

East-India Affairs.

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

1816.

*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.)

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

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

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

N^o 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:—
Passed on the 16th February 1816 - - - - p. 9
- 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 :—
Passed on the 8th March 1816 - - - - p. 11
- 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 :—
Passed on the 29th March 1816 - - - - - ib.
- 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 :—
Passed on the 5th July 1816 - - - - - p. 44
- 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 :—
Passed on the 16th August 1816 - - - - - p. 30

- 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:—
Passed on the 25th October 1816. - - - - p. 56
- 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^o 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

iv LIST OF REGULATIONS PASSED BY THE GOVERNMENTS OF INDIA.

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

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

N^o 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 Bhoynaghur, 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

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.

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.

The judge may admit the appeal, after referring to the original decree. *Provido.*

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.

The deposit of pleaders fees to be paid into the court by which the appeal may 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^{os} 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 ameens*.

Pauper suits not to be referred to the *sudder ameens*.

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 sudder 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 sudder 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 sudder distillery shall be placed under the immediate charge of a native superintendent, to be denominated darogha of the sudder 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 sudder 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 sudder 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.

unlicensed still, or engaged in the illicit sale

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.

known division of a district, to farm for a period not

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 arise

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 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.

Nowrozjee Byramjee.

Nahan Poora }
Shop }

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.

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.

And fixed to be on the 21st October 1816.

III. The provisions of Regulation XIV, A. D. 1815, are to be considered in force in these zillahs from the 21st of October 1816.

Part of Section XXXII, Regulation XIV, 1815, repealed.

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.

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.

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, Dingeys, 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, dingeys 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 from Naqueda
 or Syrang under 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.

Preamble.

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

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.