




SUPPLEMENT  
TO THE  
**BOMBAY GOVERNMENT GAZETTE**  
CONTAINING  
**BILLS OF THE GOVERNMENT OF INDIA.**

Published by Authority.

THURSDAY, 10<sup>TH</sup> APRIL 1862.

 *Separate Paging is given to these Supplements, in continuation from one to the other, that the Bills may be collected into a separate Compilation.*

**HOME DEPARTMENT (Legislative).**

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 12th March 1862, and was referred to a Select Committee with instructions to make their Report thereon in one month:—

*A Bill to repeal certain Regulations and Acts relating to Criminal Law and Procedure.*

Whereas by Act XLV. of 1860 a Penal Code has been prescribed for British India, and the said Code came into operation on the 1st day of January 1862; and whereas by Act XXV. of 1861 a Code of Procedure is provided for the Courts of Criminal Judicature not established by Royal Charter, and the said Code likewise came into operation on the 1st day of January 1862 in the Territories subject to the general Regulations of the Presidencies of Bengal, Madras, and Bombay; and whereas it is expedient to repeal, in the manner hereinafter provided, certain Regulations and Acts, and parts of Regulations and Acts, relating to Criminal Law and Procedure; it is enacted as follows:—

I. In the Presidencies of Bengal, Madras, and Bombay, and in any other part of the British Territories in India in which the Indian Penal Code and the Code of Criminal Procedure came into operation on the 1st January 1862, the several Regulations and Acts, and parts of Regulations and Acts, set forth in the Schedule hereto, except in so far as they repeal the whole or any part of any other Regulation or Act, and except as to any offence committed before the said first day of

January 1862, shall, to the extent expressed in the said Schedule, be repealed from the said 1st January 1862, and so far as such Regulations and Acts relate to any part of the said Territories to which the said Code of Criminal Procedure was not extended before the said 1st day of January 1862, such Regulations and Acts shall be repealed, except in so far as they repeal the whole or any part of any other Regulation or Act, from the time when the said Code of Criminal Procedure shall be extended to such part by a Notification in the *Gazette*, by the Governor General of India in Council, or by the local Government to which such Territory is subordinate, except as to any offence committed before the time when the said Code shall be extended as aforesaid. Provided that nothing in this Act shall interfere with the exercise, for the purpose of the trial or punishment of any of the offences hereinbefore excepted, of any jurisdiction or powers conferred upon any Court or Magistrate or other Officer exercising any of the powers of a Magistrate by any Regulation or Act repealed by this Act.

II. No conviction shall be quashed or set aside by reason only of the Procedure at the trial of any offence committed

before the 1st day of January 1862, or if the Code of Criminal Procedure shall not have taken effect in any part of India on such 1st day of January, at the trial of any offence committed in such part of India before the time when such Code shall have taken effect therein, having wholly or in part been the Procedure under the said Code of Criminal Procedure. Provided that no person tried for any such offence as aforesaid shall be deprived of any right of appeal or reference to a Sudder Court which he would have enjoyed, had the trial been held under any of the Regulations or Acts hereby repealed.

