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NOTIFICATION.

Bombay Castle, 4th August 1831.

GENERAL DEPARTMENT.

The Right Hon'ble the Governor in Council having sanctioned the publication of a weekly paper to be styled the "BOMBAY GOVERNMENT GAZETTE," notice is hereby given, that after this day all advertisements and other public papers of the Government will be printed in the BOMBAY GOVERNMENT GAZETTE only: and all orders or other public notices appearing in that paper, under the signature of the Secretaries, or other public officers of the Government, are hereby ordered and directed to be conformed to and obeyed accordingly.

Bombay Castle, 18th January 1832.

When official notifications from the Government are inserted in the BOMBAY GOVERNMENT GAZETTE, no communication on the same subject will be made in writing to any department concerned; but all public officers are required to take notice of such official notifications in the same manner as if they had been directly communicated to them by letter from the Secretary's office, and as heads of offices alone will be furnished by Government with the BOMBAY GOVERNMENT GAZETTE, they will be expected to communicate to their subordinate officers all orders which may in any manner concern them.

The Bombay Government Gazettes furnished by Government to public officers are to be lodged with the records, and are not to be removed from the office.

Published by order of the Right Hon'ble the Governor in Council,
JOHN BAX, Secy. to Govt.

NOTICE.

The Government Printing and Lithographing Departments having been transferred to the BOMBAY EDUCATION SOCIETY, all Printing and Lithographing required by any Department should be sent to the Office at Bycullah.

Bombay, 5th April 18

J. G. LUMSDEN, Secy. to Govt.

Notice

Is hereby given, that Verbal Tenders will be received at this Office, at Noon, on Friday the 13th February next, for supplying cleaned Gram and Mutt to the Commissariat Department at Poona and Kirkee, from the 1st March 1852 to the 28th February 1853.

The Grain must be of unexceptionable quality, of the description usually furnished to this Department, and delivered daily, free of expense beyond the stipulated price, into the Commissariat Stores, or at the Cavalry or Horse Artillery Lines, at Poona or Kirkee, as may be ordered. If any Grain tendered is considered objectionable by the Executive Commissariat Officer, or the Indenting Officers, and is not immediately exchanged by the Contractor, the required quantity will be purchased at his risk, and in every such instance he will be liable to be fined (50) fifty Rupees, or (30) thirty per cent. on the amount of the expenses so incurred, at the option of the Executive Commissariat Officer; but the Contractor, if he thinks that the rejected Grain ought to have been received, can claim to have it examined by a Committee of Officers, whose decision thereon shall be final.

The Contract will only extend to Poona and Kirkee, but in the event of any of the mounted Corps, or public Cattle moving, the Contractor must supply one months' Grain for use on the march, if required.

Biddings for the Contract will be in the Company's Rupee. No person will be permitted to bid who has not previously deposited in this Office Rupees (3,160) three thousand one hundred and sixty, which sum will be forfeited

in the event of delay, evasion, or refusal on the part of any bidder to execute the necessary Deed of Contract, when required to do so, in the event of his offer being accepted. Bonded Security to the further amount of Company's Rupees (12,640) twelve thousand six hundred and forty, in addition to the above-mentioned deposit, will also be required, previous to the execution of the Contract, and the whole will be held as a guarantee for its due fulfilment.

Sums retrenched by the Military Board will be recovered from the first Bill subsequently presented for payment by the Contractor; if such retrenchments are eventually remitted the amount will be refunded to him.

The annual outlay on account of the Contract is estimated at Rupees 63,206, viz:—

For Gram, Rupees 62,290; and for Mutt, Rupees 916.

Persons who, after offering for the Contract, fail to furnish the necessary Security, will be interdicted from bidding on future occasions, unless they can produce a certificate from individuals of unexceptionable character, binding themselves to stand security for the due performance of the Contract.

No reason will be assigned for the rejection of any offer.

Further particulars will be made known on application at this Office, any day from 10 to 5 o'clock, Sundays excepted.

G. POPE, Captain,
Assistant Commissary General, P. D. A.

Poona, Commissariat Office,
17th December 1851.

Notice

Is hereby given, that Sealed Tenders will be received at this Office, and also at the Office of the Commissary General, Bombay, at any time before noon on Saturday the 14th February 1852, for the exclusive privilege of selling Country Liquors and Drugs to the Native Troops and Followers at this Station, and also to the Inhabitants of the Town and Suburbs of Kurrachee, for a period of twelve months, viz. from the 1st of May 1852 to the 30th of April 1853.

2. The Native Troops now at this Station consist of—

	Strength.
The 2nd Company 4th Battalion Artillery.	96
„ 6th „ „ „ „ „	95
„ 2nd Company and Detachment of 1st Company Sappers and Miners..	171
„ 1st Grenadier Regiment N. I.	842
„ 5th Regiment Native Light Infantry.	884
„ Gun Lascars attached to 1st Troop Horse Brigade.....	25
„ Store and Tent Lascars attached to the Kurrachee Arsenal	120
Total..	2,233

But should it so happen that any alteration takes place before the day fixed for the sale of the Contracts, then the Contracts are to be entered into for the number of Native Troops actually present on that day.

3. The Tenders are to specify, in words as well as figures, the sum that will be paid monthly for each Contract; and no Tender for the Liquor Contract will be received unless accompanied by a cash deposit of Rupees 625, or for the Drug Contract unless accompanied by a cash deposit of Rupees 200, which sums will be forfeited in the event of delay, evasion, or refusal to execute the necessary Deed of Contract.

4. Of the sum that may be paid monthly for the Liquor Contract, Rupees 25 per cent., and of the sum that may be paid for the Drug Contract, Rupees 35 and Annas 8 per cent. will be considered as paid for the privilege of selling Liquor and Drugs to the Inhabitants of the Town and Suburbs of Kurrachee.

5. The amounts to be paid for the Contracts shall not be increased or decreased as Troops arrive at or depart from the Station, unless the number of arrivals or departures shall exceed one-fourth of the number of Sepoys present on the day of sale, in which case the amount payable shall be increased or decreased to such extent as a Committee of Officers shall determine.

6. The person or persons whose Tenders may be accepted will be required to make the monthly payments in advance. He or they will also be required, before entering on the performance of the Contracts, to deposit with the Superintendent of Bazaars the amount of one month's stipulated payment, as his or their personal security, and to furnish two unexceptionable Securities for the due fulfilment of the terms of the Contract.

7. The party whose Tender for the Liquor Contract may be accepted, will be required to bind himself to defray the expenses of maintaining a Preventive Police, when and wherever it may be found necessary by the Officer Commanding the Station, for preventing the clandestine sale of Spirits to European Troops.

8. The Contractor or Contractors will be allowed no Drawback on account of scarcity, drought, &c., and the Contracts will not be considered binding till confirmed by the Military Board.

9. The Forms of Contracts may be seen, and all further particulars learnt, on application at this Office, daily, between the hours of 11 and 4, Sundays excepted.

