be levied every ten or twenty days, or at the close of each month.

Separate licenses to be taken out by the distiller when he may be desirous of keep-

**VII.** It is to be clearly understood that no spirits shall be removed from any sudder distillery, the strength of which may exceed twenty-five per cent. below London proof. If the process observed in the manufacture shall produce spirits exceeding that standard, they shall be reduced to that strength previously to their removal from the distillery.

**VIII.** Raw mowra shall be admitted into the towns and cities where sudder distilleries may be established, under a pass from the collectors, and lodged in warehouses, one key of which is to be kept by the collectors, and another by the owners of the mowra, and none of it shall be removed without a pass from the collectors.

**IX.** All Batavia, Columbo, and other arrack or foreign spirits introduced into each collectorship, shall pay such import duty per gallon as may be annually determined on by the collectors, with the approbation of the Governor in Council; such spirits on re-exportation shall not be subject to any additional duty.

**X.** Toddy imported into the chief cities or towns of each district, or sold within four koss thereof, whether in a fermented or unfermented state, shall pay such tax to Government as may be determined on by the collectors, under the sanction of the Governor in Council.

**XI.** All persons who may be discovered in any attempts to evade the rules prescribed by this Regulation, either by the establishment of stills within the prohibited limits, by the introduction of spirits manufactured at other places, or by attempts to convey spirits from the distilleries without a proper pass, or by importing or selling mowra or arrack without permission, shall on conviction be subject to the penalties hereinafter prescribed by Section XX. of this Regulation.

**XII.** A register of all passes which may be issued shall be kept by the collectors, and the passes shall be returned by the venders at the expiration of the period for which they have been granted, and when they are no longer in force.

**XIII.** It shall be the duty of collectors to issue such instructions as they may deem best calculated for the internal control of the distilleries, especially with the view of preventing the admixture of noxious drugs with the spirits, of encouraging the introduction of an improved method of distillation and the use of the best materials, and of preventing the illicit removal of spirits.

**XIV. First.**—The following rules shall be observed with respect to the manufacture and sale of spirituous liquors, at places situated more than four koss from the sudder distilleries, or distilleries established on that principle in the interior of the different zillahs.

*Second.*—The rate of duty shall be annually fixed by the collectors, with the sanction of Government, in the several pergunnahs or other known divisions of the different districts.

*Third.*—It shall be the duty of collectors to cause the highest rates of duty to be fixed, which can be introduced without giving rise to the illicit manufacture and sale of spirits.

*Fourth.*—Persons proposing to take out licenses under this Regulation, shall uniformly specify in their applications for such licenses, whether it is intended that the manufacture and sale should be conducted at one and the same place, or at different places, and licenses shall be granted in conformity to the forms (Nos. 4. and 5.) annexed to this Regulation accordingly.

*Fifth.*—A caboolyet shall be executed by persons obtaining licenses for the manufacture and sale of spirituous liquors under this section, in strict conformity to the tenor of such licenses.

*Sixth.*—The rate of duty having been fixed under clause second, and the licenses and caboolyets having been interchanged between the collectors and the distillers, the duty shall be levied at the expiration of every ten or twenty days, or at the close of each month, as may appear to the collector most convenient.

*Seventh.*—Any license which may be issued under these rules, shall only be considered to authorize the establishment of one still. If the distiller shall be desirous

desirous of keeping and working more than one still, he shall take out a separate license or licenses conformably to the number of stills, and shall pay increased duty accordingly.

ing or working more than one still, and to pay the increased duty accordingly.

*Eighth.*—It will be the duty of the collectors to adopt the necessary means to prevent the introduction of spirits manufactured under this section, into any place situated within four coss of the sudder distilleries, or of the city or town at or near which they may be established, or of any distillery established on that principle in the interior of any of the districts.

The collectors to prevent the introduction of spirits manufactured under this section into any place situated within four coss of the sudder distilleries.

XV. *First.*—For the more convenient collection of the duties on spirituous liquors in places situated beyond the limits to which the operation of the sudder distilleries is to extend, officers shall be appointed by the collectors, to be denominated abkarry daroghas, for the collection of the said duties in all such places.

The collectors to appoint officers for the collection of the duties on spirituous liquors, in places situated beyond the denominated abkarry

limits to which the operation of the sudder distilleries is to extend, who are to be daroghas.

*Second.*—The local limits of the authority of the abkarry daroghas respectively shall be settled by the collectors, who will recommend to Government what allowances those officers should receive.

The local limits of the abkarry daroghas to be settled by the collectors, who will recommend the allowances which they should receive.

*Third.*—The office of abkarry darogha may either be united with that of tehsildar, in districts in which the latter office exists, or may be vested in separate persons, according as the collectors may deem most advisable.

The office of abkarry darogha may be united with that of tehsildar, or may be vested in separate persons, as the collectors may deem advisable.

*Fourth.*—It shall be competent for persons holding the office of abkarry darogha, to apprehend and send to the collectors, any individual having an unlicensed still in his possession, or engaged in the illicit sale of spirituous liquors or toddy.

The abkarry darogha competent to apprehend and send to the collectors, any persons having an unlicensed still, or engaged in the illicit sale of spirituous liquors.

*Fifth.*—In the cases mentioned in the preceding clause, the collectors shall regularly proceed in the manner hereafter prescribed in Section XX. of the present Regulation with regard to other illicit dealers.

And the collectors how to proceed against illicit dealers.

XVI. *First.*—In cases in which it may be deemed advisable, the collectors are hereby authorized to let the duties leviable on the manufacture and sale of spirituous liquors or toddy, in any pergunnah or other known division of a district, to farm for a period not exceeding one year.

The collectors may let the duties leviable on the manufacture and sale of spirituous liquors, in any pergunnah or known division of a district, to farm for a period not exceeding one year.

*Second.*—In cases in which an arrangement of this nature may be judged advisable by the collectors, an advertisement shall be issued signifying that proposals will be received for a certain time for the farm of the duties leviable on the manufacture and sale of spirituous liquors; and the highest offers, provided they be accompanied with good and substantial security, shall be accepted.