## SCHEDULE OF REGULATIONS AND ACTS REPEALED.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act XIII. of 1835	.. .. .	The whole Act.
Act XV. of 1835	.. .. .	The whole Act.
Act XVIII. of 1835	.. .. .	The whole Act.
Act XX. of 1835	.. .. .	The whole Act.
Act VI. of 1836	.. .. .	The whole Act.
Act XXX. of 1836	.. .. .	The whole Act.
Act XVIII. of 1837	.. .. .	The whole Act.
Act XXI. of 1837	.. .. .	Section IV.
Act XXIII. of 1837	.. .. .	The whole Act.
Act XXVII. of 1837	.. .. .	Section XII.
Act XXX. of 1837	.. .. .	The whole Act.
Act XXXIII. of 1837	.. .. .	The whole Act.
Act XXXV. of 1837	.. .. .	The whole Act.
Act III. of 1838	.. .. .	The whole Act.
Act IV. of 1838	.. .. .	The whole Act.
Act IX. of 1838	.. .. .	The whole Act.
Act XXVI. of 1838	.. .. .	The whole Act.
Act II. of 1839	.. .. .	The whole Act.
Act XVIII. of 1839	.. .. .	The whole Act.
Act XIX. of 1839	.. .. .	The whole Act.
Act I. of 1840	.. An Act for regulating the procedure on trials referred to the Court of Foujdaree Adawlut at Madras.	The whole Act.
Act IV. of 1840	.. An Act for preventing affrays concerning the possession of land, and for providing relief in cases of forcible dispossession, within the Presidency of Fort William in Bengal.	The whole Act.
Act V. of 1840	.. An Act concerning the oaths and declarations of Hindoos and Mahomedans.	Sections II. and III.
Act XI. of 1840	.. An Act for the Presidency of Bombay, amending the law concerning prisoners sentenced to labour or solitude.	Sections II. and III.
Act XVII. of 1841	.. An Act for amending the proceedings in appeals before the Courts of Sudder Dewany and Nizamut Adawlut in the Presidency of Fort William in Bengal.	Section II. so much as was not repealed by Act X. of 1861.
Act XXI. of 1841	.. An Act for the better prevention of local nuisances	The whole Act.
Act XXX. of 1841	.. An Act for repressing obstructions to justice in certain Courts of the East India Company.	In so far as it relates to Courts of Justice.
Act XXXI. of 1841	.. An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of sentences and orders of Criminal Courts.	The whole Act.
Act VIII. 1842	.. An Act for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies.	The whole Act.
Act XVIII. of 1842	.. An Act for facilitating preliminary investigations of Criminal cases connected with the collection of the revenue within the Presidency of Bombay.	The whole Act.
Act IV. of 1843	.. An Act for amending the law concerning appeals from Justices of the Peace and from Magistrates acting under the Statute 53 Geo. III. c. 155.	The whole Act.
Act VII. of 1843	.. An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II., and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil jurisdiction of such Courts.	Sections XXVII. XXIX. XXX. XXXI. XXXII. XXXIII. XXXIV. XXXV. XXXVII. XL. XLII. XLIII. LI. LIV. LV. and LVI.
Act XV. of 1843	.. An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	In so far as it relates to the powers of Deputy Magistrates or Judicial Officers.
Act XXIV. of 1843	.. An Act for better prevention of the crime of Dacoity	The whole Act.
Act III. of 1844	.. An Act for legalizing the infliction of corporal punishment in cases of petty larceny generally, and when committed by offenders of tender age.	The whole Act.
Act XIV. of 1844	.. An Act for regulating the proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay, and at Agra, in regard to sentences of transportation for life.	The whole Act.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act II. of 1845	.. An Act for regulating the punishment of adultery in the Courts of the East India Company in the Territories subject to the Presidency of Bombay.	The whole Act.
Act X. of 1845	.. An Act for empowering Courts to issue warrants in cases of failure to serve summons.	The whole Act.
Act XVIII. of 1845	.. An Act for the punishment of offences committed by convicts sentenced to imprisonment for life.	The whole Act.
Act XXVII. of 1845	.. An Act for enabling Assistant Magistrates vested with special powers to decide cases under the provisions of Act IV. of 1810.	The whole Act.
Act XXX. of 1845	.. An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties.	The whole Act.
Act VII. of 1846	.. An Act regarding the deposit of diet-money for witnesses in petty cases.	The whole Act.
Act X. of 1847	.. An Act for amending Act XXX. of 1836.	The whole Act.
Act XX. of 1847	.. An Act for the encouragement of learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section IV.
Act I. of 1848	.. An Act to regulate the proceedings in certain cases of forgery.	The whole Act.
Act III. of 1848	.. An Act for removing doubts as to the meaning of the words "thug" and "thuggee" and the expression "murder by thuggee," when used in the Acts of the Council of India.	The whole Act.
Act V. of 1848	.. An Act to amend the law regarding the taking of Mochulkas or Penal recognizances.	The whole Act.
Act XI. of 1848.	.. An Act for the punishment of wandering gangs of thieves and robbers.	The whole Act.
Act XIX. of 1848	.. An Act for better defining the law as to revision of the sentences of subordinate Criminal Courts in the Presidencies of Bengal and Madras.	The whole Act.
Act IV. of 1849	.. An Act for the safe custody of Criminal lunatics.	The whole Act.
Act XIV. of 1849	.. An Act to punish tampering with the Army or Navy.	The whole Act.
Act VII. of 1850	.. An Act for better defining the law as to the removal of prisoners.	The whole Act.
Act XIII. of 1850	.. An Act for punishing breaches of trust.	The whole Act.
Act XVI. of 1850	.. An Act for the restitution of the value of stolen property.	The whole Act.
Act XXXVIII. of 1850.	.. An Act to allow Counsel to all persons on the trial of offences.	The whole Act.
Act IV. of 1851	.. An Act for the appointment of Uncovenanted Deputy Magistrates, and for defining the duties of Deputy and Assistant Magistrates in Bombay.	The whole Act.
Act XVI. of 1851	.. An Act for the trial of receivers of stolen property.	The whole Act.
Act XXXII. of 1852	.. An Act to facilitate the prosecution of certain Ministerial and Police Officers for certain Criminal acts.	The whole Act.
Act I. of 1853	.. An Act for providing in the Presidencies of Fort St. George and Bombay for the punishment of males of tender age for petty thefts.	The whole Act.
Act X. of 1854	.. An Act for regulating the powers of Assistants to Magistrates and of Deputy Magistrates appointed under Act XV. of 1843.	So much of Section I. as recites that the order passed by any Assistant or Deputy Magistrate shall be subject to appeal, and Sections II. and III.
Act XII. of 1854	.. An Act for conferring Criminal jurisdiction upon District Moonsiffs in the Presidency of Madras.	The whole Act.
Act XV. of 1855	.. An Act to amend Regulation III. of 1833 of the Bombay Regulations.	The whole Act.
Act XVI. of 1855	.. An Act to amend the law in force in the Presidency of Bombay concerning the use of badges.	The whole Act.
Act XIX. of 1855	.. An Act to amend the law relating to District Moonsiffs in the Presidency of Fort St. George.	Section V.
Act I. of 1856	.. An Act to prevent the sale or exposure of obscene books and pictures.	The whole Act.
Act II. of 1856	.. An Act to enable Magistrates and certain other Officers to take cognizance of certain offences without requiring a written complaint.	The whole Act.
Act IV. of 1856	.. An Act to prevent the malicious or wanton destruction of Cattle.	The whole Act.
Act XVII. of 1856	.. An Act to provide for the execution of Criminal process in places out of the jurisdiction of the authority issuing the same.	The whole Act.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act VII. of 1857	.. An Act for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George.	Section IV.
Act XI. of 1857	.. An Act for the prevention, trial, and punishment of offences against the State.	Sections I. and II.
Act XXIV. of 1859	.. An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George.	Sections XXII. XXIII. XXIV. XXV. XXVI. XXVII. XXVIII. XXIX. XXX. XXXI. XXXII. XXXIII. XXXIV. XXXV. XXXVI. XXXVII. XXXVIII. XXXIX. XL. XLI. XLII. and XLIII. and so much of the Schedule as repeals Clause I. Section XI. of Regulation XI. of 1816.
Act III. of 1860	.. An Act to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court.	The whole Act.
Act XVII. of 1860	.. An Act to repeal Act V. of 1858 (for the punishment of certain offenders who have escaped from gaol, and of persons who shall knowingly harbour such offenders, and to make certain provisions in lieu thereof).	Section XI.
Act XXXV. of 1860	.. An Act relating to the transportation of convicts. . . .	The whole Act.
Act XXII. of 1861	.. An Act to amend Act III. of 1857 (relating to trespasses by Cattle)	Sections I. II. III. IV. and V.
<b>BENGAL.</b>		
Regulation IX. 1793	.. A Regulation for re-enacting, with alterations and modifications, the Regulations passed by the Governor General in Council, on the 3rd December 1790, and subsequent dates, for the apprehension and trial of persons charged with crimes or misdemeanors.	Sections IV. V. VI. VII. VIII. IX. X. XI. XII. XIV. XV. XVI. XVII. XVIII. XXIII. XXVI. XXVII. XXIX. XLVII. XLVIII. XLIX. L. LI. LIII. LIV. LVI. LVII. LVIII. LXI. LXIV. LXV. LXX. LXXIV. LXXVIII. and LXXXVIII.
Regulation XIII. 1793	.. A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective duties.	Sections IX. and XI.
Regulation XXII. 1793.	.. A Regulation for re-enacting with alterations and amendments, the Regulations passed by the Governor General in Council on the 7th December 1792, for the establishment of an efficient Police throughout the country.	Sections X. XVI. XXII. XXXI. XXXII. XXXIII. XXXIV. and XXXVIII.
Regulation VII. 1794	.. A Regulation for enabling one Judge of Circuit to hold the Courts for the half-yearly and monthly gaol deliveries; and for empowering one of the Judges of the Provincial Court of Appeal in each Division to remain at the Sudder Station to transact certain parts of the business of the Court, whilst the other Judges are making the Circuits; and for providing against the absence or indisposition of the Judges or their Law Officers, and against vacancies in the Judicial and Law appointments.	The whole Regulation.
Regulation XVI. 1795	.. A Regulation for the apprehension and trial of persons charged with crimes or misdemeanors in the Province of Benares; for enabling one of the Judges, in his capacity of Judge of the Provincial Court of Appeal, to transact certain parts of the business of that Court whilst the other two Judges as Judges of Circuit are making the Circuits; and for providing against the absence or indisposition of any of the Judges or their Law Officers, and against vacancies in the Judicial or Law appointments.	Section IV. Clause 1, in so far as it extends the provisions of Regulation IX. of 1793, which are repealed by this Act, and Clauses 2, 4, and 5, and the following Sections of the Regulation.
Regulation XVII. 1795	.. A Regulation for the establishment of an efficient Police in the Province of Benares.	Section X. XX. XXIX. XXX. XXXI. XXXII. and XXXV.
Regulation XXI. 1795	.. A Regulation for preventing Brahmins in the Province of Benares establishing koorhs, wounding or killing their female relations or children or sitting dhurna; and for preventing the tribe of Ranjecomars in that province killing their female children.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation II. 1796 ..	A Regulation for the guidance of the Zillah and City Magistrates in the Provinces of Bengal, Behar, Orissa, and Benares, in apprehending and bringing to trial European British subjects charged with acts which may render them liable to a Criminal prosecution.	The whole Regulation.
Regulation IX. 1796 ..	A Regulation for the more certain ascertainment of the witnesses whom prisoners, committed for trial before the Courts of Circuit, may be desirous to have examined in their defence and of the causes of the non-attendance of any witnesses named by prisoners, or prosecutors to give evidence before the Courts of Circuit.	The whole Regulation.
Regulation XI. 1796 ..	A Regulation for providing against resistance to the processes of the Zillah and City Courts and Police Officers, as well as for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued against them.	The whole Regulation.
Regulation II. 1797 ..	A Regulation for defining more specifically the responsibility of the landholders and farmers of land in the Province of Benares, under the charge of the Police vested in them conformably to their engagements by Regulation XVII. 1795.	Section III.
Regulation IV. 1797 ..	A Regulation for making sundry alterations in, and additions to Regulation IX. 1793.	The whole Regulation.
Regulation XIII. 1797 ..	A Regulation for the occasional exercise of Judicial powers by the Assistants to the Zillah and City Magistrates in the Provinces of Bengal, Behar, Orissa, and Benares.	The whole Regulation.
Regulation XIV. 1797 ..	A Regulation for empowering the Court of Nizamut Adawlut to extend relief to certain prisoners sentenced to deyt and pecuniary fines, or to restore stolen property, or the value of it, and to remain in confinement until the completion of their sentences, also for preventing sentences of the same nature in future; and for drawing the distinction between the Courts of Civil and Criminal Jurisdiction more clearly and obviously.	The whole Regulation.
Regulation III. 1798 ..	A Regulation for establishing annual vacations of the Civil Courts of Justice; for postponing the commencement of the half-yearly gaol deliveries during such vacations; and for establishing a fixed order of succession in the gaol deliveries of the several Zillahs and Cities throughout the Provinces of Bengal, Behar, Orissa, and Benares.	The whole Regulation.
Regulation II. 1799 ..	A Regulation for monthly gaol deliveries in the Cities of Dacca, Moorshedabad, and Patna; and for declaring convicts who may escape from confinement during their sentences liable to transportation.	The whole Regulation.
Regulation IV. 1799 ..	A Regulation for the trial of persons charged with crimes against the State.	The whole Regulation.
Regulation VIII. 1799 ..	A Regulation for certain modifications of the Mahomedan law in cases of murder; and to explain parts of Regulation XXI. of 1795 and Regulation V. of 1797, in cases of dhurna.	The whole Regulation.
Regulation X. 1799 ..	A Regulation to prevent delay in the transmission of the records of trials referred to the Court of Nizamut Adawlut.	The whole Regulation.
Regulation III. 1801 ..	A Regulation for putting a stop to the practice which prevails in many parts of the Company's Provinces, of parties in Civil suits preferring unfounded accusations of perjury against the witnesses in such suits and unfounded charges of subornation of perjury against the adverse parties in such suits.	The whole Regulation.
Regulation VIII. 1801 ..	A Regulation for modifying the Mahomedan law in certain cases of kuhl khota, or accidental homicide, and in other cases of the like nature.	The whole Regulation.
Regulation VI. 1802 ..	A Regulation for preventing the sacrifice of Children at Saugor and other places.	The whole Regulation.
Regulation VI. 1803 ..	A Regulation for the guidance of the Magistrates of the several Zillahs in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, in apprehending persons charged with crimes or offences, and bringing them to trial.	The whole Regulation, with exception to Sections III. and XXXIV.
Regulation VII. 1803 ..	A Regulation for the establishment of a Court of Circuit for the trial of persons charged with crimes in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	From Section V. to Section XLI. both inclusive.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VIII. 1803 ..	A Regulation for extending the jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	The whole Regulation, with exception to Sections VI. XXIV. and XXVI.
Regulation XII. 1803 ..	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	Sections XII. and XIV.
Regulation XX. 1803 ..	A Regulation for the trial of persons charged with crimes against the State, in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	The whole Regulation.
Regulation XXXV. 1803.	A Regulation for the establishment of an efficient system of Police in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	Section III., Clauses 3, 4, and 5, and Section X.
Regulation L. 1803 ..	A Regulation for extending, with modifications, to the Criminal Courts, rules prescribed in Regulation IV. 1793, for procuring the attendance of witnesses and requiring oaths or solemn declaration from witnesses in the Civil Courts, and for explaining those rules in their application to particular forms of oath by the Courts Civil and Criminal.	The whole Regulation.
Regulation LIII. 1803 ..	A Regulation for determining the punishment to be adjudged by the Criminal Courts of Judicature, in cases wherein a discretion is left by the Mahomedan law; for defining the crime and punishment of robbery by open violence; and for declaring what convicts shall be hereafter liable to transportation, or to banishment, as well as the punishment of such as may return from transportation or escape from confinement, during the periods of their sentences.	The whole Regulation.
Regulation III. 1804 ..	A Regulation for providing against resistance to the processes of the Zillah Criminal Courts and Police Officers, as well as for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued against them; for rendering prosecutions instituted for the recovery of losses sustained by theft and robbery, cognizable in the Courts of Civil Judicature; and for ascertaining the responsibility in such cases of Telseeldars of places held khaum, for amending certain parts of Regulation VI. 1803, for preventing the offence of dhurna, and for preventing the tribe of Raj Koomars killing or causing the death of their female children in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	The whole Regulation.
Regulation IV. 1804 ..	A Regulation for the administration of justice in Criminal cases in the Zillah of Cuttack.	Proviso in Section VII.
Regulation IX. 1804 ..	A Regulation for altering the denomination of the Court of Circuit and the Provincial Court of Appeal for the division of the ceded Provinces; for the administration of Justice in Criminal cases, in the conquered Provinces in the Dooab, and on the right bank of the river Jumna, and in the Territory ceded to the Honorable the English East India Company in Bundelcund by the Peishwa.	So much of the Regulation as extends the whole or any part of Regulations VI. VII. VIII. XX. XXXV. and LIII. of 1803 which are repealed by this Act, to the Districts mentioned in Sections III. and IV.; Sections V.; and VI.; and the proviso in Section XI.
Regulation III. 1805 ..	A Regulation to make further provision for the exemplary punishment of robbery by open violence.	The whole Regulation.
Regulation VIII. 1805 ..	A Regulation for extending to the conquered Provinces situated within the Dooab and on the right bank of the river Jumna, and to the Territory ceded to the Honorable the English East India Company in Bundelcund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, as have not been already extended to those territories, and for revising and amending certain parts of the said Laws and Regulations.	Section XIV.
Regulation I. 1806 ..	A Regulation for abolishing the jurisdiction of Zillah Moorshedabad, and annexing the Mehals composing it to the jurisdictions of the City of Moorshedabad, and Zillah Bheerbhoom; for altering the jurisdiction of the Courts of Circuit and Provincial Courts of Appeal of the Divisions of Calcutta and Moorshedabad; for fixing the order of holding the half-yearly gaol deliveries in those Divisions, and in the Divisions of Benarés and	Sections VI. VII. VIII. and IX.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	Bareilly; for rescinding such parts of the existing Regulations as restrict the senior Judges of the Courts of Circuit from proceeding upon the Circuit in their respective Divisions, and for extending the authority of the Courts of Nizamut Adawlut and Sudder Dewany Adawlut in certain cases.	
Regulation XII. 1806 .. A	Regulation for annexing the Pergunnahs of Souk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the Zillah of Agra, and for extending to those Pergunnahs the Laws and Regulations established for the internal Government of the ceded and conquered Provinces.	Section III. in so far as it extends the parts of Regulation IX. of 1804, and Regulation VIII. of 1805, and the other Regulations therein referred to, which are repealed by this Act.
Regulation XV. 1806 .. A	Regulation for the amendment of certain parts of the provisions contained in Clauses 2 and 3, Section II., Regulation II. 1796, and Clauses 2 and 3, and Section XIX., Regulation VI. 1803, and of the rule contained in Section VII., Regulation V. 1799.	Sections II. III. IV. and V.
Regulation II. 1807 .. A	Regulation to provide more effectually for the punishment of perjury, subornation of perjury, and forgery.	The whole Regulation.
Regulation IX. 1807 .. A	Regulation for explaining and amending the existing rules of Criminal process, and for defining in certain cases the powers and duties of the Police Officers, of the Zillah and City Magistrates and of their Assistants, of the Courts of Circuit, and of the Court of Nizamut Adawlut.	The whole Regulation.
Regulation XIV. 1807 .. A	Regulation for amending the system of Police established in the Province of Benares, and in the ceded and conquered Provinces within the Divisions of Bareilly and Benares; also for extending to those Provinces the provisions contained in Regulation XII. 1807, for the appointment of Ameens of Police.	Section XI., Clauses 7, 8, 9, 10, 11, and 12, Section XX. and Section XXI.
Regulation VIII. 1808 .. A	Regulation for the more exemplary punishment of robbery by open violence; and for modifying the rules in force respecting trials referred to the Court of Nizamut Adawlut.	The whole Regulation.
Regulation I. 1810 .. A	Regulation for occasionally dispensing with the attendance and futwa of the Law Officers of the Courts of Circuit.	The whole Regulation.
Regulation VI. 1810 .. A	Regulation for defining the penalties to which Zemindars and others shall be subject for neglecting to give due information of robberies, and for harbouring robbers.	Sections III. IV. and V.
Regulation XIV. 1810 .. A	Regulation for defining the powers of the Court of Nizamut Adawlut in cases of pardon and mitigation of punishment; and for declaring the competency of the Courts of Circuit to admit prisoners to bail, in certain cases, during a reference of their trials to the Nizamut Adawlut.	The whole Regulation.
Regulation I. 1811 .. A	Regulation for making more adequate provision for the punishment of persons found guilty of the offence of breaking into houses, tents, or boats; for subjecting to exemplary punishment persons receiving or purchasing plundered or stolen property; and for granting licenses to gold or silversmiths, braziers or coppersmiths, iron-smiths, pawnbrokers, retail vendors of brass or copper-ware, and pykars or itinerant dealers in second-hand articles.	The whole Regulation, except so much of Section X. as declares Landholders and others accountable for the early communication to the Magistrate of information respecting receivers of stolen goods.
Regulation VII. 1811 .. A	Regulation for limiting and better defining the powers of the Police Darogahs, and of Zemindars invested with the charge of the Police, with respect to persons charged with or suspected of the commission of public crimes and offences.	The whole Regulation.
Regulation X. 1811 .. A	Regulation for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the Presidency of Fort William.	Section III.
Regulation XIV. 1811 .. A	Regulation for amending the provisions of the existing Regulations respecting the punishment of Criminals by transportation, and for modifying the rules in force regarding the Offices of Judge and Magistrate of the twenty-four Pergunnahs.	The whole Regulation.
Regulation III. 1812 .. A	Regulation for amending some of the Rules at present in force in regard to the conduct of inquiries into charges of a Criminal nature, and for establishing additional provisions with a view to the more effectual apprehension of Criminals.	Sections II. and III., so much of Section I. as provides a punishment for the offence mentioned in the Section. Section VI. and Section XII.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VII. 1813 ..	A Regulation for extending to the ceded and conquered Provinces the provisions contained in Regulation III. 1801, and in Section XIII. Regulation VIII. 1794, and for rescinding parts of Sections XI. and XV. Regulation I. 1803.	Section III.
Regulation IX. 1813 ..	A Regulation for restoring the punishment of transportation.	The whole Regulation.
Regulation VIII. 1814 ..	A Regulation for extending the provision contained in Clause 2, Section IV., Regulation III. 1812, to cases of murder, arson, and theft.	So much of Section II. as provides punishment for the offence mentioned in the Section.
Regulation XI. 1814 ..	A Regulation to make further provision for the punishment of persons convicted of breaking into, or attempting to break into houses, tents, boats, or other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal.	The whole Regulation.
Regulation XV. 1814 ..	A Regulation to define the punishment to which persons convicted of two or more offences shall, in certain cases, be subject.	The whole Regulation.
Regulation XIV. 1816 ..	A Regulation to provide more effectually for the management of the Public gaols; and to enable the Magistrates to maintain good order and discipline in those gaols; as well as among the prisoners employed on the public roads or other public works. Also to place the gaol at Alipore 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.	Sections IX. and XV.
Regulation XVII. 1816 ..	A Regulation for the occasional revision of the regular Police and gaol establishments, for the due support and regulation of the establishments of Chowkedars, for amending the Rules in force for the appointment and removal of Police Officers, for modifying the constitution of the Offices of the Superintendents of Police, and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizamut Adawlut.	Section VIII., Clauses. 3 and 4.
Regulation XXII. 1816 ..	A Regulation for re-enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of Chowkedars of Police.	Sections XIX. and XX.
Regulation XVII. 1817 ..	A Regulation to provide for the more effectual administration of Criminal Justice in certain cases.	The whole Regulation.
Regulation XX. 1817 ..	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of Darogahs and other subordinate Officers of Police; for modifying the existing rules concerning the resistance or evasion of Criminal process, and for requiring further aid to the Police in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of Villages.	Clauses 3 and 4 of Section VI., Clauses 5, 6, and 7 of Section VIII. Sections IX. XII. XIII. XIV. XV. XVI. XVII. XVIII. XIX. XX. XXII. XXIII. XXIV. XXV. and XXVI.
Regulation VI. 1818 ..	A Regulation for providing against the protracted confinement of persons charged with Criminal offences, during the examination of such charges before the Magistrates; and for defining the powers of the Courts of Circuit at the Sadder Stations of those Courts with respect to persons committed or held to bail by the Magistrates for trial at the periodical Sessions of gaol delivery.	The whole Regulation.
Regulation VIII. 1818 ..	A Regulation for rescinding part of Clause 6, Section II. Regulation LI. 1803, for modifying some of the existing rules relating to the requisition of security for good behaviour; and for providing for a revision of the cases of certain classes of prisoners detained in confinement, on failure to furnish security for their good behaviour and appearance.	The whole Regulation.
Regulation XII. 1818 ..	A Regulation for extending the powers of the Magistrates and Joint Magistrates in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal; or charged with theft or with buying or receiving stolen property, knowing the same to have been stolen, or charged with escape from gaol or other place of confinement.	The whole Regulation.
Regulation III. 1819 ..	A Regulation for extending the provisions of Section X. Regulation VIII. 1818, to robbers not being dacoits or gang robbers.	The whole Regulation.



Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VII. 1819 ..	A Regulation for declaring certain misdemeanors punishable by the Magistrates, and for defining the punishment to be adjudged in such cases.	The whole Regulation.
Regulation IV. 1820 ..	A Regulation for declaring the power of the Magistrates to give effect to Military sentences in certain cases; for providing for the more efficient exercise of the control of the Courts of Circuit over the sentences of the Magistrates in certain cases, and for amending Clause 2, Section III., Regulation XII. 1818.	The whole Regulation.
Regulation VII. 1820 ..	A Regulation for altering the punishment and form of trial in cases of dhurna.	The whole Regulation.
Regulation III. 1821 ..	A Regulation for extending, in special cases, the powers of Assistants to the Magistrates, for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameens to try and determine petty thefts and other Criminal cases of a trivial nature, when referred to them by a Magistrate; for limiting the period of appeal in Foudjaree cases; for rescinding parts of Section XII. and Section XVII., Regulation XXII. 1816; for modifying some of the rules in force relative to the rate and collection of the assessment levied for the maintenance of Chowkedars of Police; and for vesting the Magistrates with certain powers in regard to persons travelling through, or assembling within their jurisdictions under suspicious circumstances.	The whole Regulation.
Regulation I. 1822 ..	A Regulation for amending Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809.	The whole Regulation.
Regulation IV. 1822 ..	A Regulation to provide for the more effectual administration of Criminal Justice in certain cases.	The whole Regulation.
Regulation VIII. 1822 ..	A Regulation to declare that persons charged with crimes and misdemeanors must ordinarily be brought to trial at the Foudjaree Court or Sessions of the District in which such crimes or misdemeanors may be perpetrated; and to vest the Governor General in Council and the Nizamut Adawlut with a discretionary power as to the place of trial.	The whole Regulation.
Regulation II. 1823 ..	A Regulation for the more effectual suppression of affrays.	The whole Regulation.
Regulation IV. 1823 ..	A Regulation for declaring the intent of Section XIV., Regulation VII. 1794, and for prohibiting the Judges of Circuit, holding the gaol deliveries, from trying any case in which the prisoner or prisoners may have been committed for trial by themselves in the capacity of Superintendent of Police, Magistrate, Joint Magistrate, or Assistant Magistrate, for modifying the third and fourth Clauses of Section II., Regulation XIV. 1811, and for rescinding Sections IV. and V., Regulation XXIV. 1814, and Sections II. and IV., Regulation XXV. 1814.	The whole Regulation.
Regulation VI. 1824 ..	A Regulation for defining the course of proceeding to be pursued by the Magistrates with respect to individuals charged before them with two or more offences in certain cases; for modifying Clause 2, Section II., and for amending certain other provisions of Regulation XII. 1818.	The whole Regulation.
Regulation X. 1824 ..	A Regulation for modifying and amending the rules at present in force in regard to the pardon of persons charged with or suspected of Criminal offences.	The whole Regulation.
Regulation I. 1825 ..	A Regulation for declaring the Judicial Officers competent to superintend the execution of their own process in certain cases; and for extending to Officers entrusted with the execution of a Magistrate's warrant, or other Criminal process the powers vested in Police Officers by certain provisions in Regulation XX. 1817.	The whole Regulation.
Regulation IV. 1825 ..	A Regulation for declaring the Magistrates and Criminal Courts empowered to require recognizances and security for keeping the peace in certain cases; and for explaining some of the provisions contained in Regulation VIII. 1818, relative to security for good behaviour.	The whole Regulation.
Regulation XII. 1825 ..	A Regulation for defining the powers of the Courts of Circuit and of the Nizamut Adawlut in certain cases; for the uniform punishment of contempts of Court in any of the Courts of Judicature, Civil or Criminal; for exempting females from corporal punishment by stripes; and for discontinuing the corah as an instrument of punishment in all cases.	The whole Regulation.
Regulation XVI. 1825 ..	A Regulation to make further provision for empowering the Courts of Circuit to pass sentence in certain cases of	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation I. 1828	robbery without reference to the Court of Nizamut Adawlut. A Regulation for empowering the Governor General in Council to commute sentences of imprisonment for life in the Alipore gaol to transportation for life to any of the British Settlements in Asia, in certain cases.	The whole Regulation.
Regulation VI. 1828	A Regulation to explain the intent and meaning of certain parts of Regulation II. 1823.	The whole Regulation.
Regulation VIII. 1828	A Regulation for enlarging the powers of the Magistrates with regard to the offence of affrays.	The whole Regulation.
Regulation VI. 1829	A Regulation for extending the powers of the Magistrates and Joint Magistrates in certain cases of theft.	The whole Regulation.
Regulation VII. 1829	A Regulation for rescinding such parts of the existing Regulations as prescribe forms for periodical Reports, Calendars, Registers, or other statements to be furnished by the Civil or Criminal Authorities, and require the same to be forwarded at periods specified, and declaratory of the power to prescribe the forms of such statements vested in the Courts of Sudder Dewanny and Nizamut Adawlut, by Regulation X. 1796, Section III., and Regulation XX. 1803, Section III.	The whole Regulation.
Regulation XII. 1829	A Regulation for modifying the provisions of Regulation XII. 1825.	The whole Regulation.
Regulation XVII. 1829	A Regulation for declaring the practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal and punishable by the Criminal Courts.	Sections IV. and V.
Regulation IV. 1830	A Regulation to explain the intent and meaning of Clause 4, Section III., Regulation I. 1829.	The whole Regulation.
Regulation VIII. 1830	A Regulation for modifying the existing rules relative to the inquiry by Magistrates and Joint Magistrates into charges of a Criminal nature.	The whole Regulation.
Regulation VI. 1831	A Regulation for the appointment of one or more Judges to be ordinarily stationed at Allahabad, for the purpose of exercising the powers and authority of the Sudder Dewanny and Nizamut Adawlut, within the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Saharanpore, Mozuffernuggur, and Boolundshuhar, which are now subject to the Chief Commissioner at Delhi, and the powers and authority of the Nizamut Adawlut in the Province of Kumaon and the Saugor and Nerbudda Territories.	Sections XII and XIII.
Regulation VII. 1831	A Regulation for enabling the Governor General in Council to afford relief to the Commissioners of Circuit by vesting the Zillah and City Judges, not being Magistrates, with powers to hold monthly gaol deliveries within their respective jurisdictions (whenever that measure may be deemed advisable), and for defining the powers and duties of the Judges or other Officers, not being in charge of the Office of Commissioner, who may be appointed to hold any gaol delivery while so employed.	Sections V. and VI., and so much of Section VII. as relates to Session Judges.
Regulation IX. 1831	A Regulation for the more speedy and efficient administration of justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	Sections III. and IV.
Regulation II. 1832	A Regulation for the better administration of Criminal justice and the Police in certain cases.	Sections II. and III.
Regulation III. 1832	A Regulation for extending the provisions of Regulation X. 811.	Clause 2 of Section II.
Regulation VI. 1832	A Regulation for enabling European functionaries to avail themselves of the assistance of respectable natives in the administration of Civil or Criminal justice, and for modifying or dispensing with futwas by Mahomedan Law Officers in certain trials.	Sections IV. V. and VI.
Regulation II. 1834	A Regulation for abolishing corporal punishment for substituting a fine in certain cases for a sentence of labour; and for the gradual introduction of a better system of prison discipline.	The whole Regulation, except Section VII.
MADRAS.		
Regulation III. 1802	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Adawlut established in the several Zillahs immediately subject to the Presidency of Fort St George.	Section VIII.
Regulation IV. 1802	A Regulation for establishing four Provincial Courts of Appeal, for hearing appeals from decisions passed in the	Section XX.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VII. 1802 ..	several Zillah Courts; and defining their powers and duties, and prescribing rules for receiving and deciding upon appeals, and other causes of which they are declared to have cognizance. A Regulation for the establishment of the Courts of Circuit for the trial of persons charged with crimes.	The whole Regulation.
Regulation VIII. 1802 ..	A Regulation for establishing a Foujdary Adawlut or Chief Criminal Court for the trial of Criminal cases in the last resort.	Sections VIII. IX. X. XI. XIII. XIV. XV. XVI. XVII. XVIII. XX. XXI. XXIII. XXIV. and XXV.
Regulation XI. 1802 ..	A Regulation for the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature.	Section VIII.
Regulation XII. 1802 ..	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature.	Sections XII. XIII. and XIV.
Regulation XV. 1803 ..	A Regulation for determining the punishment to be adjudged by the Criminal Courts of Judicature, in cases wherein a discretion is left by the Mahomedan Law for defining the crime and punishment of robbery by open violence, and for declaring what convicts shall be hereafter liable to transportation, or to banishment, as well as the punishment of such as may return from transportation, or escape from confinement during the period of their sentences.	The whole Regulation.
Regulation I. 1810 ..	A Regulation for providing against resistance to the processes of the Zillah Criminal Courts, as well as for compelling the appearance of persons charged with acts of a Criminal nature who may abscond or otherwise evade the process issued against them; for extending and explaining the rules contained in Section XXIII., Regulation VI. 1802, and in Section XXIII., Regulation VIII. 1802, and for putting a stop to the practice of parties in Civil suits preferring unfounded accusations of perjury against the witnesses in such suits, and unfounded charge of subornation of perjury against the adverse parties in such suits.	The whole Regulation.
Regulation VI. 1811 ..	A Regulation to provide more effectually for the punishment of perjury, subornation of perjury, and forgery, and to alter the provisions in force for the payment of a fixed reward on the conviction of public offenders.	The whole Regulation.
Regulation VI. 1816 ..	A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners, for modifying and extending their powers in the trial and decision of Civil suits, and for authorising them, under the designation of District Moonsiffs, to discharge certain additional duties.	Section XLIX.
Regulation IX. 1816 ..	A Regulation 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.	The whole Regulation, except Sections II. III. IV. V. XLIII. and Nos. 1 and 2 of Appendix.
Regulation X. 1816 ..	A Regulation for constituting the Judges of the Courts of Adawlut of the several Zillahs, Criminal Judges of their respective Zillahs, and for defining their power.	The whole Regulation, except Section XL. and Appendix.
Regulation XI. 1816. ..	A Regulation for the establishment of a general system of Police throughout the Territories subject to the Government of Port St. George.	The whole Regulation, except Sections VIII. IX. X. XII. XIII., XIV. and XLVII.
Regulation III. 1817. ..	A Regulation for explaining and modifying certain provisions of Regulations IX. X. and XI. 1816.	Section II.
Regulation I. 1818. ..	A Regulation to provide for the more effectual administration of Criminal justice in certain cases, and to alter certain provisions of the Regulations in force.	The whole Regulation.
Regulation III. 1819. ..	A Regulation to provide more effectually for the punishment of extortion, oppression, or other abuse of authority on the part of Native Officers of Police.	The whole Regulation.
Regulation V. 1819. ..	A Regulation for rescinding such parts of Regulations IX. X. and XI. 1861, as disqualify servants of the Government from attesting confessions.	The whole Regulation.
Regulation IV. 1821. ..	A Regulation for giving greater efficiency to the system of Police established in the Provinces subordinate to the Presidency of Port St. George.	The whole Regulation, except Section VI.
Regulation II. 1822. ..	A Regulation to provide for the more effectual administration of Criminal justice in certain cases, and to alter certain provisions of the Regulations now in force.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VI. 1822 ..	A Regulation for extending the powers of the Criminal Judges and of the Courts of Circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses, or other places used for the custody of property, with an intent to steal, or charged with theft, or with buying or receiving stolen property, knowing the same to have been stolen, or charged with escape from gaol or other place of confinement.	The whole Regulation.
Regulation I. 1824 ..	A Regulation for extending to the Criminal Courts the rules prescribed in Section VII., Regulation III. 1802, for procuring the attendance and evidence of witnesses.	The whole Regulation.
Regulation I. 1825 ..	A Regulation to rescind Regulation I. 1822, and to alter certain other provisions of the Regulation in force, and to provide for the more prompt and effectual administration of Criminal justice in certain cases.	The whole Regulation.
Regulation III. 1826 ..	A Regulation for the more easy conviction of the crime of perjury in certain cases.	The whole Regulation.
Regulation II. 1827 ..	A Regulation for constituting the Assistant Judges appointed under Regulation I. 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the extent to which the powers of Magistrate shall be exercised by subordinate Collectors.	Section III.
Regulation III. 1827 ..	A Regulation for empowering the Governor in Council in certain cases to direct that persons charged with crimes or misdemeanors shall be sent for trial or committal to another Court than that within the jurisdiction of which the offences charged were committed.	The whole Regulation.
Regulation VI. 1827 ..	A Regulation for explaining the provisions of Clause 1, Section V. Regulation XV. 1803, and Clause 4, Section III., Regulation VI. 1822, for making further provisions against the offence of counterfeiting the Coin; for declaring Magistrates empowered to take recognizances and security for keeping the peace in certain cases; for enlarging the power granted to Magistrates by Clause 1., Section III., Regulation II. 1822; for modifying and amending the rules in force relating to the requisition of security for good behaviour; and for subjecting to compulsory labour persons unable to find the security required.	The whole Regulation.
Regulation VIII. 1827..	A Regulation for granting to Native Judges jurisdiction in Criminal cases.	So much of Section IV. as provides for Native Judges being guided by Regulation X. 1816, Sections V. VII. VIII. X. XI. XII. XIII. and Clauses 3 and 4 of Section XIV.
Regulation X. 1827. ..	A Regulation for the gradual introduction of trial by Jury into the Criminal Judicature of the Territories subject to the Presidency of Fort St. George.	The whole Regulation.
Regulation VIII. 1828..	A Regulation for abolishing the use of the rattan as an instrument of punishment, and for substituting in lieu thereof, the cat-o'-nine-tails.	The whole Regulation.
Regulation IX. 1828. ..	A Regulation for rescinding such parts of the existing Regulations as prescribe forms for Periodical Reports, Calendars, Registers, or other Statements to be furnished by the Civil or Criminal Courts, and require the same to be forwarded at periods specified.	The whole Regulation.
Regulation VI. 1829. ..	A Regulation for modifying the enactments contained in Section VIII., Regulation I. 1825.	The whole Regulation.
Regulation VIII. 1829 ..	A Regulation for the punishment of the fraudulent appropriation or the unlawful and malicious obliteration or destruction of Judicial Records, and for defining the course of proceeding to be observed in bringing to trial persons charged with perjury or subornation of perjury before certain tribunals.	The whole Regulation.
Regulation II. 1830 ..	A Regulation for abolishing the use of the corah as an instrument of punishment, and substituting in lieu thereof, the cat-o'-nine-tails.	The whole Regulation.
Regulation II. 1831 ..	A Regulation for modifying the provisions contained in Regulation VIII. 1827, which require that persons committed for trial before the Court of Circuit by a Native Criminal Judge, shall be sent to the Criminal Judge or the Joint Criminal Judge of the Zillah, in order to their being tried by the Court of Circuit.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation III. 1831 ..	A Regulation to provide for the more effectual administration of justice in certain cases.	The whole Regulation.
Regulation VIII. 1831 ..	A Regulation for vesting in single Judges of the Courts of Sudder and Poudjary Adawlut, and in single Judges of the Provincial Courts of Appeal, under certain restrictions, the power now exercised by two or more Judges of those Courts respectively.	Section V.
Regulation VIII. 1832 ..	A Regulation for rescinding Clause 2, Section VII. and Section VIII., Regulation IV. 1821.	The whole Regulation.
Regulation IX. 1832 ..	A Regulation for the punishment of false accusations preferred to a Head of District Police, or Police Officer vested with the powers of a Head of District Police.	The whole Regulation.
Regulation XIII. 1832 ..	A Regulation to provide for the more effectual administration of Criminal justice in certain cases.	The whole Regulation.
Regulation II. 1833 ..	A Regulation for exempting females from corporal punishment by stripes.	The whole Regulation.
Regulation III. 1833 ..	A Regulation for conferring upon Sudder Ameens jurisdiction in Criminal cases, and for extending the Civil jurisdiction of Registers, Sudder Ameens, and District Moonsiffs.	Section II.
Regulation I. 1834 ..	A Regulation for the punishment of persons convicted of treason or rebellion.	The whole Regulation.
<b>BOMBAY.</b>		
Regulation II. 1827 ..	A Regulation for defining the constitution of Courts of Civil Justice and the powers and duties of the Judges and Officers thereof.	Section XXXVI.
Regulation IV. 1827 ..	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil suits and appeals and rules for the trial of the same.	Clause 4, Section XXXIV. also Section LII., and Sections LIV. and LV.
Regulation XI. 1827 ..	A Regulation for defining the persons subject to the operation of the Regulations on Criminal Judicature, under what circumstances foreigners may be given up to the Government to which they belong, and under what circumstances Government may exercise a control over the residence and persons of emigrants and their descendants.	The whole Regulation.
Regulation XII. 1827 ..	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing rules for its administration, and for defining the duties and powers of all Police Authorities and servants.	The whole Regulation, with the following exceptions: Section I. in as far as it applies to the Zillah Magistrate; Clause I. of Section III. in as far as it relates to the Police functions of the Zillah Magistrate; Clause 2 of Section III.; Clause 5 of the same Section in as far as it extends to the Zillah Magistrate; Section IV. in as far as it extends to Assistant Collectors in charge; Section VI.; Clause 4 of Section X.; Clause I. of Section XIII. in as far as it regulates the endorsement and record of warrants issued by Magistrate; Clauses 1, 6, 7, and 8 of Section XIX.; Section XX.; Clauses 1 of Section XXII. in as far as it relates to the superintendence of village Police; Clause 2 of Section XXVII.; Clause 4 of Section .XXXI.; Section XXXVII.; and Chapter VI.
Regulation XIII. 1827 ..	A Regulation for defining the constitution of Courts of Criminal Justice, and the functions and proceedings thereof.	Sections IV. V. VI. X. XI. XII., and XIII.; Chapters III. and IV.; Sections XXIX. and XXX., Clauses 1 and 2; Section XXXI., and the whole of Chapter VI., except Clause 3 of Section