No reason will be assigned for the rejection of any offer.

WILLIAM GRAY, Lieut.,
Superintendent of Bazaars.

*Kurrachee, Bazar Office,
10th December 1851.*

Notice

Is hereby given, that Verbal Tenders will be received at this Office, at noon, on Friday the 13th proximo, for supplying cleaned Gram, Mutt, and Badjree to the Commissariat Department at Ahmednuggur, from the 1st March 1852 to the 28th February 1853.

The Grain must be of unexceptionable quality, of the description usually furnished to this Department, and delivered daily, free of expense beyond the stipulated price, into the Commissariat Stores, or at the Horse Artillery Lines at Ahmednuggur, as may be ordered. If any Grain tendered is considered objectionable by the Executive Commissariat Officer, or the Indenting Officers, and is not immediately exchanged by the Contractor, the required quality will be purchased at his risk, and in every such instance he will be liable to be fined (50) fifty Rupees, or (30) thirty per cent. on the amount of expenses so incurred, at the option of the Executive Commissariat Officer, but the Contractor, if he thinks that the rejected Grain ought to have been received, can claim to have it examined by a Committee of Officers, whose decision thereon shall be final.

The Contract will only extend to Ahmednuggur, but in the event of any of the mounted Corps or Public Cattle moving, the Contractor must supply one month's Grain for use on the march, if required.

Biddings for the Contract will be in the Company's Rupee. No person will be permitted to bid who has not previously deposited in this Office Rupees (254) two hundred and fifty-four, which sum will be forfeited in the event of delay, evasion, or refusal on the part of any bidder to execute the necessary Deed of Contract when required to do so, in the event of his offer being accepted. Bonded Security to the further amount of Company's Rupees (1,016) one thousand and sixteen, in addition to the above-mentioned deposit, will also be required previous to the execution of the Contract, and the whole will be held as a guarantee for its due fulfilment.

Sums retrenched by the Military Board will be recovered from the first Bill subsequently presented for payment by the Contractor; if such retrenchments are eventually remitted, the amount will be refunded to him.

The annual outlay on account of the Contract is estimated, for Gram, Rupees (5,085) five thousand and eighty-five, and for Mutt and Badjree uncertain.

Persons who, after offering for the Contract, fail to furnish the necessary Security, will be inter-

dicted from bidding on future occasions, unless they can produce a certificate from individuals of un-exceptionable character, binding themselves to stand Security for the due performance of the Contract.

No reason will assigned for the rejection of any offer.

Further particulars will be made known on application at this Office, any day from 10 to 5 o'clock, Sundays excepted.

H. HOLLAND, Lieutenant,
Sub-Assistant Commissary General.

Ahmednuggur, Commissariat Office,
12th January 1852.

Notice

Is hereby given, that the Collector of Malabar will purchase all such Salt, the produce of Bombay, or other places subordinate thereto, as may be required for the use of the undermentioned Gollahs, from the 1st January to the 28th February 1852, at the rates detailed below :—

Cannanore, at 27 Rupees per Garce of 120 Indian Maunds.

Tellicherry, at 28 ditto ditto ditto.
Calicut, at 29 ditto ditto ditto.
Ponany, at 29 ditto ditto ditto.

It is further notified, that the Salt is measured by Parrahs (of one Indian Maund) of the same capacity as those in use at Bombay.

H. CONOLLY,
Collector.

Malabar, Collector's Office,
Calicut, 5th January 1852.

જાહેર નાંતુ

એહેવુંજે સુંબરનાં અથવા સુંબર તા
યાની જગાનાં પાકેલાં મીઠાં માત્રુ નીચે લ
ખેલા ગોલા માર જરહું જાઇએ તેરહું મી
હું નલખારનાં કલેક્ટર માહેય તારીમ ૧લી
જાનેવારીથી તે તારીમ ૨૮ મી શ્યરવારી શં
ને ૧૮૫૨ શુધી નીચે લખેલા ભાવ પરનાંજી
વચાતુ લેશે *

કાનાનોર ૧૨૦ બંગાલી મણના

દર ગારશે૨૫૦ આ ૨૭ પરનાંજી
તાલચેરીએજન. ૨૮ એજન
કાલીકોટએજન. ૨૯ એજન
પોનાનીએજન. ૨૯ એજન

૧લી જાહેર કરવાનાં આવેછે જે સુબ
ઇનાં દર બંગાલી મણના કરાથી મીહું માપે
છે તેહેવાજ કરાથી મીહું અહીંયાં માપેછે .
નીચાણી

એચ—કાનલી,
કલેક્ટર*

તારીમ ૫ ની માહે જાનેવારી શંને ૧૮૫૨
ઇશવી સુકાંન નલખાર કલેક્ટરની

કચેરી કાલીકોટ *

A. RICHARDSON, Depy. Secy. to Govt.

જાહેર નામા

દેસાજે સુંબર અથવા સુંબર તાચાતોલ જાચ્યાત પોકલેજે નિ
ઢાપેકી ધાલીં લિલિલેલે મોચાચકરિનાં જિતકેં પાજોજે તિતકે
મિઠ મલબાર ચેથોલ કલેક્ટર સાચેવ તારીજ ૧ જાનેવારી પા
છુન તારીજ ૨૮ ફેબ્રોવારી સન ૧૮૫૨ પરંત ધાલીં લિલિલેલે
દરા પ્રાણે જરીદ વેતીલ

કાનાનોર	૧૨૦	બંગાલી મણાચે દર ગારસામ	
વપયે	..	..	૨૭ પ્રમાણે
તાલચેરી..	..	..	કિતા ૨૮ કિતા
કાલીકોટ..	..	..	કિતા ૨૯ કિતા
પોનાની..	..	..	કિતા ૨૯ કિતા

આજી જાજીર જવર દિલ્હો જાતેં જે સુંબરત દર બંગાલી મ
ણાચે ફરંજે નિઠ માપતાત તશાચ ફરંજે ચેથે નિઠ માપતાત.

નિચાણી

૨૫. કાનલી
કલેક્ટર

તારીજ ૫ માચે જાનેવારી સન ૧૮૫૨ રચવો સુકાન
મલબાર કલેક્ટરચો કચેરી કાલીકોટ

A. RICHARDSON, Depy. Secy. to Govt.

Notice.

All persons having Claims against the Estate of the late DEENA, Registered No. 3437, Lascar of the Ship "Lord Western," are requested to make the same known to me (post-paid) as soon as possible.

C. KINGCOME,
Registrar.

Bombay, Marine Registry Office,
22nd April 1851.