In cases in which it may be judged advisable, the collectors may issue an advertisement inviting proposals for the farm of the duties leviable on the manufacture and sale of spirituous liquors, and the highest offers to be accepted.

on the manufacture and sale of spirituous liquors, and the highest

*Third.*—Whenever the duties on spirits or toddy may be let to farm in any pergunnah or other known division of a district, under the foregoing clauses, it shall be competent to the farmer to make his own arrangements with the manufacturers and venders within the limits of his farm, and no persons excepting those who may be regularly authorized by the farmer shall manufacture or sell spirits within those limits, on pain of incurring the penalties established by Section XVIII. of the present Regulation.

The farmer of the duties to make his own arrangements with the manufacturers and venders within the limits of his farm, and no other persons authorized to manufacture and sell spirits within those limits.

*Fourth.*—Nothing contained however in the preceding clauses of this section, shall be construed to authorize the collectors to let the duties on spirits to farm at any place included within the limits prescribed for the sudder distilleries.

Restriction.

*Fifth.*—Collectors are required to be careful that no arrangement of this sort be adopted, except in remote pergunnahs or other places where the manufacture and sale are not liable to interfere with the revenue derived from stills specially licensed.

No arrangement of the above description to be adopted, except in remote pergunnahs.

XVII. A general prohibition being established by the present Regulation against the unlicensed manufacture and sale of spirituous liquors and toddy, any person who may be convicted (in the manner hereinafter described) of such illicit manufacture or sale shall be liable to the payment of a fine not exceeding rupees five hundred, or in the event of the fine not being duly discharged, to imprisonment in

Persons who may be convicted of the illicit manufacture and sale of spirituous liquors and toddy, liable to fine or imprisonment.



the dewanny jail of the district in which such conviction may take place, for a period not exceeding six months.

Investigations respecting the illicit manufacture or sale of spirituous liquors and toddy, to be conducted by the collectors of the land revenue.

**XVIII. First.**—All investigations which it may be necessary to institute respecting the illicit manufacture or sale of spirituous liquors and toddy, shall be conducted by the collectors of the land revenue or other public officers entrusted with the charge of the abkarry mehaul.

Collectors how to proceed against persons infringing the prohibition, noticed in the preceding section.

**Second.**—Whenever any charge may be preferred or information lodged against any person for the infringement of the prohibition noticed in the preceding section, or whenever any reasonable ground of suspicion shall incidentally appear against any such person from proceedings which may be holden by the collectors in any other case, it shall be competent for the collectors or other officers entrusted with the charge of the abkarry mehaul, to cause the person charged with or suspected of the said offence to be apprehended, in order that a regular inquiry may be made into the merits of the case.

Investigations to be commenced on the arrival of the parties, and prosecuted with the least possible delay.

**Third.**—Investigations under this section shall be commenced immediately on the arrival of the party accused or suspected at the cutcherry of the collectors, and shall be prosecuted with the least possible delay.

How fines shall be levied from persons convicted before a collector.

**Fourth.**—Any person convicted before the collector of the offence of importing mowra or arrack, or manufacturing or selling any of the articles specified in clause first of this section, shall be adjudged by the collector to pay such fine as on due consideration of the circumstances of the case may be deemed proper, not exceeding the sum specified in Section XVII, or in default of payment, to be confined for a period not exceeding the term specified in the same rule.

He shall then be sent to the judge of the city or zillah who will give the necessary directions for the execution of the orders.

**Fifth.**—Whenever any person may be adjudged to pay a fine or to be imprisoned for the illicit sale and manufacture of spirituous liquors, under these rules, he shall be immediately sent with a certificate to the judge of the city or zillah, stating the purport of the order passed against the person in question, and the judge shall on those grounds give the necessary directions for the execution of the order accordingly.

Rules to be observed in regard to persons who may not have been convicted of the charges imputed to them.

**Sixth.**—Persons who after the investigation prescribed by these rules, shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released, and the expense to which they have been actually subject on account of the inquiry shall be paid to them by the collector on the part of Government. Should it further appear on investigation that the inquiry originated in malice, or in motives clearly vexatious and unwarranted on the side of the informant, it shall be competent for the collector to order such informant to pay to the party aggrieved such moderate fine, not exceeding however in any case twenty rupees, as may appear reasonable, or to be confined for a period not exceeding fifteen days. Orders passed under this rule shall be enforced in the same manner as fines imposed for the illicit manufacture and vend of prohibited articles under clause fifth of this section.

How persons may proceed to complain who deem themselves aggrieved by the investigation or judgment of the collectors.

**Seventh.**—Persons deeming themselves aggrieved by any investigation instituted under this Regulation, or by the judgment passed by the collector, or in any other respect, shall be at liberty to prefer their complaint to Government either through the medium of the collectors themselves or by means of vakeels; and Government, after calling for such information as they may require from the collectors, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to them most conformable to the principles of substantial justice.

Persons through whose means the illicit manufacture and sale may be detected, shall be entitled to a moiety of

**Eighth.**—A moiety of any fines which may be levied under the provisions contained in this section, shall be paid to the person or persons through whose means the illicit manufacture or sale may have been detected.

In cases in which a fine cannot be levied, the informant will be paid a reward of ten rupees.

**Ninth.**—In cases in which it may be necessary to imprison the offender, and in which a fine cannot or may not be levied from him, a reward of ten rupees shall be paid on the part of Government to the informant or informants in lieu of his or their share of the above mentioned fine.

**XIX.** With the view of restraining the illicit manufacture and sale of spirituous liquors, the collectors or other persons invested for the time being with the charge of the abkarry mehaul, shall be deemed competent in the cases hereinafter described to issue search warrants for the discovery of unlicensed stills or the produce of such stills.

Collectors deemed competent to issue search-warrants.

**XX. First.**—Search warrants of the description of those mentioned in the preceding section shall not be issued unless the collectors shall have strong grounds to believe, either from charges specifically preferred, or from their own personal knowledge, or from information incidentally obtained from the proceedings holden in any other case, that spirituous liquors are illicitly manufactured, sold or deposited on the premises proposed to be searched.