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
		XXXIV. in as far as it authorises the occasional substitution of a letter for a summons, and Clause 9 of the same Section.
Regulation XIV. 1827 .. A	Regulation for defining crimes and offences, and specifying the punishments to be inflicted for the same.	The whole Regulation, except Clause 2 of Section III., and Sections XX. and XXIII.
Regulation XXIII. 1827. A	Regulation imposing certain restrictions on money transactions between persons filling certain Civil Offices and others, and on the employment of individuals with whom they may have such transactions by the said Officers in official capacities; on the possession of landed property by Europeans and Americans, and on the general use of Uniforms and Badges.	Section V.
Regulation XXX. 1827.. A	Regulation enacting certain modifications of Regulations XII. XIII. XIV. and XV. of 1827, with reference to the Zillahs of Poona and Ahmednuggur.	The whole Regulation.
Regulation XVII. 1828.. A	Regulation to provide for the punishment of the crime of conspiracy.	The whole Regulation.
Regulation III. 1830 .. A	Regulation rescinding Regulations VIII. and XII. of 1828, and vesting the Criminal Judges with the powers and functions of Session Judges.	The whole Regulation, except Sections II. IV. VI. and VII.
Regulation IV. 1830 .. A	Regulation rescinding such parts of Regulation XII. of 1827, as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	The whole Regulation, except Clause I. of Section I., and Section II.
Regulation XVI. 1830 .. A	Regulation to rescind that part of Clause 2, Section XXVI., Regulation XIV. 1827, which exempts persons assisting at rites of self-immolation from the penalty of murder; and declaring the punishments to which persons shall be liable who may assist or use force or violence in the commission of such acts.	The whole Regulation.
Regulation XIX. 1830 .. A	Regulation providing for the appointment of a Joint Session Judge within the Zillah of Poona.	The whole Regulation.
Regulation V. 1831 .. A	Regulation for making persons effecting an escape from custody, unaccompanied by force, liable to the penalties prescribed in Regulation XIV., Section XXIV. 1837.	The whole Regulation.
Regulation VIII. 1831 .. A	Regulation for modifying the jurisdiction of Session Judges and Judicial Commissioners.	The whole Regulation, except Section I.
Regulation IX. 1831 .. A	Regulation for modifying the rules under which Landholders may be invested with Police jurisdiction.	The whole Regulation.
Regulation III. 1833 .. A	Regulation for the more efficient administration of Police in certain large Towns situated in the Zillahs subordinate to Bombay.	The whole Regulation.
Regulation VII. 1833 .. A	Regulation for modifying the provisions in force for the trial and punishment of persons exceeding twelve in number assembling for riotous or rebellious purposes, not amounting to treason; and for defining the tribunal before which persons committing offences under the designation of unlawful attempts to alter the established laws, or disturbing the peace of Foreign States, may be tried.	The whole Regulation.
Regulation VIII. 1833 .. A	Regulation for modifying Section IX., of Regulation III. 1830, and introducing a more suitable arrangement for the performance of the annual Circuit by the Judicial Commissioners.	The whole Regulation.

## STATEMENT OF OBJECTS AND REASONS.

The Regulations and Acts which it is the object of this Bill to repeal, are chiefly those which have been superseded, and are virtually rescinded by the Indian Penal Code and the Code of Criminal Procedure, both of which Codes are now in operation. The opportunity is also taken to repeal several Regulations which have long been obsolete or superseded, but which have never yet been formally repealed.

The total number of Regulations and Acts in the three Presidencies, which will be repealed by this Act and removed from the Statute Book, is between two and three hundred.

(Signed) H. B. HARRINGTON.

The 22nd January 1862.

M. WYLIE,

Deputy Secy. to the Govt. of India,  
Home Department.

The following Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1862:—

**HOME DEPARTMENT.—LEGISLATIVE.**

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to whom the Bill to protect the personal dignity of His Majesty the King of Oude was referred, have the honour to report that we have considered the Bill, and that we recommend that it be passed with the following amendments:—

1. The omission of the words "Civil, Criminal, and Revenue Courts" in line 8 of the Preamble, and the substitution for them of the words "Civil Revenue, and Criminal Courts."

2. The omission of the words "summons or warrant" in line 10 of Section I., and the substitution for them of the word "process."

3. The omission of the words "charged with the execution of a warrant either to arrest any person or to search for anything, shall" in lines 5 to 8 of Section II., and the substitution for them of the words "whether charged with the execution of a warrant or not, shall, for the purpose of arresting any person or searching for anything."

4. The omission of the words "may thereupon give such directions in respect to His said Majesty" in lines 18 to 20 of Section III., and the substitution for them of the words "shall thereupon give such directions in respect to the custody of the person of His said Majesty or the disposal of His property."

5. The insertion of the words "out of any Civil, Revenue, or Criminal Court" after the word "prosecuted" in lines 2 and 3 of Section IV.

6. The insertion of the word "Revenue" after the word "Civil" in line 7 of Section V.

7. The omission of the words "Civil or Criminal" in line 3 of Section VI.

8. The insertion of the words "and cross-interrogatories (if any)" after the word "interrogatories" in line 18 of the same Section.

9. The omission of the words "Civil or Criminal" in lines 3 and 4 of Section VII.

10. The addition of the following new Section as Section X. of the Bill:—

"This Act shall not continue in force after the death of His said Majesty."

(Signed) C. BEADON.  
" W. RITCHIE.  
" H. FORBES.  
" C. J. ERSKINE.

The 15th March 1862.

M. WYLIE,  
Depy. Secy. to the Govt. of India,  
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1862, and was referred to a Select Committee who will make a report thereon after the 22nd June next:—

*A Bill to consolidate and amend the Law relating to the partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.*

Whereas it is expedient to consolidate and amend the Law relating to the partition of Estates

Preamble.

paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal; it is enacted as follows:—

I. From the date of the passing of this Act  
Laws repealed. Regulation IX. 1811 of the Bengal Code (for facilitating the division of landed property, and for securing the rights of joint sharers in joint undivided Estates), Regulation XI. 1811 of the same Code (for extending the period fixed by the existing Regulations for revising the jumma on lands ordered to be divided into two or more Estates), Regulation XIX. 1814 of the same Code (for reducing to one Regulation, with alterations and additions, certain Regulations respecting the partition of Estates paying Revenue to Government), Act XX. of 1836, and Act XI. of 1838, except in so far as the said Regulations and Acts repeal any Regulation or Act or any part of any Regulation or Act, and except as to the partition of any estate which shall be pending at the time of the passing of this Act, shall cease to have effect in the North-Western Provinces of the Presidency of Fort William in Bengal. Unless as hereinafter provided, the partition of any estate which shall be pending at the time of the passing of this Act shall be proceeded with and completed in the same manner as if this Act had not been passed.

II. Except as directed in the last preceding Section, all partitions of future partitions to be made under the provisions of this Act. Estates, which shall be ordered to be made by the Officers of Government after the passing of this Act, shall be made under the provisions of this Act, whatever may be the tenure of the estate ordered to be divided.

III. The following persons are entitled to the partition of estates, paying Revenue to Government, under this Act, namely:—

*Class 1.—Proprietors of estates in which all the sharers have a common right and interest in the whole of the estate, without any separate title to distinct lands forming part of the estate, and the rents of which, by whomsoever paid, are thrown into a common stock with all other profits arising from the estate, and, after deduction of expenses of management and payment of the public revenue assessed upon the estate, the balance is divided amongst the proprietors according to their several shares.*

*Class 2.—Proprietors of estates, whose interests consist of certain portions of the rents of the estate, and who pay their respective quotas of the public revenue assessed upon the whole estate either jointly or separately to Government.*

*Class 3.—Proprietors of estates, in which the whole of the lands forming the estate are divided and held in severalty by the different proprietors, but the entire estate is responsible for the amount of the public revenue assessed thereupon.*

*Class 4.—Proprietors of estates, in which part of the lands forming the estate are held by the proprietors in common, and part in severalty.*

*Class 5.—Proprietors of estates, in which some portion of the lands forming the estate is held in common, but the proprietors pay their respective quotas of the public revenue assessed upon the entire estate in proportion to their several shares of the estate, under engagements separately taken from them and entered in the Government rent-roll.*

**Class 6.**—Proprietors of specific lands forming part of an estate, but held in common as a separate property, such lands remaining liable with the body of the estate for the Government revenue assessed thereon.

IV. It shall not be lawful for any one or more of the proprietors of specific lands falling under Class 6 of the last preceding Section to obtain a separation of his or their shares of such lands until at the instance of the whole of the proprietors thereof, the lands have been separated from the estate and assessed in the manner prescribed by law with their proportion of the public revenue upon the entire estate.

V. If any one or more of the recorded proprietors of a joint undivided estate, whether held in common tenancy or otherwise, who may be entitled to partition under the provisions contained in Section III. of this Act, shall desire to have his or their shares of the estate separated, in order that he or they may hold separate possession of the same, such proprietor or proprietors shall make a written application for the purpose to the Collector of the District. Any two or more proprietors may apply to have their shares separated and to hold the same as a joint estate.

VI. The application shall be signed by the party or parties applying for the partition, and shall specify the nature of the tenure of the estate sought to be divided. The names of all the co-sharers in the estate, the nature and extent of their respective shares, so far as the same may be known to the applicant or applicants, or can be ascertained by him or them, and the mode of partition desired shall also be stated. If the application does not contain the particulars abovementioned, the Collector may reject it.

What particulars to be contained in the application.

Rejection of application by Collector, if particulars not contained.

VII. The Collector, on the receipt of an application for partition, shall, if the application be in order and not open to objection on the face of it, publish a Notification of the same at his Office and at some conspicuous place on the estate to which the application relates, and shall invite any party in possession, who may not have joined in the application and who may object to the partition applied for, to appear before him either in person or by a duly constituted Agent, on a day to be specified in the Notification, not being less than fifteen or more than thirty days from the date of the Notification, and state his objection. If the application for partition shall not have been made by all the recorded proprietors of the estate, notice of the application shall be served, in the manner usual in the District for serving notices of the Revenue Officers, on each of the recorded proprietors of the estate who shall not have joined in the application.

VIII. If any objection be made to the parti-

Refusal of application by Collector on objection taken or for reasons to be recorded.

tion by any party in possession within the time allowed, and the Collector, on a consideration of such objection, be of opinion that for any cause the partition applied for is not practicable at that particular time, or if, in the opinion of the Collector, there be any good and sufficient reason, not inconsistent with the provisions of this Act, why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

IX. If the objection raise any question of title or of proprietary right, which shall not appear to have been already determined by a Court of competent jurisdiction, the Collector may either decline to grant the application until the question in dispute shall have been determined by a competent Court, or he may proceed to inquire into the merits of the objection. In the latter case the Collector, after making the necessary inquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests in the actual possession of the party or parties applying for the partition, and any other party or parties who may be effected thereby. The procedure to be observed by the Collector in trying such cases shall be that laid down in Act VIII. of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*) for the trial of original suits.

X. All orders and decisions passed by the Collector under the last preceding Section, for declaring the rights of parties, shall be held to be decisions of a Court of Civil Judicature of first instance, and shall be open to appeal to the District or Sudder Court, according to the value of the claim, under the rules applicable to regular appeals to those Courts. Upon such appeal being made, the District or Sudder Court, as the case may be, may issue a precept to the Collector desiring him to stay the partition pending the decision of the appeal.

XI. From every decision passed under the last preceding Section by a District Court, a special appeal shall lie to the Sudder Court under the rules for the time being in force relating to special appeals to that Court.

XII. It shall not be competent to the Civil Court to entertain a suit or application for the partition of an estate, except on appeal from the decision of the Collector as above.

XIII. When the Collector, after disposing of the objections (if any) taken to the partition, shall order a partition to be made, he shall cause a Notification to be pub-

Special appeal to the Sudder Court from decisions of Zillah Court under preceding Section.

Civil Court not to entertain suits for partition except on appeal from decision of Collector as above.

Publication of Notification when Collector shall order a partition to be made.



lished in his own Office, in the District Court, and at some conspicuous place on the estate which is to be divided, intimating his intention to proceed with the partition after thirty days from the date of the Notification.

XIV. The partition shall be made by the Collector in whose District the estate is situate, or, if the estate be situate in two or more Districts, then by the Collector of any one of such Districts, who may be specially ordered by the Commissioner of the Division to superintend the partition.

XV. The expense of making the partition and the allowances of the establishment necessary for the measurement and survey of the lands, the preparation of papers, and any other charges, shall be fixed by the Collector. The amount shall be charged rateably to all the proprietors, according to the extent of their respective interests in the estate, unless for any special reason the Collector shall be of opinion that the amount should be otherwise distributed amongst the proprietors.

The amount shall be paid under such rules as may from time to time be laid down by the Board of Revenue with the sanction of the local Government, and, in default of payment, may be realized under the rules applicable to the recovery of arrears of rent or revenue.

XVI. At any stage of the proceedings after a partition shall have been ordered, if it shall appear from information which was not before the Collector at the time the partition was ordered or otherwise, that any reason, not inconsistent with the provisions of this Act, exists why the partition should not be proceeded with, it shall be competent to the Commissioner, on the report of the Collector, and subject to any orders that the Board of Revenue may pass in the case, to stay the partition and to order the proceedings to be quashed. The decision of the Revenue authorities under this Section shall not be open to revision by the Civil Court.

XVII. After the expiration of the period mentioned in the Notification referred to in Section XIII. of this Act, the Collector shall, if necessary, direct the Officer appointed to make the partition to cause a measurement of all the lands comprised in the estate to be made, and a rent-roll of the same to be prepared. The village papers which are required to be prepared and periodically deposited in the Office of the Collector under the provisions of Sections XII. and XIII., Regulation IX. 1833 to modify certain portions of Regulation VII. 1822 and Regulation IV. 1828; to provide for the more speedy and satisfactory decision of judicial questions cognizable by Officers of Revenue employed in making settlements under the above Regulations, for enforcing the production of the village accounts for the more extensive employment of Native Agency in the Revenue Department; and to declare the intent of Section V. Regulation VII. 1822, touching claims to Matikana) may be used for the purposes of this Act. Provided that any of the proprietors shall be permitted to file a rent-roll of the estate which shall be accepted if acknowledged to be correct by all the proprietors.

Papers to be filed by proprietors on requisition of Collector.

Order for partition may be stayed and proceedings quashed on discovery of objection.

XVIII. The Collector may examine the parties and their papers.

Examination of the parties and their papers. on solemn affirmation in regard to the papers produced before him whether by the Officer appointed to make the partition, the proprietors, or otherwise. He shall also allow any shareholder to examine the papers so produced and to take a copy of the same, and after such examination he shall hear any objections which any of the shareholders may make in respect to such papers. The Collector may direct any Deputy Collector or other Officer subordinate to him to examine the papers produced before him and to make a report upon the same.

XIX. The Collector on the completion of the inquiry allowed by the last preceding Section shall allow the parties the option of making a private partition of the estate and allotment of the public revenue amongst themselves within such time as he may fix, or, if the parties shall not consent to make a private partition of the estate, or shall fail to make such partition within the time fixed by the Collector, the Collector shall call upon them to state whether they are willing to refer the partition of the estate and the apportionment of the public revenue to an arbitrator or arbitrators to be appointed by them. The Collector may also offer the parties the option of referring any point arising in the course of a partition to arbitration. The partition and allotment of the public revenue made by the parties or by arbitrators appointed by them shall be subject to the confirmation of the Collector and the orders of the superior Revenue authorities.

Partition may be made by private agreement, or by arbitrators subject to confirmation by Collector, &c.