ظاہر نامہ

سب لوگوں پر اطلاع دی جاتی ہے کہ جس
شخص کا دعوا مرحوم دینا کے اٹاک پر
جو لارڈ ویسٹرن جہاز کا خلاصی تھا اور جس کا
نام دفتر میں نمبر ۳۴۳۷ لکھا گیا ہے
سو اسکو لازم ہے کہ جتنی جلدی ہو سکے
تیال کا خرچ دیکر صاحب مرحوم ذیل کو
اظہار کریے

(دستخط) سی کینگکم

ریجسٹر

مقام بمبئی

میرین ریجسٹری آفیس
تاریخ ۲۳ اپریل ۱۸۵۱

LIST OF REMITTANCES forwarded from the Military Accountant's Office to the other Presidencies, during the Month of December 1851.

Published as per Government Letter No. 3159, dated 7th November 1849.

Date of the Remittance Lists.	From what Pay Office received.	By whom made.	In whose favour.	To what Presidency.	Date of receipt in the Military Accountant's Office.	Amount.	Date when forwarded.
1851.						<i>Rs. a. p.</i>	1851
Nov. 26th	Presidency Pay Office	Assistant Surgeon T. C. Jerdon	Mrs. Jerdon	Madras	Nov. 28th	120 0 0	Dec. 1st
" 1st	Pay Office Poona Division of the Army.	Private Francis Thomas, 27th Regiment Native Infantry.	To his Mother Chilawim	Ditto	Dec. 2nd	50 0 0	" 4th
Oct. 8th	Ditto ditto	Private Gunness Sing, 24th Regt. N. I.	Goorduyal Sing	Agra	" "	30 0 0	" "
Nov. 1st	Ditto ditto	Lieut. Col. J. D. Hallett, C. B., Commanding 3rd Regt. N. I.	E. Impey, Esq., Presidency Surgeon Indore, on account of the Estate of the late Private Ram Sahaye, 6th Company 3rd Regiment N. I.	Bengal	" "	35 11 6	" "
Oct. 20th	Pay Office Scinde Division of the Army.	Subedar Raja Ram, 28th Regiment Native Infantry.	Sewchurun Tewary	Agra	" 6th	127 0 0	" 11th
Nov. 15th	Pay Office Southern Division of the Army.	Paymaster 9th Regiment Native Infantry.	Ensign Trenchard, 10th Regiment Bengal Native Infantry.	Ditto	" 9th	116 0 6	" 13th
" 20th	Ditto ditto	Captain W. E. Macleod, Commanding 20th Regiment Native Infantry.	Ramjoo Aheir, the father of the late Private Hunsraj Chowdry, of No. 1 Company 20th Regiment Bombay N. I.	Ditto	" 13th	92 8 10	" 17th
Dec. 3rd	Presidency Pay Office	Captain C. M. Barrow, Acting Superintendent of Family Payments.	To the Superintendent of Family Payments at Madras, being the amount of Unclaimed Family Remittances for the Months from March to September 1850, on account of Private Bastian, of the 3rd Regiment Madras Light Infantry.	Madras	" 19th	28 0 0	" 23rd
					Rupees	599 4 10	

[219]

Bombay Castle, Military Accountant's Office, 21st January 1852.

(Errors excepted)

C. PRICE, Acting Military Accountant.

Notice

Is hereby given, that the Collection of Duties on Tobacco and Ganza will be conducted by the Customs Department, from the 1st proximo.

H. YOUNG,
Collector of Customs.

Bombay, Custom House,
14th January 1852.

બહાર નામું

એલેક્ટ્રીક તારીખ ૧ લી નાહુ શેખરવારી
શને ૧૮૫૨ થી તંબાકુનો તથા ગાંઠની બ
ગત લેવાનું કાંઈ કચરન ખાતાંમાંથી આ
લશે *

નીચાણી

હેનરી. ઇન્ડિય,

કચરનનો કલેક્ટર *

તારીખ ૧૪ ની બનેવારી શને ૧૮૫૨
ઇશવી મુકામ મુંબાઇ નાંડવી *

A. RICHARDSON, Depy. Secy. to Govt.

जाहीर नामा

રેસાજે તંબાકુ વ ગાંઠા યાચો જકાત ઘેણાંકે કામ તારી
શ ૧ ફેબ્રુવારી સન ૧૮૫૨ ઇશવી પામૂન કચરનને ખાતાંનૂન
ચાલેલ.

નિશાણી

હેનરી. ઇન્ડ.

કચરનને કાલેક્ટર.

તારીખ ૧૪ માંહે બાનેવારી સન ૧૮૫૨ ઇશ
વી મુકામ મુંબઈ માંડવી.

A. RICHARDSON, Depy. Secy. to Govt.

BANK OF BOMBAY.

DISCOUNT.

On Government Bills.... 4 per cent.
On Private Bills at or within 3 }
Months..... } 6 ditto.

INTEREST.

On Fixed Loans on Government }
Notes..... } 4 ditto.
On Cash Credits and Loans on }
Government Notes..... } 5 ditto.
On Loans and deposit of Goods, &c. 6 ditto.

The rate of advance on deposit of 5 per cent.
Government Notes is 95 per cent., on 4 per
cent. Government Notes, 85 per cent., and on
Goods, three-fourths the approved value.

By Order of the Board of Directors,

J. STUART,
Secy. & Treasurer.

Bombay, 8th January 1852.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,

the 19th December 1851.

The following Draft of a proposed Act was read in
Council for the first time on the 19th December 1851.

Act No. — or 1851.

An Act for consolidating and amending the Regulations of the Calcutta Police.

For consolidation and amendment of divers Rules, Ordinances, and Regulations which from time to time have been passed in Council, and registered in the Supreme Court, for the good order and civil government of the Presidency and Settlement of Fort William in Bengal. It is enacted as follows :

I. The Rules, Ordinances, and Regulations for the good order and civil government of the Settlement of Fort William in Bengal, passed in Council, and registered in the Supreme Court, on the several days hereinafter mentioned, are repealed, but not so as to revive any other Rules, Ordinances, and Regulations thereby repealed.

List of Repealed Ordinances.

Date of passing in Council.	Date of Registry in the Supreme Court.
26th July 1814.	11th November 1814.
28th October 1814.	18th November 1814.
1st March 1816	26th March 1816.
23rd March 1816.	13th April 1816.
16th June 1816	8th July 1816.
19th October 1816.	12th November 1816.
28th March 1817.	21st April 1817.
13th January 1818.	7th February 1818.
9th July 1819.	22nd October 1819.
24th March 1820.	17th April 1820.
8th March 1827.	27th April 1827.

II. It any person within the said Town, having sufficient means or employment, shall not duly maintain his wife, or his legitimate or illegitimate children, and shall be thereof convicted before a Justice of the Peace upon his own confession, or the oath of one or more credible witnesses, the said Justice may make an order upon such person for the maintenance of such wife and children, or any of them, at such monthly rate as to the Justice seems reasonable, and upon non-compliance with the said order for any one month, any Justice, by warrant under his hand and seal, may commit the person so convicted to the Common Gaol of Calcutta without labour, or to the House of Correction to hard labour, for any time not exceeding two Calendar months.