In what cases search warrants are to be issued.

**Second.**—Search warrants shall only be executed in the day time, that is, between sun-rise and sun-set, and if possible in the presence of two or more respectable inhabitants of the place in which the house or place proposed to be searched may be situated.

Search warrants to be executed in the day time.

**Third.**—All search warrants which may be issued under this section, shall be addressed to the abkarry darogha or other officer on the fixed establishment of the collector.

To whom the search warrants are to be addressed.

**Fourth.**—It shall be the duty of the magistrates, daroghas of police, and other officers of that department, to support the officers of the collectors in the discharge of the duty which may be delegated to them under this section; provided however, that nothing contained in these rules shall be construed to authorize the officers of the collectors to enter the zenana or apartments of the women in houses belonging to persons of respectability and credit, that is, of all those classes whose women do not ordinarily appear in public.

The magistrates and other officers of police to support the officers of the collectors. The officers of the collectors prohibited from entering the zenana or apartments of the women.

**Fifth.**—Persons who may be detected, by the means above described, in the illicit manufacture of spirits, or in selling or concealing spirits so manufactured, shall be liable to the penalties established by Section XVIII. of the present Regulation, and on judgment being formally passed by the collectors, it shall be enforced in the mode prescribed in clause fifth of that section.

Penalties on persons who may be detected in the manufacture of, or in selling or concealing spirits.

**XXI. First.**—No spirituous liquors shall be manufactured or sold within the limits of any military station or cantonment but under licenses from the collectors, nor shall any such licenses be granted by the collectors but with the knowledge and concurrence of the commanding officers.

Rules respecting the sale of spirits in cantonments.

**Second.**—Whenever licenses may be granted under the preceding clause, for the manufacture or sale of spirituous liquors in any of the cantonments, the distillers and venders shall be considered to be precisely on the same footing, with respect to the duty payable by them, and all other questions connected with the manufacture and sale, as distillers and venders established in other places.

The distillers and venders in cantonments to be precisely on the same footing as the distillers and venders at other places.

**Third.**—Should the commanding officer of any military station or cantonment, be of opinion that any practical inconvenience is experienced from any stills or shops which may have been established in the said station or cantonment, he shall communicate his sentiments on the subject to the collector, who shall immediately order such stills or shops to be suppressed.

How a still or shop in a cantonment may be suppressed.

**Fourth.**—Should a commanding officer of a cantonment or military station be of opinion that any inconvenience is experienced from any stills or shops established in the vicinity of the said cantonment, he shall state his sentiments to the collector, who shall either order the still or shop in question to be suppressed, or refer the case to the Governor in Council, who will order the shop to be suppressed or otherwise, or to be removed to a greater distance from the cantonment, as may appear, on consideration of all the circumstances of the case, to be proper.

How a still or shop in the vicinity of a cantonment may be suppressed.

**Fifth.**—The collectors being authorized, under Sections XVIII. and XIX. of the present Regulation, to apprehend persons charged with the illicit sale and manufacture of spirituous liquors, and to issue search warrants with a view to the prevention of illicit manufacture and vend, it shall be the duty of the commanding officers of military stations or cantonments to be careful that no obstruction be given by the people subject to their command, to the officers of the collectors in the discharge of the said duties; provided however, that the collectors shall apply to the commanding officers for their assistance in all cases in which no public inconvenience is likely to

Commanding-officers of cantonments to be careful that no obstructions be given by the people subject to their command, to the officers of the collectors. Collectors may apply for assistance to the commanding officers.

arise

arise from that measure, and shall uniformly report to them the result of the search.

Two responsible securities to be given by manufacturers or venders of spirits. Or a deposit made in lieu of the securities.

XXII. Persons desirous of taking out licenses for the manufacture or sale of spirituous liquors and toddy, shall give the security of two responsible persons for the due performance of their engagements; provided, however, that if any such manufacturer or vender shall make a deposit in cash equal to the amount of the duty payable by him for one month, such deposit shall be received in lieu of the security to be otherwise required.

For what period the licenses to be issued.

XXIII. Licenses for the manufacture and sale of the articles specified in the preceding section, shall be issued for one year only, or supposing them not to be taken out at the commencement of the year, for the remainder of the official year, so that the whole of the licenses in the different districts may cease and determine together.

In what case licenses may be cancelled.

XXIV. Licenses taken out for the manufacture and sale of spirituous liquors or toddy, shall be liable to be cancelled, at the discretion of the collector or other officer invested with the charge of the abkarry mehaul, in case such manufacturer or distiller shall in any case fail to pay the duty for which he had engaged, during a period of fifteen days; provided, however, that if the collector or other officer shall have grounds to believe that such failure has arisen from unforeseen circumstances, and not in any design to defraud the public revenue, it shall be competent for him to postpone the annulment of the license during a period of fifteen days more.

Postponing the annulment of licenses.

Licensed manufacturers and venders at liberty to surrender their licenses on giving one month's previous notice to the collector, and paying a certain amount. Proprietors of land and others how to be prosecuted for conniving at the establishment of shops for the illicit manufacture and vend of spirituous liquors.

XXV. Persons licensed to manufacture or vend spirituous liquors, intoxicating drugs and toddy, shall be at liberty to surrender their licenses, on giving one month's previous notice to the collector, and paying a sum equal to the tax for that period, over and above the amount payable by them in the ordinary course and under the engagements contracted by them with the collector.

XXVI. There being reason to believe that proprietors farmers and managers of land, both paying revenue to Government and held free of assessment, frequently authorize or connive at the establishment of shops for the illicit manufacture and vend of spirituous liquors; it is hereby enacted, with a view to the suppression of all such illegal and unwarrantable practices, that on all occasions of such nature, it shall be the duty of the collector of the abkarry duties to institute suits, with the sanction of Government but not otherwise, against persons so offending; and if it shall be proved to the satisfaction of the court before which any such suit may be instituted, that any proprietor, farmer, tehsildar, gomashta or other manager of land, shall have authorized or connived at the establishment of a shop for the manufacture or sale of spirituous liquors or toddy, whether in a dry state or infused in water or other fluid, the said court shall adjudge the offender to pay such a fine to Government as it may deem proportioned to the offence; due consideration being had to the situation in life, and to the pecuniary circumstances of the said offender.