XX. If the parties consent to refer the partition of the estate and the allotment of the public revenue or any point arising in the course of the partition to arbitration, but they cannot agree amongst themselves as to the arbitrator or arbitrators to be appointed, the Collector may appoint two or more persons to be arbitrators in the case. If the arbitrators are equally divided in opinion the Collector shall act as umpire, and the partition made by the arbitrator or arbitrators with whom the Collector shall concur shall be the partition in the case. The same rule shall apply in respect of any point arising in the course of a partition which shall be referred to arbitration.

Appointment of arbitrators by Collector, if parties cannot agree.

In case of equality of votes, Collector to act as umpire.

XXI. If any person, on being appointed an arbitrator, shall refuse to act, or, after accepting the appointment, shall die or become incapable of acting, another person shall be appointed arbitrator in his stead, in the same manner in which the first person was appointed.

XXII. After the arbitrators shall have accepted the appointment, the Collector shall transmit the whole of the papers to them, and it shall be competent to the Collector to exercise towards the arbitrators the same powers and authority for securing their attendance and

Powers of Collector with regard to the arbitrators.

the due completion of their award, which he is competent to exercise towards witnesses summoned before him when acting judicially for the purpose of compelling them to attend and give evidence. The Collector shall also fix a time within which the arbitrator or arbitrators shall deliver the paper of partition. On sufficient cause shown, the Collector may extend such period.

**XXIII.** The arbitrators shall deliver a full and complete paper of partition, specifying the separate estates into which they propose that the estates shall be divided, the names of the parties to whom the several estates are proposed to be allotted, and the amount of public revenue to be assessed on each of such estates.

**XXIV.** The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount to be fixed by the Collector.

**XXV.** If the paper of partition be not delivered within the time fixed by the Collector, or within any further period to which the time may have been extended, the Collector may order that the partition shall be referred to another arbitrator or arbitrators to be chosen in the same manner and subject to the same rules as the first.

**XXVI.** If the partition of the estate cannot be made by the parties themselves or by arbitration under the foregoing rules, the Collector shall appoint an Officer to make the partition, and shall forward the whole of the papers to such Officer, and shall direct him to proceed to the estate and to make the partition within a time to be fixed by the Collector.

**XXVII.** The Officer appointed to make the partition shall issue a proclamation at the Mal-Cutcherry of the estate or other conspicuous place thereon, or at the village Chource or Choupal, requiring the several proprietors of the estate to attend upon him in person or by Agent during the time that the partition is being made.

**XXVIII.** The Collector may direct the Officers appointed to make the partition at the commencement of the revenue year current in the District, to attach the estate and to bring it under Khas management under the personal superintendence of such Officer. The collections of the estate, after defraying the expenses of management and any other expenses with which the estate is chargeable, shall be applied to the payment of the Government revenue, and the residue shall be divided amongst the proprietors in proportion to their respective shares at such periods as the Collector may see fit.

**XXIX.** If an arrear of public revenue shall accrue on an estate ordered to be divided, while the partition of the estate is being made, any one or more of the proprietors

may tender to the Collector his or their quota of the balance, and the Collector shall receive the same and credit the amount to the share or shares of such proprietor or proprietors. If a sale of any part of the estate shall ultimately become necessary for the liquidation of any part of such arrear which may remain due, only the share or shares of the proprietor or proprietors who shall not have contributed their quota of the balance shall be sold in the first instance, and the partition shall go on and be completed in the same manner as if no arrear of public revenue had accrued. The purchaser or purchasers of the share or shares sold shall be entitled to separate possession of the estate or estates which under the partition would have been allotted to the defaulting proprietor or proprietors. Provided always that in all cases of a partition the entire estate shall be considered responsible for the public revenue assessed upon it until the partition shall have been completed, and the several proprietors shall have been put into possession of the separate estates into which the estate may be ordered to be divided according as the same may be allotted to them.

**XXX.** If the Officer appointed to make the partition shall consider it necessary to assist him in making the same, to cause a detailed measurement, and map may be made, of all the lands comprised in the estate, or a map of the estate to be prepared, he shall exercise the same powers for making such measurement and maps as are vested in the Collector by any law for the time being in force.

**XXXI.** When some of the lands forming the estate are held in common, the Collector shall declare, by a proceeding to be held under the provisions of this Act, the principle and rule under which, in accordance with the village custom, such lands shall be divided; and he shall cause the partition of such lands to be made in conformity to the provisions of this Act. The portion of the common land falling by such partition to the shares of the several co-sharers shall be added to the lands held by them in severalty, and the several estates thus formed shall be assessed and declared separate estates. Provided that it shall be in the discretion of the Collector to cause any transfer of lands agreed to by the parties, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

**XXXII.** The Collector may refuse to declare any lands held in severalty and not liable to redistribution according to special village custom a separate mahal, if the lands be so intermixed with other properties as to render the formation of a compact estate impossible, and if the parties affected by the partition decline to permit of the transfers necessary for curing such defect.

**XXXIII.** Where there may be no lands held in common, the lands in severalty, held by the applicant for partition, or assigned to him by the Collector under the provisions of this Act, shall be assessed and declared a separate estate. Provided that it shall be in the discretion of the Collector to cause any transfer of lands agreed to by the parties, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

**XXXIV.** Where there are no lands held in common, lands in severalty may be declared a separate estate.

**XXXV.** Where there are no lands held in common, lands in severalty may be declared a separate estate.

**XXXVI.** Where there are no lands held in common, lands in severalty may be declared a separate estate.

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**XXXIX.** Where there are no lands held in common, lands in severalty may be declared a separate estate.

**XL.** Where there are no lands held in common, lands in severalty may be declared a separate estate.

**XLI.** Where there are no lands held in common, lands in severalty may be declared a separate estate.

**XLII.** Where there are no lands held in common, lands in severalty may be declared a separate estate.

discretion of the Collector to cause any transfer of lands agreed to, or directed by his order under this and the foregoing Section, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

XXXIV. If any sharer, after the issue of the proclamation mentioned in Section XXVII. of this Act, shall fail to attend the Officer appointed to make the partition during the time the partition is being made, no objection taken by such sharer to the partition, shall be heard, unless such sharer can show that his absence was not wilful, or unless for any good and sufficient reason it shall appear just and proper to allow him to be heard against the partition.

XXXV. If, at any time after an order shall have been passed for making a partition, it shall appear, either from the report of the Officer appointed to make the partition, or from any other information, that the parties are not desirous that the partition should proceed, it shall be competent to the Collector, with the sanction of the Commissioner, to stop the partition, and to strike the case off the file, recovering from the sharers all costs and expenses incurred up to that time.

XXXVI. It shall be the duty of the Officer appointed to make the partition, so far as circumstances will admit, to take care that the estates into which the estate is divided shall consist of contiguous mehals or villages. Provided that if the estate ordered to be divided shall not consist of a sufficient number of villages to admit of one or more entire village or villages being included in each estate, the partition of the village or villages of which the estate shall consist shall be made so as to render each estate as compact as possible.

XXXVII. The public revenue shall be assessed on each estate into which the property shall be ordered to be divided, in conformity to the rules contained in any law for the time being in force.

XXXVIII. In selecting the villages or lands to be included in each separate estate the advantages or disadvantages arising from situation, the vicinity of roads, railways, navigable rivers, or canals, the nature and quality of the soil and produce, the quantity of cultivable and uncultivable waste land, the depth at which water may be procurable, the number of tanks and wells, the state of the embankments and water-courses, and any other local circumstances affecting the present or likely to influence the future value of the lands, shall be duly considered, and the villages or lands to be included in each estate shall be fairly and impartially selected. So far as may be practicable and consistent with compactness of partition, lands held in severalty shall be left in the possession of the parties holding the same.

XXXIX. If a dwelling-house belonging to one sharer shall be situate on any land or in any village which it may be necessary to include in the share of another sharer, the proprietor of such house shall be at liberty to retain it, with the offices, buildings, and grounds immediately attached thereto, upon agreeing to pay to the proprietor of the land or village in which the same is situate an equitable rent for the ground. The limits of the ground and the rent to be paid for it shall be fixed by the Officer making the partition, and shall be stated in the paper of partition.

XL. Tanks, wells, water-courses, and embankments shall be considered as attached to the land for the benefit of which they were originally made. In cases in which, from the extent, situation, or construction of such works, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates into which the estate may be divided, the paper of partition shall specify, as far as circumstances may admit, the extent to which the proprietors of each of such estates may make use of the same and of the proportion of the charges for repairs to be borne by them respectively.

XLI. Places of worship which shall have been held in common previous to the partition of an estate shall continue to be so held, unless the parties shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Officer making the partition shall enter a note of the agreement in the paper of partition.

XLII. The Officer appointed to make the partition of an estate, shall exercise in such estate all the powers described in Act X of 1859 (to amend the law relating to the recovery of Rent in the Presidency of Bengal), and determine all suits and differences triable under that law between landlord and tenant; and any cases relating to the estate which may be depending before any Collector or Deputy Collector during the time the partition is in progress may be transferred to such Officer for disposal.

XLIII. When the Officer appointed to make the partition shall have completed the partition and allotted the public Revenue on each of the estates into which it is proposed that the estate shall be divided, he shall prepare and submit to the Collector a paper of partition showing how he proposes to divide the estate and to apportion the public revenue. This paper shall specify the names of the mehals or villages included in each separate estate, the gross produce of each mahal and village for the three years immediately preceding the year in which the partition is ordered to be made, the names of the parties to whom the several estates are allotted, and the proportion of the public revenue proposed to be assessed on each of such estates, with any remarks regarding the mode observed in selecting the lands included in each estate, and the accounts

upon which the apportionment of the public revenue assessed thereon shall have been based, as may be necessary for the information of the Collector. The paper shall further contain a detail of the adjustments, if any, which shall have been made in respect to any tanks, places of worship, or other matters, as specified in the preceding Sections. The Officer appointed to

make the partition shall also submit a map showing the several estates into which the estate is proposed to be divided.

**XLIV.** The Collector shall take into consideration the partition proposed by the Officer appointed to make the partition, and, after calling for any further information which he shall deem necessary, and disposing of any objections which shall be taken to the partition and allotment of public revenue as proposed by such Officer, he shall submit a report to the Commissioner together with such of the papers of the case as shall appear to him essential. He shall also forward a list of the papers not sent. The Collector shall record his opinion whether the proposed partition should be confirmed or modified, and in the latter case he shall state the nature of the modification which in his opinion should be made.

**XLV.** The Commissioner shall either uphold the partition proposed by the Collector or modify the same. The decision of the Commissioner shall not be open to revision by the Civil Court, but shall be subject to appeal to the Board of Revenue. The Commissioner, before coming to a decision, may call for any additional papers, or direct any further inquiry that he shall consider necessary.

**XLVI.** On the receipt of the order of the Commissioner, or, if an appeal be preferred to the Board of Revenue, then of the order passed on the appeal, the Collector shall cause the same to be published in his Office and in some conspicuous place in each of the estates separately constituted by such order. The Collector shall at the same time specify the date from which each of the estates shall be held to be a separate estate, and shall enter the several estates into which the estate has been divided in the Register of Estates paying revenue to Government. The Collector shall give the several proprietors possession of the estates allotted to them, and, if necessary, may avail himself of the assistance of the Magistrate in giving possession.

**XLVII.** In order to prevent collusion or error in the distribution of the public revenue assessed upon an estate which may be ordered to be divided into two or more distinct estates, if it shall be proved to the satisfaction of the Government within twelve years from and after the date of confirmation of the partition, that the public revenue was fraudulently or erroneously apportioned at the time of the partition, the Government shall have power

to order a new allotment of the public revenue upon the several estates into which such estate may have been divided conformably to the principles prescribed in this Act, on an estimate of the gross produce of each estate at the time of the partition, to be made agreeably to the best evidence and information which may be procurable respecting the same. Such order shall not be liable to be contested in the Civil Court. The parties whose estates may be declared to have been under-assessed shall be required to pay to the proprietors of the estates which shall have been over-assessed the sum in which they shall be found to have been over-assessed, and in default of payment the amount shall be leviable by the process prescribed for the recovery of arrears of rent or revenue.

**XLVIII.** If, during the time an estate is under attachment with a view to the partition of the same, any party shall neglect or omit to claim by a suit any right or title he may then have to the ownership or occupancy at a fixed rent of any land situated in such estate or any other interest therein, such neglect or omission shall be a valid plea in bar of any suit relating to such right, title, or interest, unless the party can satisfy the Court that there was good and sufficient reason for his neglect or omission to institute the suit at or before such time. Provided that this Section shall not bar any action for arrears of rent or the enhancement or alteration of rent.

**XLIX.** Whenever any Court of Civil Judicature shall pass a decree awarding to any person the proprietary right in a portion of an estate paying revenue to Government, whether the portion so awarded shall consist of a fractional share in the whole or a part of the estate, or of specific lands, the decree-holder may apply to the Collector for a partition of the estate; and on the receipt of such application, the Collector shall proceed thereupon under the provisions of this Act, which are hereby declared applicable to such applications.

**L.** If two or more estates, which may have originally formed portions of the same estate, shall come into the possession of one person, such person shall be entitled to have such estates united and to hold them as a single estate; or if two or more persons shall have separate possession of their respective shares of an estate which was originally held as a joint undivided estate, such persons may apply to have their shares united and to hold them as one estate.

**LI.** The application for the union of the estates or of the shares of the estate, as the case may be, shall be made in writing to the Collector of the District in which the estate or shares of the estate are situate, and the Collector (provided he see no objection) shall comply with the application and cause the necessary entries to be made in the records of his Office, reporting the case to the superior Revenue Authorities.

Application to be in writing, and Collector to comply with it if he sees no objection.

Application for partition after decree of Court awarding proprietary right in a portion of an estate.

LII. The provisions of this Act, so far as they relate to the completion and confirmation or to the staying or quashing of the partition of an estate, may be applied at the discretion of the Collector in all cases of the partition of estates pending at the time of the passing of this Act.

LIII. The provisions of this Act may, in so far as the same are applicable, be applied by order of the local Government to the partition of any estate held free from the payment of Government revenue.

LIV. In the performance of his duties under this Act, the Collector shall be subject to the general direction and control of the Commissioner and the Board of Revenue.

LIV. All orders passed by a Collector under this Act, unless otherwise provided, not being orders or decisions within the meaning of Section X., shall be open to revision by the superior Revenue Authorities.

LVI. The powers vested in a Collector by this Act may be exercised by a Deputy Collector or other Officer vested with the full powers of a Collector, subject to the control of the Collector of the District.

LVII. In carrying out the provisions of this Act the Collector shall exercise the powers described in Regulation II. 1819, Regulation VII. 1822, and Regulations IX. and XIV. 1825. Any Officer appointed to make a partition under this Act may also exercise the powers described in the foregoing Regulations, so far as the same may be applicable.

LVIII. If, in any case in which a Collector or other Officer shall exercise jurisdiction under this Act, any person is guilty of the offence of giving or fabricating false evidence or of forgery as defined in the Indian Penal Code or of abetting any of those offences, such Collector or other Officer shall have the same powers in respect of such offence and of the person charged with committing the same as are vested by the Code of Criminal Procedure in a Civil Court when any such offence is committed before or against such Court, or when a document charged to be a forgery is given in evidence in any proceedings in such Court.

LIX. In the execution of the duties vested in the Board of Revenue by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the local Government, to whom they shall apply in all cases which

shall appear to the Board not to have been provided for by the existing law.