III. Every person who shall be brought before a Justice of the Peace, charged with having in his possession, or in his premises with his knowledge, or with conveying in any manner, anything which may be reasonably suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of such Justice how he came by the same, shall be deemed guilty of a misdemeanor, and, on conviction thereof before such Justice, shall be liable to a penalty not exceeding one hundred rupees, or, in the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three Calendar months.

IV. When any person shall be brought before a Justice of the Peace, charged with having in his possession, or in his premises with his knowledge, or with conveying anything stolen or unlawfully obtained, and shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant to convey the same for

some other person, such Justice shall cause every such person, and also if necessary every former or pretended purchaser, or other person through whose possession the same shall have passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same, and if it shall appear to such Justice that any person shall have had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be deemed guilty of a misdemeanor, and shall be liable to a penalty not exceeding one hundred rupees, or, in the discretion of the Justice, may be imprisoned, with or without hard labour, for any time not exceeding three Calendar months. Every such person shall be deemed to have had possession of such thing at the time and place when and where the same shall have been found or seized, and the possession of a carrier, agent, or servant shall be deemed to be the possession of the person who shall have employed such carrier, agent, or servant, to keep or convey the same.

V. If information shall be given on oath to a Justice of the Peace that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, such Justice, by special warrant under his hand, directed to any police officer or constable, may cause such dwelling-house, building, or other place, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant; and the said Justice, if it shall appear to him necessary, may empower such police officer or constable, with such assistance as may be found necessary, (such constable having previously made known his authority,) to use force for the effecting of such entry, whether by breaking open doors or otherwise, and if upon search thereupon made any such thing shall be found, then to convey the same before a Justice, or to guard the same on the spot, until the offenders are taken before a Justice, or otherwise dispose thereof in some place of safety, and moreover to take into custody, and carry before the said Justice, every person found in such house or place, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen, or otherwise unlawfully obtained.

VI. If information shall be given to any Superintendent, Deputy Superintendent, or Inspector belonging to the Calcutta Police, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and the said Superintendent, Deputy Superintendent, or Inspector shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Superintendent, Deputy Superintendent, or Inspector, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified; provided always that a list of the articles stolen or missing be delivered and taken down in writing, with a declaration, stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided further that the person who lost the goods, or his representative, accompany the officer in the search, and that no goods be taken upon such search which are not identified by the person who lost them, or his representative.

VII. Section VIII. of Act XXI. of 1839 is hereby repealed, and all persons charged with the offence of feloniously receiving goods or

money, knowing the same to be the property does not exceed twenty rupees. stolen, may be tried by any Justice of the Peace, provided that the value of the property stolen or received does not, according to the belief of the Justice, exceed twenty rupees, and all the powers and provisions of Act XXI. of 1839, except Section VIII. aforesaid, shall apply, so far as they are applicable, to the trial and conviction of any person charged under this Section with the offence of feloniously receiving goods or money, knowing the same to be stolen; provided always, and if it shall appear to the said Justice that such person has been previously convicted of, or is in the habit of receiving stolen goods, knowing the same to be stolen, the said Justice shall commit such person for trial before the Supreme Court of Judicature.

VIII. Every person who is accessory, before or after the fact, to any felony which is punishable on summary conviction before any Justice or Justices, is liable to be tried and convicted summarily before such Justice or Justices, on his own confession, or the oath of one or more credible witnesses, and the convicting Justice or Justices shall have power to sentence any such accessory to imprisonment, with or without hard labour, for any time not exceeding six Calendar months, or in his or their discretion, instead of trying him, to commit him for trial to the Supreme Court of Judicature, or other Court having authority to try him.

IX. Whenever any boy, under the age of sixteen years, is convicted before a Justice of the Peace, either of simple larceny under the said Act XXI. of 1839, or, under this Act, of feloniously receiving goods or money, knowing the same to be stolen, or of being an accessory to any felony which is punishable on summary conviction before any Justice, the said Justice, if he thinks fit, may sentence him to receive corporal punishment not exceeding twelve stripes of a light rattan, instead of sentencing him to imprisonment.

X. Any person who shall commit any assault, forcible entry, or other injury accompanied with force, not being a felony, within the said Town, against the person or property of any person whatsoever, shall be liable, on conviction thereof before a Justice of the Peace, to a fine not exceeding one hundred rupees, and the said Justice may award the whole or any part of such fine to the party or parties aggrieved, by way of satisfaction for such injury, or, in the discretion of such Justice, such person shall be imprisoned, with or without hard labour, for any time not exceeding four Calendar months.

XI. Any Deputy Superintendent or Inspector of Police may take into custody, or authorize a Constable to take into custody, without warrant, any person who within the said Town shall be charged by any other person with committing an aggravated assault, in every case in which such Deputy Superintendent or Inspector of Police shall have good reason to believe that such assault has been committed, although not within view of such Deputy Superintendent or Inspector, and that by reason of the recent commission of the offence, a warrant could not have been obtained for the appearance of the offender.

XII. If complaint shall be made before any Justice that any person has within the said Town unlawfully taken or caused to be taken away, or has unlawfully enticed away, any married woman or female child unmarried, such female

Summary conviction of persons accessory to the commission of certain felonies.

Punishment for boys.

Cases of assault, forcible entry, or other injury, not being felony.

Persons charged with recent assault may be apprehended by Police without warrant, though assault not committed in view of Police.

Unlawfully taking or enticing away married women, or female children under the age of thirteen.

Power to search houses for stolen property without a warrant in certain cases.

Extension of Act XXI. of 1839 to the offence of receiving stolen pro-

child being under the age of thirteen years, out of the possession or protection and against the will of the husband of such married woman, or of the father, mother, or guardian of any such child, or any other person who has the lawful order, keeping, education, or government of such female child, for the purpose of living in adultery with her, or for purposes of prostitution, or of deflowering, or disposing of her in marriage, against the will of her husband, father, mother, or guardian, or such other person as aforesaid respectively, it shall be lawful for the said Justice to make an order for the immediate restoration of such married woman or female child to her husband, father, mother, guardian, or such other person as aforesaid, as the case may be, and to compel compliance with such order, and, if it be necessary to use force for that purpose, any Deputy Superintendent or Inspector of Police, duly authorized by the Justice in that behalf, with such assistants as he may deem necessary, may break open doors, or otherwise compel compliance with the same, and the said Justice may commit any person charged with taking any married woman or female child as aforesaid, for any of the purposes aforesaid, for trial before the Supreme Court of Judicature.

XIII. Any person who shall have or keep any house, shop, room, or place of public resort and entertainment within the said Town, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retained therein or procured elsewhere,) without a licence for the same being first had and obtained from and under the hand of two Justices of the Peace, shall be liable, on conviction thereof before any of the said Justices, to a penalty not exceeding one hundred rupees for every day that such unlicensed house or place of public resort or entertainment is kept open.