The abkarry revenue to be entrusted to the collectors of the land revenue, who shall be entitled to a commission.

Power reserved to the Governor in Council to appoint any other persons to take charge of the abkarry collections.

XXVII. The collectors of the land revenue shall in ordinary cases be entrusted with the management of the abkarry revenue, and shall be entitled to a commission of five per cent. on the net amount realized by them.—The Governor in Council however reserves to himself the power of nominating any other public officer, or deputing specially any other covenanted servant of the honourable Company, to take charge of the abkarry collections, in any district in which that measure may appear to him to be necessary; and officers who may be so nominated or deputed, shall be entitled to exercise all the powers, and to enjoy the emoluments granted to collectors of the land revenue by this Regulation.

In what cases the magistrates are to take cognizance of offences committed by persons to whom the present Regulation refers.

XXVII. Under the foregoing provisions, the power hitherto vested in the zillah and city magistrates to suppress shops established for the sale of spirituous liquors, are rescinded.—It is, however, of course to be understood, that the magistrates will be still competent to take cognizance of any disorderly conduct, breach of the peace, or other public crime or misdemeanor committed by any of the persons to whom this Regulation refers.—In all cases of that nature, the magistrates are to be guided by the general rules which have been or may be established for the apprehension and punishment of public offenders.

## No. 1.

FORM of License to be granted to venders established at places situated within the limits prescribed for sudder distilleries.

License No. for the sale of spirits at during the year A. D.

I, *A. B.* collector of do hereby, under the following conditions, authorize *C. D.* to open a shop for the retail of spirits at

1st. All spirits sold at the said shop, shall be manufactured within the sudder distilleries at

2nd. The said *C. D.* shall pay to Government a daily tax of and shall be entitled to pass from the sudder distillery maunds of spirits per diem during the year A. D.

3d. The said *C. D.* shall be entitled to pass from the sudder distillery such further quantities of spirits as he may require for consumption in his shop, upon payment of a duty of per maund.

4th. A regular pass shall be granted by the collector on the first day of every month, to the said *C. D.*, to enable him to pass the prescribed quantity of spirits from the distillery.

5th. Extra passes shall be granted to *C. D.* on application, the duty being previously paid.

6th. Any attempts to vend spirits manufactured at any other place than the sudder distillery above described, or to remove spirits from the sudder distillery without a pass or without payment of the established duty, shall subject the said *C. D.* to the forfeiture of this license, and to the penalties prescribed by Regulation to be inflicted on unlicensed venders.

Given under my hand and seal this day of 181

Registered  
No. of

*A. B.* Collector.

## No. 2.

Nahan Poora }  
Shop }

Nowrozjee Byramjee.

Pass maunds of spirits per diem from the 1st to 31st of 181

*A. B.* Collector.

Shop  
No.

(L. S.)

Pass  
No.

To be signed by the head officer of the abkarry mehaul: on the back of this pass, the darogha of the sudder distillery shall each day attest the issue of the quantity of spirits specified, and the hour at which it is removed.

## No. 3.

## EXTRA PASS.

No.

Nahan Poora }  
Shop }

Nowrozjee Byramjee.

No.

Received surat rupees

Pass maunds of spirits this day, the of

181

*A. B.* Collector.

(L. S.)

To be signed or sealed by the head officer of the abkarry department.

## No. 4.

FORM of License to be granted to persons authorized to manufacture and sell spirits, at one and the same place, beyond the boundaries prescribed for the sudder distilleries.

License No. \_\_\_\_\_ for the manufacture and sale of spirits at \_\_\_\_\_ during the year \_\_\_\_\_ A. D.

Whereas by the authority of the Governor in Council of Bombay, I *A. B.* collector of \_\_\_\_\_ authorize *C. D.* to work a still for the manufacture of spirituous liquors at \_\_\_\_\_ pergunnah \_\_\_\_\_ during the year \_\_\_\_\_ A. D.; it is required of the said *C. D.*, as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles.

1st. That he pay to Government a daily tax of \_\_\_\_\_ surat rupees.

2nd. That he use only one still, and that such still shall not contain more than one hundred and ninety two seers, of thirty-seven surat rupees weight each.

3rd. That he confine the vend of the produce of his still to one shop.

4th. That he shall not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop on any pretence whatever.

5th. That he shall not harbour robbers, thieves or riotous persons, but on the contrary give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.

6th. That he shall not receive any goods or wearing apparel or property, in barter for liquor.

7th. That he shall not open his shop before sun-rise nor keep it open after sun-set, and that he shall not harbour any persons in it during the night.

8th. That he shall have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country, to the following effect.

“ Licensed Vender of Spirits.”

Upon a breach of the above conditions this license shall be held to be forfeited.— All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said *C. D.* on account of the said still during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession while he conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_ 181 \_\_\_\_\_  
Registered No. \_\_\_\_\_ of \_\_\_\_\_ *A. B.* Collector.

## No. 5.

FORM of License to be granted to persons authorized to manufacture spirits at one place, and to retail at another, both places being situated beyond the boundaries prescribed for the sudder distilleries

License No. \_\_\_\_\_ for the manufacture of spirits at \_\_\_\_\_ during the year \_\_\_\_\_ A. D. and for the retail at \_\_\_\_\_ for the same period.

Whereas by the authority of the Governor in Council of Bombay, I *A. B.* collector of \_\_\_\_\_ authorize *C. D.* to work a still for the manufacture of spirituous liquors at \_\_\_\_\_ pergunnah \_\_\_\_\_ and to establish a shop for retailing the produce thereof at \_\_\_\_\_ for the year \_\_\_\_\_ A. D.; it is required of the said *C. D.*, as a condition of his license remaining in force, that he duly and faithfully perform and abide by the following articles.

38.