LX. Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

LXI. This Act shall extend only to such parts of the North-Western Territory of Bengal as are subject to the general Regulations of that Presidency; but the Act may be extended by order of the local Government, either wholly or in part, to any Non-Regulation Province under such Government.

#### STATEMENT OF OBJECTS AND REASONS.

The present law under which the partition of estates, held in joint tenancy, is made by the Revenue Officers of Government in the Presidency of Fort William in Bengal, has been found defective in respect to a very numerous class of estates in the North-Western Provinces of that Presidency, that is to say, estates the property of two or more persons the lands comprised in which are held partly in severalty and partly in common. The wording of the present law\* precludes the application of its provisions to estates of this description, and even the lands in such estates which are held in common are considered not to be divisible under it.

But a more serious objection to the existing law is to be found in the extremely dilatory character of the procedure which it lays down for the partition of a joint undivided estate. The nature of this procedure is such that it admits of constant impediments being thrown in the way of a partition by any person who has an object or an interest in obstructing or retarding the partition, and the consequence is, in the great majority of cases, almost intolerable delay.

The objects chiefly aimed at in the present Bill are the removal of the defect in the present law, already noticed, and the introduction of a more simple and summary procedure which shall admit of the partition of an estate held in common tenancy being ordinarily effected within a comparatively short period, instead of being as is not unfrequently the case at present, the work of several years, if not of a long life.

It is a question whether the partition of very small estates should be allowed, the objection to the partition of such estates being the difficulty experienced in collecting the Revenue of Government from a number of small properties. But a Regulation was passed upwards of half a century ago (Regulation V. 1810) which seems to have recognised the right of every co-sharer in a joint undivided estate, whatever its extent, to have his share of the estate separated from the rest and to hold the same in severalty; and the right being conceded, it is only just and proper that the law should afford means for the enforcement of the right without difficulty, with reasonable expedition and at a moderate cost. It is hoped that the present Bill will provide such means.

A table showing the arrangement and subject of the Sections of which the Bill consists is affixed to the Bill. To this table I beg to refer for the detailed provisions of the Bill.

It will be seen that Section LIII. proposes to allow the provisions of the Bill to be applied, at the discretion of the local Government, to the partition of estates held free from the payment of Government revenue. The present law is restricted in its application to estates paying revenue to Government. The extension of the law, under certain circumstances in the manner proposed to rent-free estates, is considered desirable in reference to some of the grants of estates or share of estates which were made for services rendered during the eventful years of 1857 and 1858.

The Bill, as now framed, has been seen by the Members of the Sudder Board of Revenue at Allahabad, and is approved of by them. I believe I may say it has also the approval of the Honorable the Lieutenant-Governor of the North-Western Provinces, at whose instance the Bill is brought in.

In preparing the Bill, I received great assistance from Baboo Prosunno Coomar Tagore, the learned Clerk Assistant of the late Legislative Council.

The Bill, as it was originally drawn by me, was intended to apply to all the Regulation Districts of the Presidency of Fort William in Bengal; but on hearing that a separate Legislative Council was to be constituted for the Lower Provinces of Bengal, I at once determined to restrict the application of the Bill to the North-Western Provinces of that Presidency, and the Bill is now framed accordingly. I believe I have sufficient ground for saying that the alterations which the Bill proposes to make in the existing law as regards the North-Western Provinces are, for the most part, equally required for the Lower Provinces of Bengal; but the introduction of a Bill for Bengal obviously falls more properly within the province of the local Legislature than of the Council of the Governor General of India.

(Signed) H. B. HARRINGTON.

The 29th January 1862.

M. WYLLIE,

Depy. Secy. to the Govt. of India,  
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1862, and was referred to a Select Committee with instructions to make their Report thereon in one month:—

*A Bill for extending certain provisions of Acts XIV. and XXV. of 1856 to the Town and Suburbs of Rangoon, and to the Towns of Moulmein, Tavoy, and Mergui, and for appointing Municipal Commissioners, and for levying rates and taxes in the said Towns.*

Whereas it is expedient to provide for the  
Preamble. conservancy and improvement of the Towns and Suburbs of Rangoon, and the Towns of Moulmein, Tavoy, and Mergui, for the appointment of Commissioners, and for assessing and levying rates and taxes for municipal purposes in the said Towns; it is enacted as follows:—

I. The provisions of Act XIV. of 1856, entitled "An Act for the conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," are hereby extended to the Town and Suburbs of Rangoon, and to the Towns of Moulmein, Tavoy, and Mergui, and the word "Town" in Section II. of the said Act is hereby declared to include all places within the limits of the said Town and Suburbs of Rangoon, and the said Town, of Moulmein, Tavoy, and Mergui, as those limits shall be, from time to time, determined and declared by the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces respectively; provided that the interpretation of the word "Owner" in Section II. of the said Act shall not be in force in the said Town of Rangoon, and that the said word shall mean the registered owner of the land or premises in connection with which the word is used.

Proviso.

II. Act XXV. of 1856, entitled "An Act to incorporate the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca" is incorporated with this Act; and in construing the said Act as incorporated with this Act, the expression "the special Act" shall mean this Act, the word "Town" shall include all places within the limits of the Town and Suburbs of Rangoon, and of the Towns of Moulmein, Tavoy, and Mergui, as those limits shall, from time to time, be determined and declared by the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces respectively, the expression "the Commissioners" shall mean the Municipal Commissioners appointed by this Act, and the expression "the local Government" shall mean the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces respectively. Provided that Sections I. II. III. IV. V. VI. VII. VIII. IX. X. XI. and XII. of the said Act XXV. of 1856 shall not have effect in the limits of the said Town and Suburbs of Rangoon, and that the appeals referred to in Sections XVII. XVIII. and XIX. of the said Act shall, in the said Town and Suburbs of Rangoon, and in the said Towns of Moulmein, Tavoy, and Mergui, be heard and determined by two Magistrates.

Act XXV. of 1856 incorporated.

Construction.

III. At each of the said Towns of Rangoon, Moulmein, Tavoy, and Mergui, there shall be five Commissioners for the purpose of this Act, and for the conservancy and improvement of the said Towns, who shall be called respectively the Municipal Commissioners of Rangoon, the Municipal Commissioners of Moulmein, the Municipal Commissioners of Tavoy, and the Municipal Commissioners of Mergui, and who shall by such name be a body corporate and have perpetual succession and a common seal and by such name shall sue and be sued.

Proviso.

IV. V. VI. VII. VIII. IX. X. XI. and XII. of the said Act XXV. of 1856 shall not have effect in the limits of the said Town and Suburbs of Rangoon, and that the appeals referred to in Sections XVII. XVIII. and XIX. of the said Act shall, in the said Town and Suburbs of Rangoon, and in the said Towns of Moulmein, Tavoy, and Mergui, be heard and determined by two Magistrates.

Number of Commissioners.

Their incorporation.

IV. At the said Town of Rangoon the Deputy Commissioner and the Appointment of Commissioners in Rangoon. Town Magistrates shall be Municipal Commissioners, and three rate-payers shall be selected and nominated as Commissioners by the Commissioner of Pegu, and shall enter upon their office on the

Tenure of office.

first day of January after their nomination, and shall hold their office for one year, and be eligible for re-nomination. The Commissioner of Pegu shall nominate one of the

President.

said five Commissioners to be President of the Board of Commissioners.

V. At the said Towns of Moulmein, Tavoy, and

Appointment of Commissioners at Moulmein, Tavoy, and Mergui.

Mergui, the Deputy Commissioner or other Chief Civil authority of the District in which the Town

is situated, shall be one of the Municipal Commissioners, and four rate-payers, of whom one at least shall be an Officer of Government, shall be selected and nominated as Commissioners by the Commissioner of the Tenasserim and Martaban

Tenure of office.

Provinces, and shall enter upon their office on the first day of January after their nomination, and shall hold their office for one year, and be eligible for re-nomination. The Commissioner of the Tenasserim and Martaban Provinces shall nominate one of the

President.

Municipal Commissioners in each of the said Towns of Moulmein, Tavoy, and Mergui to be President of the Board of Commissioners.

VI. The Municipal Commissioners appointed

Meetings of Commissioners.

under this Act shall meet once in every week at least.

The attendance of three Commissioners shall be necessary to constitute a meeting. The President, or in his absence the Chairman, chosen by the Commissioners present, shall have a second or casting vote on all questions on which the Commissioners present are equally divided in opinion.

VII. All Town-lots as originally granted, all

Assessment on Town-lots &c. in Rangoon.

dwelling houses situated on Suburban allotments and in yards, within the

limits of the Town and Suburbs of Rangoon, as those limits shall be from time to time determined and declared by the Commissioner of Pegu, shall be liable to a monthly rate as specified in the annexed Schedule A, which rate shall be payable quarterly by the registered owner of the same. Whenever the registered owner of the lot shall fail to pay the amount of such rate on demand, the occupant or occupants of the whole or any portion of the tenement or tenements on the lot shall be jointly and severally chargeable with the same, as provided in Section XIV. of the Suburban allotment rules.

VIII. Houses, buildings, and lands in the said

Rate on houses, buildings, and lands in Moulmein, Tavoy, and Mergui.

Towns of Moulmein, Tavoy, and Mergui, shall be liable to an annual rate, to be fixed from

time to time by the Commissioner of the Tenasserim and Martaban Provinces, but in no case exceeding seven and a-half

per centum of the annual value of the houses, buildings, and lands sub-

Publication of rate and mode of payment.

ject to such rate. The rate fixed by the Commissioner shall, from time to time be publicly notified, and shall be payable quarterly by the owners of the said houses, buildings, and lands.

IX. Houses and buildings used exclusively as

Exemption of certain public buildings.

places of public worship, or for Charitable purposes, burial-grounds, hospitals, Sepoys' lines, and all buildings and lands the property of Government, shall not be liable to the rates specified in the last two preceding Sections.

X. The Municipal Commissioners in Moul-

Power to exempt small holdings in Moulmein, Tavoy, and Mergui.

mein, Tavoy, and Mergui, may exempt from assessment any house, building, or land, the annual value whereof is less than twelve Rupees, if the same be the sole rateable property of the owner.

XI. When any house or building in the Towns

Remission on account of vacant houses in Moulmein, Tavoy, and Mergui.

of Moulmein, Tavoy, and Mergui, shall have been vacant for sixty consecutive days during any

year, the Municipal Commissioners shall remit so much of the rate for that year as may be proportionate to the number of days the said house or building may have remained unoccupied, provided that the owner of the said house or building, or his agent, shall have given notice in writing of the vacancy thereof to the said Commissioners, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

XII. A Tax shall be imposed upon all carriages,

Tax on vehicles and animals.

waggons, carts, horses, ponies, mules, and elephants kept within the said

Town and Suburbs of Rangoon and the said Towns of Moulmein, Tavoy, and Mergui, and upon all boats plying in

And on boats in the Port of Moulmein.

the Port of Moulmein, at the rates specified in the annexed Schedule B, and

shall be paid quarterly by the owners or parties in charge of the same.

XIII. Provided that the several vehicles and

Exemption of certain vehicles and animals.

animals hereinafter mentioned shall be exempt from the tax, namely:—

1. Gun Carriages, and Ordnance and Commissariat Carts and Waggons.

2. Horses and ponies belonging to Officers doing regimental duty, at the rate of one horse or pony for each Officer.

3. Conservancy carts, horses, ponies, mules, and elephants, belonging to the Municipal Commissioners.

4. Vehicles and animals kept for sale and not used for any other purpose, if kept by *bona fide* dealers in such vehicles and animals.

5. Waggons and carts kept within estates and plantations and not used upon the public roads, having the name of the owner painted on some conspicuous part thereof in letters not less than two inches in length, and registered at the Office of the Commissioners.

6. All animals kept within estates or plantations and not used upon the public roads.

7. Ponies under eleven hands, and childrens' carriages, the wheels of which do not exceed twenty-four inches in diameter.

XIV. Every person who may have owned or had charge of any vehicle or animal kept within any of the said Towns for a period exceeding thirty days in any quarter shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided that when any person owning or having charge of any vehicle or animal shall transfer the same to another person, he shall give notice thereof to the Commissioners within one week from the date of such transfer, or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such vehicle or animal shall not have exceeded thirty days.

Transfer of ownership. What will constitute liability to the tax for a whole quarter.

Remission of tax on carriages under repair. Repair at a carriage maker's for more than thirty days in any quarter, the Commissioners shall remit so much of the tax for that quarter as may be proportionate to the number of days the said carriage may have been under repair.

XV. When a carriage shall have been under repair at a carriage maker's for more than thirty days in any quarter, the Commissioners shall remit so much of the tax for that quarter as may be proportionate to the number of days the said carriage may have been under repair.

XVI. The Municipal Commissioners, at their discretion, may compound for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the taxes specified in the Schedule.

XVII. Every carriage kept and let out for hire, and every waggon and cart kept or used within the said Suburbs or Town of Rangoon, or within any of the said Towns of Moulmein, Tavoy, or Mergui, and every boat plying for cargo or passengers in the port of Moulmein, shall be registered in the Office of the Municipal Commissioners with the name and residence of the owner, and shall bear the number of such registration in such manner as the said Commissioners shall direct. The registrations shall be made and the numbers assigned annually upon such day in each year as the Commissioners shall appoint. Any person becoming possessed within the year of any such carriage, waggon, cart, or boat, which has not been registered, may obtain registration on application to the said Commissioners at their Office. When any registered carriage, waggon, cart, or boat is transferred within the year it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

XVIII. Whoever keeps within the said Suburbs or Town of Rangoon, or within any of the said Towns of Moulmein, Penalty for not registering.

Tavoy, or Mergui, or within the Port of Moulmein any such carriage, waggon, cart, or boat, required to be registered by the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding ten Rupees; and the Municipal Commissioners or any Officer duly authorised by them may seize or cause to be seized any such carriage, waggon, cart, or boat (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the horses, bullocks, or other animals drawing the same, and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the said Commissioners or other Officer as aforesaid, to seize and detain the same. If the carriage, other vehicle, or boat as aforesaid, be not claimed, or if the fine be not paid within ten days, such carriage, vehicle, or boat, together with the animals seized with it, may be sold by order of the Magistrate, and the proceeds applied to the payment of the fine, and all costs and charges incurred on account of the detention and sale, and the surplus, if any, if not claimed by the owner within a further period of twenty days, shall be paid to the Municipal Commissioners.

XIX. All monies received by the Municipal Commissioners by virtue of this Act, or of Act XIV. of 1856, or of any other Act of the said Town and Suburbs of Rangoon, or of the said Towns of Moulmein, Tavoy, or Mergui, shall form a fund which shall be called the "Municipal Fund" of the Town at which the same shall have been so received; the Municipal Fund of each Town shall be under the direction, management, and control of the Municipal Commissioners of such Town, who shall in the first instance appropriate such sum as may be declared by the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces respectively to be necessary for the payment and maintenance of the Police Force in each of the said Towns, and for the payment of the Office establishments of the Magistrate and Commissioner of Police (but not including the salary of any such Magistrate or Commissioner), such sum to be paid at the times and in the manner which the Commissioner of Pegu and the Commissioner of the Tenasserim and Martaban Provinces may respectively direct; and shall apply the residue to the purposes of this Act, and the Incorporated Act, and of Act XIV. of 1856.

XX. All fines and penalties imposed under this Act, and all fees received under the operation of this Act, and all tolls received at any public ferry within the limits of the said Town and Suburbs of Rangoon, or of the said Towns of Moulmein, Tavoy, or Mergui, or of the Port of Moulmein, shall be paid to the Municipal Commissioners of the Town at which the same shall have been imposed or received, and shall be carried to the credit of the Municipal Fund of such Town.