XIV. Two or more of the said Justices shall from time to time hold licensing Sessions, for the purpose of granting licences to the keepers of such houses or places of public resort and entertainment as aforesaid, and the said licences may be granted by the said Justices for the term of one year, subject to the restriction contained in Section XII. Act XI. of 1849, and upon such conditions to be inserted in every such licence as the Justices from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same.

XV. The keeper of every such house or place of public resort and entertainment, who shall wilfully offend against any condition of his licence, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding one hundred rupees for every such offence, and, in the discretion of the convicting Justice, to forfeit his licence, in addition to any other penalty or punishment that shall be imposed on him.

XVI. Every person who shall have or keep any house, shop, room, or place of public resort or entertainment within the said Town, wherein provisions, liquors, or refreshments of any kind shall be sold or consumed, (whether the same shall be kept or retained therein, or procured elsewhere,) and who shall knowingly or wilfully permit drunkenness or other disorderly behaviour in such house, shop, room, or place, or who shall knowingly suffer any unlawful games, or any gaming whatsoever therein, or who shall knowingly permit prostitutes, or persons of notoriously bad

character, to meet or remain therein, or who shall wilfully harbour or conceal any Seaman or Apprentice who shall have deserted, knowing or having reason to believe such Seaman or Apprentice so harboured or concealed to be a deserter, shall be liable to a penalty not exceeding one hundred rupees, and shall be liable to forfeiture of his licence, in addition to any other penalty or punishment that shall be imposed on him.

XVII. Every person who shall keep open his house, shop, room, or place, for the purpose of selling or retailing spirituous or fermented liquors or intoxicating drugs, under a licence from the Collector of Calcutta, after the hour of nine at night, and before the hour of six in the morning, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding twenty-five rupees, and shall also be liable, in the discretion of the said Justice, to the forfeiture of his licence.

XVIII. If any person, not being amenable to the Articles of War, shall take, or attempt to take into Fort William any quantity of spirituous liquors, wine, or intoxicating drugs of any description, without a licence from the Commanding Officer of the said Fort, or from some other person thereunto authorized, any Justice of the Peace, upon complaint to him thereof made, may issue his summons or warrant for bringing the party complained of, and also the liquors, wine, or drugs, and the vessels containing the same, before him, and in case of conviction may adjudge the said liquors, wine, or drugs, and the vessels containing the same, to be forfeited; and every such person so convicted shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding fifty rupees, or, in the discretion of the said Justice, to imprisonment, with or without hard labor, for a period not exceeding two Calendar months.

XIX. Every person who shall take or throw, or attempt to take or throw, into the Great Gaol, or into the House of Correction of Calcutta, any quantity of spirituous liquors, wine, or intoxicating drugs, without the licence or consent of the Jailor or Keeper of such Gaol or House of Correction respectively, shall be liable, for every such offence, on conviction before a Justice of the Peace, to a penalty not exceeding fifty rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labor, for any period not exceeding two months.

XX. Every person who shall have been committed to the Great Gaol or House of Correction, or who shall be in custody at any Police Office or Station, and who shall unlawfully break or escape from such Gaol, House of Correction, Police Office, or Station, shall be liable for every such offence, on conviction before a Justice of the Peace, to imprisonment, with or without hard labour, for any period not exceeding three months, and such imprisonment shall commence and take effect from and after the expiration of any other sentence of imprisonment under which such person may be imprisoned at the time of committing the offence aforesaid.

XXI. Every person who shall be found drunk in any street or public thoroughfare, and who while drunk shall be guilty of any riotous or indecent behaviour therein, and also every person who shall be guilty of any violent or indecent behaviour in any Police Office, Station, or Section House, shall be liable on conviction before a Justice of the Peace, to a penalty not exceeding twenty rupees for every such offence, or, in the discretion of the said Justice, to imprisonment, with or without hard labour, for any period not exceeding fourteen days.

XXII. Any Constable or Peace Officer belonging to the Calcutta Police may take

Rogues and vaga- into custody, without a warrant, bonds.

any person who shall be found between sunset and sunrise armed with any dangerous or offensive instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, or any loose, idle, or disorderly persons whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit any felony, misdemeanor, or breach of the peace, or any reputed thief, whom he shall find between sunset and sunrise on board any boat in the river, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, and not giving a satisfactory account of himself, or any person having in his possession without lawful excuse (the proof of which excuse shall lie on such person), any picklock, key, crow, jack, bit, or other implement of house-breaking, or any person found between sunset and sunrise having his face blackened, or otherwise disguised, with intent to commit any felony, or any person who shall be found between sunset and sunrise in any dwelling-house or other building whatsoever, with intent to commit any felony therein; and every such offender, on conviction before a Justice, either on his own confession, or on the evidence of one or more credible witnesses, shall be liable, at the discretion of the said Justice, to be imprisoned, with or without hard labour, for any term not exceeding three Calendar months.

XXIII. Every person who shall beg or apply for alms or relief in any public road, street, or thoroughfare, or who

Beggars. shall expose or exhibit any sores, wounds, bodily ailment or deformity in such roads, streets, or public thoroughfares, with the object of exciting charity, or of obtaining alms or relief, or who shall, anywhere within the Town, seek for or obtain alms or relief by means of any false statements or pretences, shall, for every such offence, on conviction before a Justice, be liable to imprisonment, with or without hard labour, for any period not exceeding one Calendar month.

XXIV. If any Superintendent or Deputy Superintendent or Inspector of Police shall report, in writing to the Chief Magistrate of Calcutta, or other head of the Police, that

For suppression of common gaming-houses. there are good grounds for believing any house, building, room, or other place within the Town to be kept or used as a common gaming-house or place; and if two or more persons shall make oath or solemn affirmation before a Justice of the Peace that the premises complained of are commonly reported and believed to be kept or used as a common gaming-house or place, the Chief Magistrate, or other head of the Police, by an order in writing, may authorize a Deputy Superintendent or Inspector of Police to enter any such house, building, room, yard, or place, with such constables as he shall deem requisite to accompany him, and if necessary to use force for the purpose of effecting such entry, whether by breaking open doors or otherwise, and to take into custody and search all persons found therein, and to seize all tables and instruments of gaming found in such house, building, room, or place, or on the persons of any of those found therein, and also to seize all moneys and securities for money found in any such house, building, room, yard, or place, and the owner or keeper of the said gaming-house, or place, or other person having the care and management thereof, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding one hundred rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three Calendar months, and upon conviction of any such offender all such tables and instruments of unlawful games shall be de-

stroyed or otherwise disposed of by order of the Justice before whom the conviction is had, and all the moneys and securities for money so found shall be forfeited to Government, and every person found on such premises, and who shall not be the owner or keeper or other person having the care or management of the said gaming-house or place, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding fifty rupees.

XXV. It shall not be necessary, in support of any information for gaming in, or for suffering any games or gaming in, or for keeping or managing or being concerned in the management or conduct of any common gaming-house or place, under this Act, to prove that any person found playing at any game was playing for any money, wager, or stake.