1st. That

- 1st. That he pay to Government a daily tax of                      surat rupees.
- 2nd. That he use only one still, to be worked at                      and that such still shall not contain more than one hundred and ninety-two seers, of thirty-seven surat rupees weight each.
- 3rd. That he confine the vend of the produce of his still to one shop in the town or village of                      the particular situation of which will be prescribed to him; and that he shall not permit any spirits which may be manufactured by him, to be sold or disposed of at any other place, without an express license for that purpose.
- 4th. That he shall not allow any quantity of liquor exceeding one seer (or quart) to be removed from his shop under any pretence whatever.
- 5th. That he shall not harbour robbers, thieves or riotous persons, but on the contrary give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.
- 6th. That he shall not receive any goods or wearing apparel or property, in barter for liquor.
- 7th. That he shall not open his shop before sun-rise nor keep it open after sun-set, and that he shall not harbour any persons in it during the night.
- 8th. That he shall have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription in the current language of the country, to the following effect.

“ Licensed Vender of Spirits.”

Upon any breach of the above conditions this license shall be held to be forfeited. —All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said *C. D.* on account of the said still during the aforesaid period, beyond the tax required to be levied from him by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal this                      day of                      181

Registered  
No.                      of

*A. B.* Collector.

No. 6.

FORM of License to be granted to persons authorized to vend Toddy.

License No.                      for the sale of Toddy at                      during the year                      A. D.

Whereas by the authority of the Governor in Council of Bombay, I *A. B.* collector of                      authorize *C. D.* to open a shop for the sale of toddy in the city (town or village) of                      in                      for the year                      A. D.; it is required of him, as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles.

- 1st. That he pay to Government a daily tax of                      surat rupees.
- 2nd. That he confine his sale of toddy to the shop for which his license is granted, and on no account sell any toddy without the limits of the above city (town or village), or establish a second shop within such limits without taking out another license for the same.
- 3rd. That he prevent gaming and disorder within his shop.
- 4th. That he do not harbour thieves or riotous persons, but on the contrary give information to the nearest magistrate or police officer of any suspected persons who may resort to his shop.

5th. That

5th. That he do not receive any goods or wearing apparel or other property, in barter for toddy.

6th. That he do not open his shop before sun-rise nor keep it open after sun-set, and that he do not harbour any persons in it during the night.

7th. That he will have constantly fixed up on the outer door of his shop, a sign or board, bearing an inscription to the following effect, in the current language of the country.

“ Licensed Vender of Toddy.”

Upon any breach of the above conditions this license shall be considered forfeited.—All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said *C. D.* on account of the said shop during the aforesaid period, beyond the tax required to be levied by the Regulations; and they are also prohibited from molesting or interrupting him in the prosecution of his profession while he conforms to the above special provisions and to all other Regulations that relate to him.

Given under my hand and seal this                      day of                      181

Registered  
No.                      of

*A. B.* Collector.

A. D. 1816. REGULATION V.

A REGULATION for preventing the exportation by sea of Saltpetre, from any of the Ports subject to the Presidency of Bombay, on Vessels not being the property of British Subjects; and for prohibiting the importation of that article from the interior into any of the foreign Settlements situated within the limits of the said Presidency:—Passed by the Right honourable the Governor in Council, on the 6th June 1816; corresponding with the 11th of Jest Sood Sumbut or Vikramajet era 1872; Salbahan 1738; and the 9th of Rujub 1231 of the Hijeree.

Preamble.

WHEREAS it has been deemed expedient, with a view to the promotion of the commercial intercourse between India and Great Britain, and to the general interests of the British nation, to prohibit the exportation of saltpetre from the ports subject to the Presidency of Bombay, otherwise than on vessels belonging to British subjects, and likewise to prohibit the importation of the said articles into any of the ports, settlements, factories or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories of the said Presidency; the following rules have been enacted, to be in force throughout the territories immediately subject to the Presidency of Bombay, from the date of the promulgation of this Regulation.

Saltpetre not to be exported on any other than vessels belonging to British subjects.

II. The exportation by sea of saltpetre, from any of the ports subject to the Presidency of Bombay, except on vessels belonging to British subjects, is hereby prohibited.

The importation of it from the interior into any foreign settlements prohibited. Exception.

III. The importation of saltpetre from the interior into any of the settlements, ports, factories or possessions subject to the dominion of any foreign European state, and situated within the limits of the territories dependent on the Presidency of Bombay, except in the cases provided for in Section VIII. of this Regulation, is hereby strictly prohibited.

On breach of the foregoing rules, the saltpetre liable to seizure and confiscation.

IV. All saltpetre attempted to be exported by sea, from any of the ports subject to the Presidency of Bombay, otherwise than on vessels belonging to British subjects, shall be liable to seizure and confiscation; and all saltpetre attempted to be imported into any of the foreign settlements referred to in the above section, shall be liable to seizure and confiscation, together with all boats, carriages and cattle on which it may be laden.

Duty of the custom officers to enforce the prohibition.

V. The officers of customs are hereby required to use their utmost endeavours to enforce the above prohibition; for which purpose they are hereby authorized and enjoined to detain all saltpetre which they may discover in the act of being shipped  
on



on board any foreign vessel lying in any of the ports subject to the Presidency of Bombay, or of being taken within the limits of the said foreign settlements, in opposition to the provisions of this Regulation. It shall be the duty of the officers of the police, on due application being made to them for that purpose, to give every requisite aid and support to the officers in the department of customs, in carrying this provision into effect.

VI. Saltpetre detained under the rule contained in the above section shall, within twenty-four hours of its seizure, be delivered to the nearest collector of Government customs. Saltpetre where to be delivered on seizure.

VII. The rules contained in Regulation VI, 1814, shall be applicable to all saltpetre detained on the ground of its being liable to confiscation under the provisions of this Regulation. Regulation VI, 1814, applicable to saltpetre under seizure.

VIII. Individuals residing within the limits of any foreign settlements shall be allowed to take within the same, such quantity, not exceeding one maund, as the custom master shall be satisfied is necessary for their private consumption or for retail sale. In all such cases, application shall be made to the said collector of Government customs, who will, at his discretion, grant a pass, specifying the name of the person in whose favour it is granted, and the quantity of saltpetre to be taken, and certifying that the same is for private use or retail sale. No pass so granted shall be in force for more than twelve hours. What quantity allowed to be taken by individuals residing within foreign settlements.