XXI. This Act shall commence and take effect on and after the day of 1862.



## SCHEDULE A.

	Rs.	as.	p.
1st Class lots ..	..	6	8 0
2nd Class lots ..	..	3	4 0
3rd Class lots ..	..	1	2 0
4th Class lots ..	..	0	14 0
5th Class lots ..	..	0	10 0

## SCHEDULE B.

	Rs.	as.	p.
For every four-wheeled carriage on springs ..	24	0	0 a year
For every two-wheeled carriage on springs ..	18	0	0 "
For every waggon drawn by man or beast ..	16	0	0 "
For every cart drawn by cattle ..	12	0	0 "
For every cart drawn by man ..	8	0	0 "
For every horse, pony, or mule ..	4	0	0 "
For every elephant ..	20	0	0 "
For every boat plying for passengers or cargo ..	6	0	0 "

## STATEMENT OF OBJECTS AND REASONS.

This Bill was prepared and brought into the late Legislative Council at the request of the Government of India, for the purpose of extending to Rangoon, Moulmein, Tavoy, and Mergui, the provisions of Municipal Law which now prevail in the Presidency Towns and the Straits' Settlement.

Some slight departures from the existing Law will be found in the Bill, but they are only such as the peculiar circumstances of the Towns, which it is now proposed to bring under the Municipal Acts, have called for.

Since this Bill was originally published for general information, petitions on the subject of it have been received from the inhabitants of the Towns to which it refers. These petitions will be laid before any Select Committee that may be nominated to report on this Bill.

(Signed) H. FORBES.

The 22nd January 1862.

M. WYLIE,

Depty. Secy. to the Govt. of India,  
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March 1862, and was referred to a Select Committee, who will make a report thereon after the 8th of June next:—

*A Bill to amend Chapter XII. of the Indian Penal Code, and to provide for certain offences against the Coin.*

Whereas it is expedient to amend Chapter XII. of the Indian Penal Code, and to provide for certain offences against the Coin; It is enacted as follows:—

I. The following Sections shall be added to the GOVT. INDIA BILLS—55

Addition of Sections 254a and 254b to Chapter XII. of the Penal Code.

Indian Penal Code, and shall be read and taken as part of Chapter XII. thereof, and shall be numbered as Sections 254a and 254b of the said Code:—

254a. Whoever shall, without lawful authority

Possession of Gold and Silver clippings or filings or Gold and Silver in bullion, solution, or otherwise, produced by impairing the Coin, with the knowledge that it was so produced.

or excuse (the proof whereof shall lie on the person accused), have in his possession or custody any filings or clippings or any Gold or Silver in bullion, dust, solution, or

otherwise, which shall have been produced by impairing, diminishing, or lightening any Gold or Silver Coin in use or commonly received as money in British India, whether a legal tender or not, having known at the time when he became possessed thereof that the same was produced or obtained by impairing, diminishing, or lightening any Coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the Coin impaired, diminished, or lightened be the Queen's Coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

254b. Whoever, without lawful authority or

Possession, without lawful authority or excuse, of any greater number than five pieces of counterfeit Coin, or of Coin diminished in weight otherwise than by lawful wearing.

excuse (the proof whereof shall lie on the person accused), shall have in his possession or custody any greater number than five pieces of counterfeit Coin, or of Coin diminished in weight otherwise

than by lawful wear, shall be punishable with fine which may extend to forty Rupees, and shall not be less than ten Rupees, for every such piece of Coin which shall be found in the possession or custody of such person, besides forfeiting such Coin.

II. In any proceedings or judgments under the said Indian Penal Code.

The above Sections how to be described in proceedings or judgment.

or under the Code of Criminal Procedure, it shall be sufficient to describe the said Sections as Sections 254a and 254b of the Indian Penal Code.

III. Any person, whether an European British

Punishment of European British subjects.

subject or not, who shall be guilty of the offence described in the said

Section 254b of the Indian Penal Code as hereinbefore set forth, shall be punishable for such offence by any Magistrate of Police in any of the Presidency Towns of Calcutta, Madras, or Bombay, or by any Magistrate, Joint Magistrate, or Subordinate Magistrate or Officer lawfully exercising any of the powers of a Magistrate, within whose jurisdiction the Coin or the person charged may be found.

(2.) Provided that in such case it shall not be competent to a Subordinate Magistrate of the

2nd class to impose a fine exceeding 100 Rupees, or to a Subordinate Magistrate of the 1st class to impose a fine exceeding 500 Rupees. But it shall

Proviso.

be competent to the Magistrate, or Joint Magistrate of a District, or to any Officer authorised to exercise the powers of a Magistrate, to impose a fine to the full extent authorised by the said Section 254b.

(3.) Any person hereby punishable by a Magistrate of Police, shall be punishable by summary conviction according to the provisions of Act XIII. of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca) and Act XLVIII. of 1860 (to amend Act XIII. of 1856).

IV. The offences specified in the said Sections hereinbefore numbered 254a and 254b, when committed or tried in any place in which the Code of Criminal Procedure is in operation, shall be subject to all the provisions in the said Code of Criminal Procedure contained, except as in Section III. of this Act specified.

V. The Schedule annexed to this Act shall be added to, and shall be read as part of, the Schedule to the Code of Criminal Procedure.

VI. And whereas the provisions of the Indian Penal Code do not extend to the Settlement of Prince of Wales' Island, Singapore, and Malacca, and it is necessary to make provision for the punishment of the offences specified in the Sections mentioned (Sections 254a and 254b) respectively, when committed within the said Settlement; It is enacted as follows:—

Whoever shall, within the Settlement of Prince of Wales' Island, Singapore, and Malacca, commit any offence specified in the Section hereinbefore numbered 254a, shall, on conviction, be liable to imprisonment with hard labour for a term not exceeding three years and to fine; and if the Coin impaired, diminished, or lightened, be a Queen's Coin (that is to say, a Coin stamped or issued by authority of the Queen, or of the Government of India, or of the Government of any Presidency, or of any Government in the Queen's Dominions), shall be liable to imprisonment with hard labour for a term not exceeding five years and to fine.

VII. Whoever shall, within the Settlement of Prince of Wales' Island, Singapore, and Malacca, commit any offence specified in the Section hereinbefore numbered 254b, shall, on conviction thereof before a Magistrate of Police or a Justice of the Peace of the said Settlement, besides forfeiting the said Coin, be liable to a penalty not exceeding forty Rupees, and not less than ten Rupees, for every piece of Coin of the description mentioned in that Section which shall be found in the possession or custody of such person.

VIII. In case any penalty imposed in the last preceding Section shall not be forthwith paid, it shall be lawful for such Magistrate or Justice of the Peace to commit the offender to gaol, there to be kept to hard labour for the space of three months, or until such penalty shall be sooner paid.

1.	Section.	254a	254b
2.	Offence.	Possession of Gold and Silver clippings or filings, or Gold or Silver in bullion, solution, or otherwise produced by im- pairing the Coin, with the knowledge that it was so produced.	Possession without lawful authority or excuse of any greater number than five pieces of counterfeit Coin, or of Coin diminished in weight otherwise than by lawful wearing.
3.	Whether the Police may arrest without Warrant or not.	May arrest without Warrant.	Shall not arrest without Warrant.
4.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Warrant.	Summons.
5.	Whether bailable or not.	Not bailable.	Bailable.
6.	Punishment under the Indian Penal Code.	Imprisonment of either description for three years, or fine, or both.	Fine.
7.	By what Court triable.	Court of Session.	Any Magistrate.

#### STATEMENT OF OBJECTS AND REASONS.

This Bill provides for two classes of offences against the Coin for which no provision is made by the Penal Code, but which are punishable in England under the English Consolidating Act, and for which the experience of those conversant with the subject in this country, as well as my own so far as it goes, leads me to think that a punishment should be provided here.

The first is the offence of unlawfully having in possession gold or silver filings or clippings, or

gold or silver in solution, bullion, or otherwise, produced by diminishing or lightening genuine Coin, with the knowledge that such gold or silver was so produced.

The Penal Code contains provisions dealing with the analogous case of unlawful possession of coining instruments used as dies, &c., and it was possibly thought that the possession of the proceeds of Coin illegally impaired, would be evidence of the offence of having impaired the Coin, or of having abetted such offence, and consequently that it was not necessary to treat it as a substantive offence. Cases, however, may arise in which no moral doubt can exist of the guilt of the person found in possession of such filings or proceeds of Coin, and yet where it might be impossible to convict of any of the offences specified in the Code; and the same reasons which have long existed in England for making the possession with guilty knowledge a substantive offence exist also, perhaps still more strongly, in India. Where there is reason to suppose that the actual lightening of the Coin has been effected by one man who has brought the proceeds in shape of filings or solution to another for sale or deposit, the possession, with guilty knowledge by the defendant, is analogous in regard to the original offence against the Coin to that of the receiver of stolen goods in regard to the original theft. Both are equally principals in crime, and the receiver is treated as a substantive offender, being generally thought a far more dangerous culprit than the man who committed the original offence.

This offence is punishable by the present Bill with imprisonment for three years, or, when the Coin defaced is a Queen's Coin, the offender is, in accordance with the principle of the Penal Code, visited with a heavier punishment extending to five years.

The second class of cases provided for by the present Bill is that of mere possession, without lawful authority or excuse, of more than a certain number of pieces of counterfeit Coin, or Coin unlawfully altered or diminished, which is rendered punishable on summary conviction before a Magistrate by fine not exceeding forty Rupees nor less than ten Rupees for each Coin, besides forfeiture of the Coin. A similar provision is still in force in the Presidency Towns, and upon charges against European British subjects throughout India, in regard to counterfeit Coin, under the 75th Section of the 9 Geo. 4. c. 74, and has been found extremely useful in practice. The punishment being that of fine only, the burden of proving the lawful excuse or authority is thrown upon the defendant; and I have known cases of large seizures of Coin in which it would have been impossible under the ordinary criminal law to bring home an offence to the person in actual possession, but in which, on his failure to prove a justification, forfeiture of the Coin and a heavy fine were enforced against him.

A similar provision exists in England in respect to the coinage of any 24 and 25 Vic. c. 99, Foreign State; and there s. 23. is, I apprehend, fully as much reason for retaining the provision in India as applicable to counterfeit Coin generally, as there was in originally introducing it in 1828.

I propose extending this provision to India

generally. I also propose extending it not only to counterfeit Coin generally, but to all Coin on which any unlawful operation of impairing or diminishing has been performed. No solid ground of distinction seems to exist between the two classes of cases when once it appears that the impairing of the Coin in the latter case is the result not of fair wear and use, but of a criminal operation performed on it.

(Signed) W. RITCHIE,

The 29th January 1862.

M. WYLIE,

Deputy Secretary to the Government of India,  
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March 1862, and was referred to a Select Committee who will make a report thereon after the 8th of June next:—

*A Bill for the better protection of the Public against bad Coin.*

Whereas it is expedient to provide for the prevention of the circulation of bad Coin, and for the protection of the public in respect of such Coin: It is enacted as follows:—

1. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

The word "Coin" denotes a metal used as money, stamped and issued by the authority of some Government in order to be so used.

The words "Queen's Coin" denote Coin stamped and issued by the authority of the Queen, or of the Government of India, or of the Government of any Presidency, or of any Government in the Queen's Dominions.

The words "Counterfeit Coin" include any false Coin and any genuine Coin which shall have been gilt, silvered, washed, colored, or cast over or altered, so as to resemble or be apparently intended to resemble or pass for any Coin of a higher denomination, and any metal or piece of mixed metals, which shall have been caused to resemble Coin with the intent to imitate the same, whether the imitation shall be exact or not.

The words "British India" denote the Territories that are or shall become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

The word "Government" denotes the person or persons authorized by law to administer the executive Government in any part of British India.

The word "Magistrate" includes all persons exercising all or any of the powers of a Magistrate, by whatever designation they may be called. In the Presidency Towns or in the Stations of Prince of Wales' Island, Singapore, and Malacca, it shall include a Magistrate of Police and the Commissioner of Police. In any case in which a European British subject is found in, or is charged with, the possession of Coin or of any other article, the possession of which is referred to in this Act, it shall include a Justice of the Peace.

The word "person" includes any Company, Association, or body of person whether incorporated or not.

"Person."

Where the having any matter in the possession of any person is mentioned in this Act, it shall include the having of it in his personal custody or charge; and also the knowingly or wilfully having it in the custody or possession of such person's wife, clerk, or servant, or of any person authorised by such person temporarily or on a particular occasion, on account of such person in any dwelling-house or building, lodging, field, or other place open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or benefit, or for that of any other person.

Having any matter in the possession of any person.

Words importing males include females.

Gender.

Words importing the singular number include the plural number, and words importing the plural number include the singular.

Number.

II. Every instrument or material used or intended to be used for the purpose of counterfeiting Coin or for performing any operation on any Coin which diminishes the weight or alters the composition of that Coin, and all filings or clippings of gold or silver, or gold or silver in bullion, dust, solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any Coin, shall be forfeited.

Forfeiture of instruments or materials used to counterfeit Coin, &c.

III. Every counterfeit Coin and every Coin on which any operation shall have been performed, which alters its composition or diminishes its weight, shall be forfeited, whenever the person in possession of the same shall have committed any offence in respect of such Coin, or shall have the same in his possession without lawful authority or excuse, or shall not have paid or given for the same the full value which the Coin, if it purport to be a Queen's Coin current in British India, imports or was apparently intended to import, or the full market value of the Coin at the place where he received the same, if the Coin do not purport to be a Queen's Coin current in British India: or shall when he received the same, have had notice or reason to suspect that the same was not genuine, or was not of full weight, or had been in any way impaired or illegally dealt with.

In what cases counterfeit Coin shall be forfeited.

IV. When the person in possession of any Coin which shall have been diminished in weight shall not have committed any offence in respect thereof, and shall have the same in his possession with lawful authority or excuse, and shall have paid or given for the same the full value which the Coin, if a Queen's Coin current in British India, and if genuine and of full weight, imports or was apparently intended to import, or the full market value of the Coin at the place where he received the same, if the Coin be not a Queen's Coin current in British India, and shall have received the same without any notice or reason to suspect that the same was not genuine or was not of full weight, or had been in any way impaired or illegally dealt with, such Coin, when the same shall no longer be required in evidence, shall, after being so cut, broken, bent, or defaced, as provided by Sections VI. X. and XI. respectively of this Act, be returned to such person.

In what cases diminished Coin shall be returned to the person in possession.

V. Provided that in every case mentioned in Sections III. and IV. of this Act, the burden of proving that the Coin was in his possession with lawful authority or excuse, and of proving that he had paid or given full value for the same, as hereinbefore described, and that

he had received the same without any such notice as aforesaid, shall lie on the person in possession of the said Coin. On failure of such proof to the satisfaction of any Magistrate before whom the said Coin may be brought, or on failure of any person to appear and claim any Coin as aforesaid when seized and brought before a Magistrate, such Magistrate shall declare the said Coin to be forfeited.

On failure of proof, &c. Magistrate to declare Coin forfeited.

VI. When any Coin shall be delivered or offered to any person who shall suspect the same to be counterfeit, or to have been altered in composition, or to have been diminished in weight otherwise than by lawful wearing, or when any Queen's Coin which would, if of due weight, be a legal tender in British India, shall be delivered or offered to any person who shall suspect the same to have been so diminished in weight, whether by lawful wearing or not, as not to be a legal tender, it shall be lawful for such person to cut, break, bend, or deface such Coin.