XXVI. Where any cards, dice, balls, counters, tables, or other instruments of gaming, used in playing any unlawful game, are found in any house, building, room, or place, suspected to be used as a common gaming-house or place, and entered by an order issued under this Act, or about the person of any who are found therein, it shall be evidence, until the contrary is made to appear, that such house, building, room, or place is used as a common gaming-house or place, and that the persons found in the house, building, room, or place where such tables or instruments of gaming shall have been found, were playing therein, although no play was actually going on, in the presence of the Superintendent, Deputy Superintendent, Inspector, or Constable entering the same as aforesaid.

XXVII. All persons who deal in any articles by retail by weight or measure, and who have in or about their shops or premises, or otherwise in their possession, any false or deficient weight or measure, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding twenty rupees, and every such false and defective weight or measure shall be forfeited, and the said Justice shall cause the same to be destroyed.

XXVIII. Any Justice of the Peace, or the Superintendent of Police, may issue his warrant, directing any Deputy Superintendent or Inspector of Police to enter into any shop or other place where articles are bought and sold by retail, and to search for and to examine the weights and measures therein, and seize all such as he may suspect to be forfeited as false and deficient in weight.

XXIX. If any seaman, whether British or Foreign, shall, wilfully and without leave or lawful excuse, absent himself from his vessel, any Justice of the Peace, upon complaint upon oath, and at the instance of any of the officers of the said vessel, may issue his warrant to apprehend and detain the said seaman, and convey him on board of his vessel.

XXX. No person, not being a soldier or sailor in the service of the Queen or the East India Company, or a Constable belonging to the Calcutta Police, shall be entitled to carry any sword, spear, gun, or other offensive weapon, in any street, thoroughfare, or public place, unless by leave of the Chief Magistrate; and any person offending against this enactment shall be liable to be disarmed by any Constable or other person acting under such instructions as shall be from time to time given by the Chief Magistrate; and the weapons so seized shall be taken before the Chief Magistrate, and forfeited to the Government, if the Chief Magistrate, in his discretion, shall think fit to declare them forfeited.

XXXI. The Chief Magistrate or other head of the Police, from time to time, may make regulations for keeping clear the public ghauts and landing-stairs, and for the route to be observed in the public streets and places by all carts, carriages, palanquins, hackeries, and other vehicles, and by all horses, cattle, and persons, and for preventing obstruction of the streets and thoroughfares within the Town of Calcutta on all times of public processions and native holidays, as also during the time of Divine Service, and also may give directions to the Constables and other peace officers for keeping order, and for preventing any obstruction of the thoroughfares in the immediate neighbourhood of any place of public resort; and in any case when the ghauts, landing-stairs, streets, or thoroughfares may be thronged, or may be liable to be obstructed, and every person opposing or not obeying the orders so issued by the Chief Magistrate or other head of the Police, shall be liable to be arrested and detained by the Police, and, on conviction before a Justice of the Peace, shall be liable to a penalty of twenty rupees.

The regulation of carriages and persons at places of public resort.

to be observed in the public streets and places by all carts, carriages, palanquins, hackeries, and other vehicles, and by all horses, cattle, and persons, and for preventing obstruction of the streets and thoroughfares within the Town of Calcutta on all times of public processions and native holidays, as also during the time of Divine Service, and also may give directions to the Constables and other peace officers for keeping order, and for preventing any obstruction of the thoroughfares in the immediate neighbourhood of any place of public resort; and in any case when the ghauts, landing-stairs, streets, or thoroughfares may be thronged, or may be liable to be obstructed, and every person opposing or not obeying the orders so issued by the Chief Magistrate or other head of the Police, shall be liable to be arrested and detained by the Police, and, on conviction before a Justice of the Peace, shall be liable to a penalty of twenty rupees.

XXXII. Any Police Officer or Constable who shall ask for or take any bribe, or unauthorised reward, in consideration of his doing or omitting to do any act in his official capacity, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five hundred rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three months.

Police Officers taking bribes.

shall ask for or take any bribe, or unauthorised reward, in consideration of his doing or omitting to do any act in his official capacity, shall be liable, on conviction before a Justice of the Peace, to a penalty not exceeding five hundred rupees, or, at the discretion of the said Justice, to imprisonment, with or without hard labour, for any time not exceeding three months.

XXXIII. The Jurisdiction of the Justices of the Peace acting within and for the said Town shall extend to all offences committed by any person in sea-going vessels in any part of the River Hooghly, and the said Justices shall have the same power and jurisdiction in respect of criminal offences committed in sea-going vessels in any part of the said river that they now have and exercise within the said Town.

Jurisdiction of Justices on the River Hooghly.

shall extend to all offences committed by any person in sea-going vessels in any part of the River Hooghly, and the said Justices shall have the same power and jurisdiction in respect of criminal offences committed in sea-going vessels in any part of the said river that they now have and exercise within the said Town.

XXXIV. Every person taken into custody without warrant by any Constable belonging to the Calcutta Police shall be forthwith taken to the Station-house to which the Constable belongs, in order that such person may be detained until he can be brought before a Justice of the Peace to be dealt with according to law, or in order that such person may give bail for his appearance before a Justice of the Peace, if the Superintendent, Deputy Superintendent, or Inspector at the Station shall deem it prudent to take bail in the manner hereinafter mentioned.

Persons apprehended without warrant to be taken first to the Station-house, and if not admitted to bail, to the Police Office.

can be brought before a Justice of the Peace to be dealt with according to law, or in order that such person may give bail for his appearance before a Justice of the Peace, if the Superintendent, Deputy Superintendent, or Inspector at the Station shall deem it prudent to take bail in the manner hereinafter mentioned.

XXXV. Whenever any person is brought to the Station-house as aforesaid, charged with misdemeanor, assault, or with having carelessly done any hurt or damage, or whenever the Superintendent or any Deputy Superintendent of Police shall deem it probable that any person so brought is falsely or maliciously charged with having committed a felony, and any such person as aforesaid shall be, without the warrant of a Magistrate, in the custody of any Constable of the Calcutta Police, it shall be lawful for the Superintendent, or any Deputy Superintendent of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Powers to take recognizances at Station-houses, or Police Lock-ups, on certain charges.

Whenever any person is brought to the Station-house as aforesaid, charged with misdemeanor, assault, or with having carelessly done any hurt or damage, or whenever the Superintendent or any Deputy Superintendent of Police shall deem it probable that any person so brought is falsely or maliciously charged with having committed a felony, and any such person as aforesaid shall be, without the warrant of a Magistrate, in the custody of any Constable of the Calcutta Police, it shall be lawful for the Superintendent, or any Deputy Superintendent of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

XXXVI. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Justice of the Peace at his next sitting, and the time and place of appearance shall be specified in the recognizance, and the officer taking the recogni-

Condition of recognizance.

Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Justice of the Peace at his next sitting, and the time and place of appearance shall be specified in the recognizance, and the officer taking the recogni-

zance shall enter into a book, to be kept for the purpose, the name, residence, and occupation of the party, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Justice present at the time and place, and when and where the party is bound to appear.

XXXVII. In every case in which any person shall be given in charge to a Constable, or in which any information or complaint of any offence shall be laid or made before any Justice of the Peace, and it shall appear to the Justice by whom the case shall be heard that there was no sufficient ground for making the charge, the Justice shall have power to award such amends, not more than the sum of fifty rupees, to be paid by the informer to the party informed or complained against, for his loss of time and expenses in the matter, as to the Justice shall seem meet.

Amends may be awarded for false or malicious charges.

shall be laid or made before any Justice of the Peace, and it shall appear to the Justice by whom the case shall be heard that there was no sufficient ground for making the charge, the Justice shall have power to award such amends, not more than the sum of fifty rupees, to be paid by the informer to the party informed or complained against, for his loss of time and expenses in the matter, as to the Justice shall seem meet.

XXXVIII. Every Justice of the Peace shall be empowered summarily to hear and determine every complaint of an offence committed against this Act, and to convict any person charged with any such offence on the oath of one or more witnesses, or by his own confession, and to award the penalty or punishment herein provided for such offence.

Offences how to be tried.

Every Justice of the Peace shall be empowered summarily to hear and determine every complaint of an offence committed against this Act, and to convict any person charged with any such offence on the oath of one or more witnesses, or by his own confession, and to award the penalty or punishment herein provided for such offence.

XXXIX. Upon any information or complaint to be laid or made before any Justice of the Peace of any matter which such Justice is authorized to hear and determine, either under this or any other Act or Regulation, he may summon the party charged, and if such party shall not appear, according to the tenor of the summons, the Justice, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the party, to hear and determine the case in the absence of the party, and in all criminal cases shall issue his warrant for apprehending and bringing such party before him, or some other Justice, in order that the said information and complaint may be heard and determined.

Justices may proceed by summons, and, if party does not appear, may issue warrant.

Upon any information or complaint to be laid or made before any Justice of the Peace of any matter which such Justice is authorized to hear and determine, either under this or any other Act or Regulation, he may summon the party charged, and if such party shall not appear, according to the tenor of the summons, the Justice, upon proof of the service of the summons, may proceed, in all cases which are not of a criminal nature, if no sufficient cause shall be shown for the non-appearance of the party, to hear and determine the case in the absence of the party, and in all criminal cases shall issue his warrant for apprehending and bringing such party before him, or some other Justice, in order that the said information and complaint may be heard and determined.

XL. Every such summons may be served by delivering it, or a copy thereof, to the party or to his wife, servant, or some inmate of his dwelling, or by delivering it at his usual place of abode.

How summons may be served.

Every such summons may be served by delivering it, or a copy thereof, to the party or to his wife, servant, or some inmate of his dwelling, or by delivering it at his usual place of abode.

XLI. A Justice of the Peace may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence, cognizable before him, either under this or any other Act or Regulation, whenever good grounds for so doing shall be stated on oath before him.

Justices may issue warrant without summons.

A Justice of the Peace may, without issuing any summons, forthwith issue his warrant for the apprehension of any person charged with any offence, cognizable before him, either under this or any other Act or Regulation, whenever good grounds for so doing shall be stated on oath before him.

XLII. Any Justice may summon any witness to appear and give evidence upon the matter of any offence cognizable before him, either under this or any other Act or Regulation, with which any person shall be charged before him, at a time and place appointed for hearing the information or complaint, and, by warrant under his hand and seal, may require any person to be brought before him who shall neglect or refuse to give evidence at the time and place appointed on such summons, proof upon oath or solemn affirmation being first given of personal service of the summons upon the person against whom such warrant shall be granted, and such Justice may commit any person coming or brought before him who shall refuse to give evidence, to the Common Gaol of Calcutta, for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of

May enforce attendance of witnesses.

Any Justice may summon any witness to appear and give evidence upon the matter of any offence cognizable before him, either under this or any other Act or Regulation, with which any person shall be charged before him, at a time and place appointed for hearing the information or complaint, and, by warrant under his hand and seal, may require any person to be brought before him who shall neglect or refuse to give evidence at the time and place appointed on such summons, proof upon oath or solemn affirmation being first given of personal service of the summons upon the person against whom such warrant shall be granted, and such Justice may commit any person coming or brought before him who shall refuse to give evidence, to the Common Gaol of Calcutta, for any time not exceeding fourteen days, or until such person shall sooner submit himself to be examined, and in case of such submission the order of

gerous to passengers or the occupiers of neighbouring buildings, such Surveyor shall immediately cause a proper board or fence to be put up, for the protection of passengers, and shall cause notice in writing to be given to the owner of such house, building, or wall, or other thing, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or other thing, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure such house, building, wall, or other thing, within the space of three days after such notice has been given or put up as aforesaid, and complete the same as speedily as the nature of the case will admit, the said Commissioners shall with all convenient speed cause all or so much of such house, building, wall, or other thing, as shall be in a ruinous condition, or badly built, or likely to fall, and also dangerous as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured, in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding, or securing such building, wall, or other thing, shall be paid by the owner thereof, if such owner can be found within the said limits, and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress on the goods and chattels of the owner of the said house, building, wall, or other thing, and any two Commissioners may issue their warrant of distress accordingly.

XI. If any such house, building, wall, or other thing, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds of such sale in payment of the expenses incurred in respect of such house, building, wall, or other thing, and the Commissioners shall restore any overplus arising from such sale to the owner of such house, building, wall, or other thing, on demand; nevertheless the Commissioners, although they sell such materials for the purpose aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

XII. The said Commissioners, by and with the consent of the Governor of Bengal, may construct, make, and lay, or cause to be constructed, made, and laid, such reservoirs, canals, aqueducts, channels, tanks, sewers, drains, bridges, banks, conduits, machinery, engines, waste-gates, stop-gates, stop-cocks, sluices, tunnels, water-pipes, and other works, as shall, in their opinion, be necessary and proper for obtaining water and supplying the same to the said Town, and for the effectual draining and cleansing of the said Town, and for the properly flushing and cleansing out such sewers in and under, across all or any of the streets therein, whether dedicated to the public use or not, and if needful through and across all underground cellars and vaults which they may find under any of the said streets, doing as little damage as may be; and also to cause such and so many rings and openings to be made or left in the sides of the said sewers as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built, adjoining, or near thereto, into any of the said sewers, as the said Commissioners shall think necessary for that purpose; and in case it shall be found necessary for completing any of the aforesaid works, to build, carry, continue the same in, into, through, or over any enclosed lands, or other place, not being a public way, it shall be lawful

for the said Commissioners to build, carry, or continue the same in, into, through, or over the said lands or other places accordingly, and the said Commissioners shall cause such sewers to communicate with and empty themselves into any public river, stream, canal, or water-course, whether within or without the said Town, or shall cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection, and sale, and its application as manure for agricultural purposes, or otherwise, as they shall deem most expedient, but so that the same shall in no case become a public nuisance or annoyance to the neighbourhood.