#### A. D. 1816. REGULATION VI.

A REGULATION for defining the date from which the Thakore of Bhow-nagur, as a landholder within the Honourable Company's Pergunnah of Gogo, Dhundooka and Ranpoor, shall be amenable to the jurisdiction of the courts established for the administration of justice:—Passed by the Right honourable the Governor in Council, on the 17th of July 1816; corresponding with the 8th of Assad Vud Sumbut or Vikramajet era 1872; Salbahan 1738; and 21st of Shaban 1231 Hejree.

BY Clause II, Section VI, Regulation III. of 1814. a period of sixty years is fixed as the utmost limit for the cognizance of claims to lands by the established courts of justice. The Thakore of Bhow-nagur, however, having from the laxity of power on the part of the former rulers of the country, for years exercised acts of sovereignty within the pergunnah of Gogo, and the talooks of Bolaud and Palnam, the districts of Runpoor and Dhundooka, and even since their cession to the honourable Company; and it being considered, under such circumstances, to be impolitic and unjust to revive and scrutinize into those acts of supremacy which were done under a toleration of the assumption of such powers, antecedent to the cession under the treaty of Bassein, the following enactment has been passed. Preamble.

II. The provisions contained in Clause II, Section VI, Regulation III, 1814, shall not have operation in respect to the Thakore of Bhow-nagur, for any period beyond the 31st of December 1802, the date of the treaty of Bassein. Date from which certain provisions of Regulation III, 1814, is to have operation in respect to the Thakoor of Bhow-nagur.

III. Cases of mortgage or conditional cession of lands for a limited period, or generally, wherein the occupant shall not have acquired possession under title conveying a permanent right of property, are excepted from the limitation prescribed in the preceding clause, and are to be taken cognizance of according to the established Regulations. Exception.

VI. The Thakore is amenable to the courts of justice from the date of the cession, for all claims for the recovery of lands and other immovable property; and generally in all other cases, from the 20th of July last, when the Thakore was declared to be, as a proprietor of lands within the territories of the honourable Company, subject to the jurisdiction of their courts of justice. Date from which the Thakoor is amenable to the courts of justice.

## A. D. 1816. REGULATION VII.

A REGULATION for altering and prescribing the date on which the provisions of Regulation XIV, 1815, intituled "A Regulation for levying a stamp duty on certain law and other papers and documents under the Presidency of Bombay, and in the territories subordinate thereto," are to be considered in force within the zillahs of Surat and Broach only; and for modifying part of Section XXXII. of the said Regulation, respecting Petitions to be preferred to the Governor in Council:—Passed by the Right honourable the Governor in Council, on the 14th August 1816; corresponding with the 6th of Shraavan Vud Sumbut or Vikramajet era 1872; Salbahan 1738; and 19th of Ramzan 1231 Hejree.

Preamble.

WHEREAS delays have occurred, from unavoidable circumstances, in preparing and issuing stamped paper of the values prescribed by Regulation XIV, A. D. 1815, and the near approach of the rainy season preventing the superintendent of stamps from affording to the collectors of the northern zillahs of Surat and Broach the necessary supplies, so as to enable the collectors to distribute them throughout their collectorships in a reasonable time; and whereas it being deemed essential that the operation of the aforesaid Regulation should be postponed within the northern zillahs, and that notification of the date thereof should be duly promulgated in manner and form directed in Regulation I, A. D. 1799; and whereas it is essential to modify such parts of Section XXXII, of the Regulation aforesaid, as relate to the presentation of petitions to the Governor in Council, by exempting all original petitions from the stamp duty; the following enactment has been accordingly passed by the Governor in Council.

Date on which the provisions of Regulation XIV, A. D. 1815, were in force, rescinded.

And fixed to be on the 21st October 1816.

Part of Section XXXII, Regulation XIV, 1815, repealed.

Petitions to the Governor in Council, in the first instance, not required to be written on stamped paper; in what cases they are to be written on stamped paper.

II. So much of the preamble of Regulation XIV, A. D. 1815, as relates to the date on which the provisions of that enactment are considered to be in force, as far as respects the zillahs of Surat and Broach, is hereby rescinded.

III. The provisions of Regulation XIV, A. D. 1815, are to be considered in force in these zillahs from the 21st of October 1816.

IV. Such part of Section XXXII, Regulation XIV, 1815, as requires miscellaneous petitions and applications, which may be preferred to the Governor in Council, to be written on stamped paper, is repealed.

V. Miscellaneous petitions and applications, which may be preferred to the Governor in Council, in the revenue and judicial departments, are not required to be written on stamped paper, unless the subject matter of such petitions or applications shall have previously received the consideration and decisions of the Government, or may be preferred in appeal from any of the decisions of collectors or custom masters and their assistants, or from the provincial court of appeal or circuit, or from the court of Sudder Adawlut or superior tribunal, in all which cases they are to be written on stamped paper of two rupees.

## A. D. 1816. REGULATION VIII.

A REGULATION for prescribing the manner in which Manifests of Goods imported in Dows, Dingeyes, Botellas and every other description of small craft, are in future to be drawn out and delivered into the respective Custom Houses dependent on the Presidency of Bombay:—Passed by the Right honourable the Governor in Council, on the 16th of October 1816; corresponding with the 10th of Asvin Vud Sumbut or Vikramajet era 1872; Salbahan 1738; and the 23d of Zilkad 1231 of the Hijree.

Preamble.

WHEREAS various frauds have been practised on the revenues, in consequence of the manifests of dows, dingeyes and bottellas not containing a true account of the whole of the cargo on board, the following rules have been enacted, to be in force from the date of their promulgation.

38.

II. Within

II. Within twenty-four hours after the arrival of all dows, dingeys, bottellas and every other description of small craft frequenting the harbour of Bombay, and those of the several stations subordinate thereto, the naquedas, syrang or tindals, are required to deliver into the custom house, a true and perfect manifest of treasure and merchandize laden on board, agreeably to the following form, viz.