VII. If in such case it shall appear that the said Coin is counterfeit, or has been altered in composition, or has been diminished in weight otherwise than by lawful wearing, or in the case of a Queen's Coin, which would, if of due weight, be a legal tender in British India, has been so diminished in weight, whether by lawful wearing or not, as not to be a legal tender, the person delivering or offering the same shall bear the loss thereof.

VIII. If the said Coin shall be genuine Coin of the denomination of which it purports to be, and shall not have been altered in composition, and shall not have been diminished otherwise than by lawful wearing, and shall (in the case of a Queen's Coin which would, if of due weight, be a legal tender in British India), be of due weight as a legal tender, the person cutting, breaking, bending, or defacing such Coin shall receive the same as a Coin of the denomination of which it purports to be.

IX. If in such case any dispute shall arise whether such Coin be Counterfeit or whether it has been so altered or so diminished as aforesaid, it shall be heard and finally determined in a summary manner by a Magistrate, who is hereby empowered to examine upon oath or solemn affirmation as well the parties as any other person, in order to the decision of such dispute.

X. In case of such dispute as aforesaid, it shall not be necessary that the Coin in dispute shall be cut, broken, bent, or defaced before the said dispute shall be heard and determined by the Magistrate, but the said Coin shall, in all cases, be reproduced before the Magistrate, and if he shall determine that the same is counterfeit, or has been altered or diminished as aforesaid, he shall either cause the same to be cut, broken, bent, or defaced in his presence; or, if he shall think that the same may be required to be adduced in evidence in any criminal proceedings relating thereto, may impound and detain the same for that purpose.

XI. Every Officer of the Government to whom any Coin is delivered or offered in payment of any of the revenues of, or any sum due to, the Government, or otherwise, on account of Government, which Coin he shall suspect to be counterfeit, or

Officers of Government, suspecting Coin delivered or offered in payment of Government dues to be counterfeit, shall break up the same subject to Sections VII. to X.

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to have been so altered or diminished as in the 6th Section of this Act mentioned, is hereby required to cut, break, or deface such Coin : subject to the provisions in the 7th, 8th, 9th, and 10th Sections contained.

XII. If any person shall find in any place whatever, or in the custody or possession of any person having the same, without lawful authority or excuse, (1st) any counterfeit Coin or metal ; or (2nd) any Coin on which any operation shall have been performed, whereby it has been altered in composition, or diminished in weight, or so altered in appearance as to resemble Coin of a different description or of higher value ; or (3rd) any instrument or material whatever adapted or intended for the counterfeiting of Coin ; or (4th) any filings or clippings, or any gold or silver in bullion, in dust, or solution, which shall have been produced or obtained by diminishing or lightening any gold or silver Coin, it shall be lawful for the person so finding or discovering to seize the Coin, instrument, material, filings, or clippings, or gold or silver, and carry the same forthwith before some Magistrate.

XIII. Whenever any such instrument or material as aforesaid, or any such clippings or filings, or gold or silver in bullion, dust, solution, or otherwise as aforesaid, or any such counterfeit Coin or Coins as are hereinbefore declared to be forfeited, shall have been brought before any Magistrate, whether under the provisions of this Act, or under a search-warrant or other process issued under the Code of Criminal Procedure, or Act XIII. of 1856 (*for regulating the police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales Island, Singapore, and Malacca*), or any other Act, or other wise, the same, after they shall have been produced in evidence, or when they shall have been produced before a Magistrate, and shall not be required to be given in evidence before any other Court, shall forthwith be delivered up as forfeited to the Government or to any person authorised by the Government to receive the same.

#### STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide for the mode of dealing with counterfeit Coin, and with Coin originally genuine, which has been tampered with or reduced in weight.

The Statutes and Acts in force in India previously to the passing of the Penal Code, had provided for the punishment of certain offences against the Coin. These provisions were in many respects imperfect, and have been now superseded by the Indian Penal Code, the enactments of which provide in a most salutary manner for nearly every offence connected with the Coin for which it is desirable to provide a special punishment. But no enactment has hitherto been passed in India defining the rights or duties of the public, or of the Officers of the Government, in respect of false Coin and damaged Coin ; and much uncertainty has hitherto existed on the subject, especially as to the right of private individuals to break up, in order to withdraw from circulation, Coin which has been offered to them, and which they see to be counterfeit or diminished in weight, and as to the extent to which such Coin, if broken up, and the materials are forfeited to the Government, or can be reclaimed by the persons who offered them. The present Bill seeks to define and to place on a just and convenient footing the rights and duties, both of the Government and its Officers and of the public generally, in respect to such Coin.

The first question to determine in such a case is, to whom the materials of the false or deteriorated Coin belong, and how far such Coins are to be considered as forfeited to the State.

In the recent consolidation of the Statute Law relating to offences against the Coin in England, as well as in the Acts thereby consolidated, it seems to be assumed, though it is not positively enacted, that all false and counterfeit Coin shall be absolutely forfeited to the Government. For it is provided that, whenever any such Coin shall be brought before a Justice of the Peace, whether any offender be charged before him or not, they shall, when they have been produced in evidence or upon seizure, if they shall not be required to be produced in evidence, be delivered up to the Officers of Her Majesty's Mint, or to the Solicitors of the Treasury.

No such provision is made in regard to Coin originally genuine, which has been impaired or diminished by guilty means, although, where any offence has been established in respect to such Coin, there can be little doubt that it would, in England, be treated as forfeited.

There is, however, a marked distinction in practice between offences in relation to the Coin in England and in India. In England, whether from the superior skill of the false coiner, or the greater carelessness of those upon whom false Coins are passed, it is rare that a counterfeit Coin is of much intrinsic value. The metal or preparation which is made to do duty for the standard metal is there altogether base ; whereas, in India, instances have occurred of coinage to a large extent of Coins of a metal comparatively but little inferior in value to that of the pure standard, so as to leave the coiner's profit but a small percentage of the actual value of the Coin passed off. The hardship therefore resulting to an innocent party who receives a false Coin, or it may be a number of false Coins, for full value, from an absolute forfeiture of the Coin to the Crown, would be greater in this country than in England. The metal used is more calculated to deceive even the vigilant, and the intrinsic value of the Coin received by him after it has been broken up is much greater.

It is proposed in the present Bill to declare all Coin which is either counterfeit or has been criminally tampered with, forfeited in the hands of any person who has committed any offence in respect of it, or who has the same in possession without lawful authority or excuse, or who has not given full value for it, or who has taken it with notice of some flaw in it.

But where the holder of the Coin has committed no offence, and has lawful authority or excuse for its possession, and has given full value for it without notice of any flaw, he will be entitled to receive it back after it has been broken up, so as no longer to be capable of being circulated as Coin. The burden of proving both lawful authority or excuse, and payment of full value without notice, is thrown upon the person in possession of the Coin, failing which proof, the Coin will be absolutely forfeited to the Government.

It seems obviously necessary to require proof both of lawful authority or excuse, and of the giving of value without notice, as a condition to the restoration of the Coin. If proof of lawful authority or excuse alone were required, a policeman or informer, who had taken possession of a false Coin, in order to bring it before a Magistrate, or the finder of such a Coin in a hidden place of deposit, might keep it. If proof of value only were required, a person who had taken the Coin in payment of goods delivered by him with a knowledge that there was something wrong about the Coin, might keep it. In all such cases the Coin ought obviously to be forfeited, whatever its value may be, and it is only in cases of complete good faith and fair vigilance that the Coin should be restored.

All dies and instruments used for the purpose of counterfeiting the Coin or for unlawful coining operations generally, and all silver filings and clippings, and

other kinds of Coin illegally operated on, are declared absolutely forfeited.

The Bill provides that, where a Coin is tendered to any person who suspects it to be counterfeit or to have been altered in composition or diminished otherwise than by lawful wear (which three operations are treated as crimes by the Penal Code), he shall be at liberty to break it up or deface it, so as to prevent its further circulation. If the suspicion prove well founded, the person offering the Coin must bear the loss. If the suspicion prove unfounded, the person breaking or defacing the Coin must receive it as a Coin of full value. Where the person offering the Coin asserts its genuineness, the dispute may be settled at once summarily by any Magistrate, who will, if the Coin prove bad, see that it is broken up. These provisions agree in substance with those which have been for many years in force in England, and which have been lately re-enacted in the Consolidation Act of last Session. I propose, however, to extend this provision to one case which is not provided for by the English Statute, that of the Queen's Coin current and a legal tender in British India, which has been so diminished, whether by lawful wear and tear, or by unlawful means, as not to be a legal tender. The reason for causing such Coin to be defaced so as to withdraw it from circulation, appears to be as strong as that applicable to Coin diminished by the process commonly called sweating, for the chemical means of diminishing the weight of the Coin, without leaving any apparent trace on the Coin itself of any operation having been performed, are now so potent and so subtle, that if the person to whom Coin is tendered which he sees to be short of weight be justified in breaking it up, or in taking the person offering it before a Magistrate only in case of its turning out that some unlawful operation has been performed upon it, there will be every inducement to avoid the trouble and risk attended on such a course.

These provisions are, under the present Bill, optional with regard to the public generally, as they appear to be in England. To impose a positive obligation on all to whom a suspicious Coin may be tendered in the course of business, and in good faith, will be burdensome on the individual, however useful it might be for the protection of the circulation. But they are rendered compulsory on all Revenue Officers, and all Officers receiving payment on account of the Government. It clearly ought to be the duty of such Officers to do their utmost to prevent the circulation of false or dishonest Coin, not merely by refusing it, but by seeing that steps are taken to punish the offender, where there is proof of an offence, and by causing the withdrawal of the Coin from circulation. In fact, the practice now proposed to be enacted has been followed at the General Treasury for some years, as will be seen by the correspondence which took place in 1859; but the absence of any simple mode of determining dispute by going before a Magistrate, exposes such a course of proceeding in doubtful cases to some difficulty.

The powers conferred by the English Consolidation Act, on individuals or Police Officers to search for or bring before a Magistrate without warrant, false Coin or Coin altered in composition or unlawfully diminished in weight, or gold or silver filings, bullion, or solution, the proceeds of Coin tampered with, are conferred by this Bill.

(Signed) W. RITCHIE.

The 22nd January 1862.

From the Sub-Treasurer, Fort William, to the Secretary to the Government of India, Financial Department, No. 308 dated the 21st January 1859.

SIR,—I have the honour to state that much inconvenience and risk is experienced at this Office from the constant tender of plugged and counterfeit Rupees in payment of money by the public into the General Treas-

ury, and that as the practice of allowing such Rupees; after they have been tendered, to be returned to the holders, leads to the same base Coins being brought to the Treasury over and over again, I have the honour to solicit that you will be so good as to obtain the orders of Government, should Government consider with me that such orders are necessary, empowering the Sub-Treasurer to mutilate and divide into two all plugged and counterfeit Rupees that may be tendered in the General Treasury, in the same manner as the Collectors of Land Revenue are empowered, under the Circular of the Accountant, Revenue Department, No. 431, dated 14th July 1832, issued in compliance with the orders of the Sudder Board of Revenue, to mutilate all base Coins found in remittances from one Government Treasury to another.

2. In connection with the above subject, I have the honour to state for the consideration of Government that a large number of light weight Rupees are in circulation in Calcutta, and which are frequently tendered by the public for payment into the General Treasury. These Coins have been either clipped or filed and silver taken from them, or from the recent system of electro-plating, a considerable quantity of silver is extracted from Rupees by means of chemical process without this being so apparent as to admit of ready detection. Under the above circumstances, I would submit that it is desirable that the matter should receive the consideration of Government with a view to very stringent rules being enacted for the preservation of the integrity of the Coin, and the safety of the public.

No. 906, FINANCIAL DEPARTMENT, FORT WILLIAM, THE 12TH FEBRUARY 1859.

Forwarded to the Government Solicitor, with a request that he will obtain the opinion of the Advocate General as to what powers the law confers upon the Government in dealing with the Coins referred to by the Sub-Treasurer, and with the parties who tender them at the General Treasury.

*Extract from the Opinion of the Advocate General, dated 19th February 1859.*

I think the law now in force in India with reference to false Coins is defective, and that application should be made to the Legislature to pass an Act corresponding in substance with the Statute 2 and 3 Wm. 4, c. 34, which has never been introduced into this country, and which provides for several cases wholly omitted by the 9 Geo. 4, c. 74, Sections 73, 74, and 75, and Act XXXI. of 1839, the Acts now in force here with respect to offences against the Mint.

2. The Act 2 and 3 Wm. 4, c. 34, (Section 13) provides expressly for the course to be adopted with reference to Coin counterfeit, or diminished otherwise than by reasonable wearing, in the possession of innocent persons, and authorises the Teller of Her Majesty's Exchequer and Receiver of Revenue, as well as other persons, to break and deface such Coins. Such provision, as well as that contained in Section 14, authorising the seizure of counterfeit Coin in the mode therein pointed out, would be extremely useful in this country.

\* \* \* \* \*

6. The powers of the Revenue or other Officers of Government to break up or destroy genuine Coins, which have been unlawfully tampered with, but which are presented by innocent holders, are very ill defined at common law, and special provisions for breaking up counterfeit Coin or Coin unlawfully diminished have been so often introduced by Statute,\* that an inference arises that some statutory authority is necessary in order to afford a complete protection to the Officers so dealing with Coins.

\* See 6 & 7 Wm. 3, c. 17 & 18. 8 & 9 Wm. 3, c. 26, s. 5. 50 Geo. 3, c. 63, s. 17. 9 Geo. 4, c. 74 & 75. 2 & 3 Wm. 4, c. 34, s. 13 & 14.

7. My own opinion certainly is that any Officer of Government to whom *counterfeit* Coin is tendered, even by an innocent holder, is fully justified, without any legislative authority, in cutting or breaking in two such Coin, returning the pieces to the holder, if no suspicion attach to him, or to any one who can be traced through him.

8. But the question is more difficult as to genuine Coin which has been unlawfully tampered with. I am inclined to think, however, that if such Coin has been actually "fraudulently clipped, filed, drilled, defaced, or debased," within the meaning of Act. XXXI. of 1839 (which would include the cases of plugging referred to by Mr. Harvey), the Government Officers would be safe in cutting or breaking in two such Coins, returning the pieces (without loss of any of the particles) to the innocent holder. I cannot see that the latter could sustain any damage that the law would recognise by the act, as he could not himself make use of the Coin as a genuine Coin after being apprised of its having been unlawfully dealt with, without a crime, and the value of the Coin for any lawful purpose would not be diminished by its being broken in two.

9. Whether the course be strictly justifiable in the present state of the law or not which is very doubtful, I strongly advise its immediate adoption at the Treasury and by all Revenue Officers, as a protection to the public against the circulation of Coin illegally depreci-

ated, which there is a strong moral obligation on the Government to afford.

10. When the Coin has been diminished or impaired otherwise than by any of the five modes specified in Act XXXI. of 1839, for example by sweating through a chemical process, which does not deface or debase the standard, much greater difficulty will exist. Where it is quite certain that the diminution is owing to some chemical or unlawful process wilfully applied, I am inclined to think the Government Officers breaking it in two will be practically safe. For any subsequent uttering such Coin with knowledge of its character would, in any view, be a misdemeanor at common law, though not a statutable offence, and therefore it is difficult to see what legal damage the innocent holder in receiving back the pieces could sustain. But extreme caution will be necessary in dealing with such cases, because if the lightening or diminution of the Coin can be attributed to fair wear and tear, or to lawful means (the burden of negating which would be on the Officer breaking it), I think it clear that he would be exposed to an action by the innocent holder.

(Signed) W. RITCHIE.

M. WYLIE,

Depy. Secy. to the Govt. of India,  
Home Department.