Manifest to be delivered in twenty-four hours after the arrival of vessels.

## FORM of Manifest.

MANIFEST of the cargo of the  
or Syrang under from Naqueda  
colours.

Packages.	Weight or Quantity.	Description.	Consigned to.	Prime Cost.

III. Goods imported into Bombay, and forwarded to subordinate stations on the same bottom as imported, being neither landed nor transhipped in the harbour, are not liable to the established duties of the port; but if all such goods are not included in the manifest, they will be liable to confiscation.

Goods imported into Bombay, and carried to subordinates on the same bottom, not having been landed or transhipped, not liable to confiscation.

liable to customs; but all goods not duly manifested, shall be

## A. D. 1816. REGULATION IX.

A REGULATION vesting the Collector at Anjar, his Assistant, and Native Commissioners, with powers to hear and determine Civil Suits, and with magisterial authority for the apprehension and trial of persons charged with Crimes or Misdemeanors:—Passed by the Right honourable the Governor in Council, on the 6th of November 1816; corresponding with the 1st of Kartick Vud Sumbut or Vikramajit era 1873; Salbahan 1738; and 5th of Zilhij 1231 of the Hijeree.

WHEREAS by the 10th article of the treaty concluded between lieutenant James Macmurdo on the part of the honourable East India Company, and his Highness Maharaj Merza Bharmuljee, Raó of Cutch, on the 14th of January 1816, ratified by his Excellency the Right honourable the Governor General in Council, on the 9th of March following, his Highness has ceded to the honourable Company, in perpetual sovereignty, the fort and district of Anjar, with its dependent villages, including Toona Bunder: and whereas it is essential that provision should be made for the administration of justice within the territories now dependent on, or which may hereafter be annexed to Anjar: and whereas considering the detached situation of Anjar, it is deemed advisable to vest in the magistrate more extended powers for hearing and determining crimes and misdemeanours beyond the powers the magistrates of the other zillahs are authorized to exercise; and to authorize his assistant as the register, and native commissioners, to hear and determine offences of a minor description; and to render questions of marriage, adultery and fornication cognizable by punchaits, according to the accustomed modes of the country; the following rules have been accordingly enacted.

II. The collector, his assistant as register, and native commissioners, are empowered to try and decide on all suits and complaints of a civil nature, for money or personal or real property, or of malguzaree or revenue land, or for lackhirazee or free land, which may arise within the territories which now are or hereafter may be dependent on Anjar, according to the limitations and forms prescribed by the Regulations for the administration of justice under this Presidency, which are hereby declared to be extended

Preamble.  
The collector, his assistant as register, and native commissioners, empowered to try and decide all suits and complaints of a civil or revenue nature.

extended to the zillah of Anjar, under such modifications as may be prescribed by the present enactment.

Revenue cases between individuals to be decided by them.

Complaints against them in their official capacities amenable to the Sudder Adawlut.

The collector to receive and file suits of that description, and to report to the Sudder Adawlut.

Date from which causes are to be actionable.

Their nature defined.

Provision in case of doubt.

The collector prohibited from trying suits of earlier dates than twelve years from the 14th January 1814. Exception.

The collector vested with magisterial powers.

To be sworn in previous to entering upon the execution of the office.

Magistrate to apprehend murderers and other persons charged with crimes and misdemeanors.

III. The cognizance of cases of a revenue description, specified in Section II, bear reference only to complaints between individuals, and in which the Company may not be a party; all complaints against the collector and his assistant, and native officers, are hereby declared to be amenable to the Sudder Adawlut.

IV. The collector is however directed to receive and file all suits and complaints referred to in the preceding section, and to forward monthly returns of the same to the Sudder Adawlut, to enable that court to determine upon the necessity of deputing one of the judges of the zillah courts to Anjar, for the trial of the same.

V. The collector is prohibited from hearing, trying or determining the merits of any civil suits whatever in the zillah of Anjar and its dependencies, if the cause of action shall have arisen at a period being twelve years antecedent to the 14th day of January 1814, the date on which that district was ceded to the honourable Company.

VI. It is to be understood that the powers vested in the collector, by the foregoing clause, to receive and try suits in which the cause of action shall have originated prior to the 14th of January 1816, are to be restricted to the trial of suits of a private nature between individuals, of which cognizance would have been taken by the courts, officers or authorities established for the administration of justice under the government of the Raô of Cutch, or of the chieftain of Anjar; and that such powers are not to be considered to extend to authorizing the collector to take cognizance of any civil suits originating in acts of the former government or of its officers, or in engagements contracted by individuals with the officers of the Raô's government in their official capacities, and of which, according to the usages of their government, cognizance would not have been allowed to be taken by the persons entrusted with the exercise of judicial authority.

VII. If the collector shall entertain doubts whether any suit preferred to him is cognizable by him under the restrictions contained in the preceding section, the collector shall state the circumstances to the provincial court of appeal; which court shall forward the same, with its opinion thereon, to the Sudder Adawlut; and the Sudder Adawlut shall submit the case to the Governor in Council, and shall abide by such orders as he may pass with regard to the admission or rejection of the suit.

VIII. After the period of twelve years shall have elapsed from the date of the cession of Anjar, the collector is prohibited from hearing, trying or determining the merits of any civil suit, with the exception of the suits described in Sections V. and VI, Regulation III, 1814, if the cause of action shall have arisen at a period being twelve years antecedent to the date on which the petition for the institution of such suit shall be presented to the collector; unless the complainant can shew by clear and positive proof that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand or promised to pay the money; or that he directly referred his claim, within that period, to the matter in dispute, to a court of competent jurisdiction, or person having authority, whether local or otherwise, for the time being, to hear such complaint and to try the demand; and shall assign satisfactory reasons to the collector why he did not proceed in the suit, or shall prove that, either from minority or other good and sufficient cause, he was precluded from obtaining redress; provided, however, that it shall not be competent to the collector, under the powers vested in him by this clause, to hear, try or determine the merits of any civil suit whatever, if the cause of action shall have arisen previous to the 14th day of January 1816.

IX. The collector is also vested with magisterial powers, and authorized to exercise the same conformably to the provisions contained in Regulation III, 1800, under the following modifications; previously however to his entering upon the execution of the duties of a magistrate, he shall take and subscribe before the Governor or the Governor in Council, or such person as may be empowered under his warrant to administer it, the oath prescribed in Section II. of that Regulation.

X. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, housebreakers, and disturbers of the peace, and persons charged before him with crimes or misdemeanors; and he is empowered to hear and determine, without any reference to the court of circuit, all complaints or prosecutions brought before him.

him, which may not be of a capital nature, and to punish the parties by fines, or imprisonment and hard labour, or the infliction of corporal punishment, according to the nature and degree of each offence and the circumstances of each case; provided such offence shall have been committed subsequently to the date of the cession, the magistrate being prohibited from taking cognizance of crimes committed prior to that date.

The mode of punishment.

XI. Upon a complaint being preferred to the magistrate against any persons for crimes of a capital nature, the magistrate shall proceed against the party complained against, and commit him for trial in the manner prescribed by Regulation III, 1800.

On crimes of capital nature, how to proceed.

XII. The magistrate is empowered to authorize his assistant to hear and determine all complaints or prosecutions of the nature of those described in Sections VII. and VIII, Regulation III, 1800, and to inflict the punishments therein specified; and to his native commissioners, petty offences, such as abusive language, calumny, inconsiderable assaults or affrays; provided, the corporal punishment to be inflicted shall not exceed fifteen rattans, the imprisonment fifteen days, or the fine fifteen rupees.

The magistrate to authorize his assistants to hear and determine certain complaints or prosecutions, and how to punish.

XIII. Previously to the assistant to the collector and the assistant to the magistrate, and the native commissioners, entering upon the exercise of their judicial and magisterial duties, they shall take and subscribe, before the collector and magistrate in open court, the oaths prescribed by Section III, Regulation IV, 1800, and Regulations II. and VII, 1812.

The assistant and native commissioners to be sworn in previous to entering upon their duties.

XIV. Nothing herein contained shall be construed to relieve the magistrate from the responsibility attached to him by Section XVI, Regulation III, 1800, for inflicting punishments on insufficient grounds, and which is hereby declared to attach also to his assistant and native officers.

The magistrate, his assistant, and native officers, responsible for inflicting punishment on insufficient grounds.

XV. The magistrate of Anjar will forward to the court of circuit returns of prisoners who may be committed for trial, and the judge of circuit will thereon proceed to Anjar to deliver the jail, either on the circuit of the 1st of January or the 1st September in each year, should there be any prisoners for trial, but not otherwise, and at both those periods, should the state of the jail require it.

To forward returns of prisoners for trial to the court of circuit.

Date upon which the gaol deliveries are to be held.

XVI. All disputes or complaints respecting caste and moral discipline, that is, questions of marriage, adultery and fornication, are to be cognizable by panchaits or the spiritual heads of tribes, to be convened, and their proceedings to be regulated conformably to the accustomed modes of the country, and the law of the religious persuasion of the parties respectively, should both be of the same, or of that of the defendant, should they be different.

Caste disputes to be tried by panchaits.

XVII. Should the futwah of the law officer involve an expulsion from caste, it shall not be carried into effect without the confirmation of the superior tribunal, to which court a copy of the proceedings must be forwarded; nor shall any other inferior punishment be inflicted without the approval and confirmation of the magistrate, who is empowered to mitigate, but in no instance to enhance the punishment that may be awarded by the panchait.

Expulsion from caste not to be carried into effect without the confirmation of the superior tribunal. Nor inferior punishment, without the confirmation of the magistrate.

The magistrate may mitigate, but not enhance the punishment decreed by the panchait.

XVIII. No pardon shall in any instance be granted except by the Governor in Council, on a representation of any particular case to his consideration through the superior tribunal.

Pardon to be granted by the Governor in Council only.

## A. D. 1816. REGULATION X.

A REGULATION for modifying certain parts of Regulation X, 1813:—  
Passed by the Right honourable the Governor in Council, on the 11th of December 1816; corresponding with the 7th of Margseer Vud, Sumbut or Vekramajit era 1873; Salbahan 1738; and 21st of Mohurum 1232 of the Hijeree.

WHEREAS a convention of commerce has been concluded between Great Britain and the United States of America, containing certain special provisions for the conduct of the trade of American subjects with the British territories in India,

the following rules have been framed into a Regulation, to be in force in the territories immediately dependent on the Presidency of Bombay from the period of their promulgation.

The operation of parts of Section III, Regulation X, 1813, modified.

II. It is hereby declared and enacted that such parts of Section III, Regulation X, 1813, as refer to ships belonging to the United States of America, shall cease during the continuance of the said convention, and the several provisions of the third article thereof, which is herein inserted, shall, during the said period, be observed within the territories immediately dependent on the Presidency of Bombay.

Article III. of a convention of commerce.

Article III. of a convention of commerce between Great Britain and the United States of America, signed at London, 3d July 1815.

“ His Britannic Majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, viz. Calcutta, Madras, Bombay, and Prince of Wales’ Island; and that the citizens of the said United States may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation respectively, to and from the said territories, shall not be entirely prohibited: provided only, that it shall not be lawful for them, in any time of war between the British Government and any state or power whatever, to export from the said territories, without the special permission of the British Government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favoured European nations; and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favoured European nations.

“ But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

“ It is also understood, that the permission granted by this article is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or any part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch for refreshments, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the Emperor of China, at the Cape of Good Hope, the Island of St. Helena, or such other places as may be in the possession of Great Britain, in the African or Indian Seas; it being well understood that in all that regards this article, the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British Government, from time to time established.”

Explanation regarding the vessels of the United States of America being prohibited from touching at, or holding any communication with the island of Saint Helena.

III. In explanation of the above article, the Governor in Council deems it proper to give notice, for general information, that the ratifications of the Treaty were exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication with the island of St. Helena, as long as the said island shall continue to be the place of residence of Napoleon Buonaparte.