XIII. For the purpose of constructing any aqueducts for bringing water to the Town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, or for the purpose of making sewers or drains to communicate with or empty themselves into any public sewer, lake, stream, canal, or water-course, without the said limits, it shall be lawful, whenever a plan for any such aqueduct, sewer, or drain shall have been approved by the Governor of Bengal, for every Commissioner, and for the Surveyor and Secretary to the Commissioners, with such Assistants as they may require, to exercise in the construction of such aqueduct, sewer, or drain, throughout the line of country through which the said aqueduct, sewer, or drain is to run, all the powers which by this Act it is lawful for them to exercise within the said local limits, and which may be necessary for the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing; and it shall also be lawful for any Magistrate of any district through which the said aqueduct, sewer, or drain is to run, in furtherance of the construction of such aqueduct, sewer, or drain, to do such acts as it is by this Act lawful for a Magistrate of the Town of Calcutta to do in furtherance of any work to be executed by the said Commissioners within the said local limits.

XIV. It shall be lawful for the said Commissioners, instead of executing any of the works which by this Act they are authorized to execute by themselves, their Servants, and Assistants, to execute the same by contract with any individual or Company who may be willing to undertake the same, and in that case it shall be lawful for such individual or company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such works, Provided always, that no Commissioner or Officer, or Servant of the Commissioners, shall be in any wise concerned or interested in any contract or work made with or executed for the Commissioners, and if any such Commissioner, or Officer, or Servant, be so concerned or interested, or shall under colour of his office or employment exact, take, or accept any fee or reward whatsoever, other than his proper salary, wages, fees, and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under the Commissioners, and shall forfeit and pay the sum of Company's Rupees five hundred, which may be recovered by any person, with full costs of suit, by action of debt.

XV. The said Commissioners may, with the consent and approbation of the said Governor, contract and agree with any person for supplying the said Town, or any part thereof, with water, and may also, with the like consent and approbation, grant to any person contracting to supply the said Town, or any part thereof, with water, a lease, for any term not exceeding twenty-one years, of any

Power to Commissioners when constructing drains and aqueducts without the Jurisdiction of Supreme Court.

Power to Commissioners to execute works by contract.

Power to Commissioners to contract for supply of water, and to grant leases for that purpose.

water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges, and advantages, belonging to or acquired by, or which may belong to or be acquired by, or be vested in the said Commissioners, under any of the powers or authorities in this or any other Act contained, so as to enable such person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement; and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water, for the purposes of this Act, or any of them, as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual, for any purpose whatsoever, unless the said Governor's approval of the same shall be testified by writing, endorsed on such lease or contract, under the hand of the Secretary to the Government of Bengal.

XVI. It shall be lawful for the said Commissioners, their Secretary, Surveyor, or other Officer, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to, or being within

the distance of one hundred yards of the works by this Act authorized to be made, or any part thereof, for the purpose of depositing upon such lands, or any part thereof, any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender, or deposit, the said Commissioners, their Secretary, Surveyor, or other Officer, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the owners and occupiers thereof, from time to time, and as often as any such temporary occupation shall be taken, or any such temporary damage done, and making compensation to the owners also for the permanent injury (if any) to such lands; and in case the parties differ respecting the amount of the compensation, or the respective shares of several claimants of compensation, then and in every such case the said disputes respectively shall be settled and adjusted by arbitration, or by the verdict of a Jury, summoned and assembled in manner provided in Act No. XXII. of 1847. Provided always, that before the said Commissioners make any such temporary use as aforesaid of the lands adjoining or lying near to the said works, they shall give fourteen days' notice of such their intention to the owners and occupiers of such lands, and shall separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

XVII. The said Commissioners shall make full compensation out of the rates and taxes to be levied by them to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, or other Officers or Servants, under and by virtue of this Act.

XVIII. It shall be lawful for the said Commissioners to direct any prosecution before any Court or Justice of the Peace for any public nuisance whatsoever which shall be permitted or suffered within the said Town, and to order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at their disposal under the provisions of this or any other Act.

XIX. It shall be lawful for the said Commissioners if they shall not think fit to take any other proceedings prescribed by this Act, to prefer any bill of indictment or information, or to take any other proceedings against any person who shall obstruct or molest the said Commissioners or their Secretary, Surveyor, or other Officer or servant, or any workman or other person employed by them in the performance and execution of their or his duty, under or by virtue or in consequence of this Act, or who shall steal, take, or carry away, or wilfully deface or injure any property, article, or thing belonging to the said Commissioners, and in every such case it shall be sufficient to state generally the property, article, or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

XX. It shall be lawful for any of the Commissioners, their Secretary, Surveyor, Inspectors, Overseers, or any servants or persons employed by them, and for any Inspector of Police, or Policeman employed in the said Town, and such other person or persons whom he or they shall call to his or their assistance, without any summons, or warrant, or other authority than this Act, to seize and detain any unknown person who shall commit any offence against the provisions of this Act, and to take him before any Justice of the Peace, who is hereby required to proceed and act with respect to such offender or offenders according to the provisions of this Act.

XXI. The Commissioners, or any one of them, or any person appointed by them for that purpose, may, at all reasonable times, with or without Assistants, enter into and inspect any market, building, shop, stall, or place, kept or used for the sale of butcher's meat, poultry, fish, or vegetables, or as a slaughter-house, and may examine any animal, carcase, meat, poultry, game, flesh, fish, or vegetables which may be therein, and in case any animal, carcase, meat, poultry, game, flesh, fish, or vegetables appear to be intended for the food of man, and to be unfit for such food, may seize, remove, and destroy the same, at the expense of the owner thereof, or the owner, occupier, or farmer of any such public market, bazar, slaughter-house, or private shop or stall within the Town, wherein the same shall be exposed, or allowed to be exposed for sale.

XXII. The Commissioners, or their Surveyor, shall have full power and authority to remove or order the removal of any wall, fence, rail, post, or other obstruction in any street within the said Town, whether the proprietary right to such street shall be in dispute or not; provided always, that nothing in this Act shall be construed to give the said Commissioners or their Surveyor power to remove such wall, fence, or other obstruction after the decree or order of any competent Court has declared the land, walled, fenced, or railed in, to be private property.

XXIII. When any private tank shall appear to the Commissioners to be offensive to the neighbourhood, or unwholesome, it shall be lawful for the said Commissioners to require by notice in writing the owner thereof to cleanse or fill up the same, and if the said tank shall remain uncleansed or not filled up for seven days after such notice, it shall be lawful for the said Commissioners to enter into and upon the adjoining lands, and to cleanse or fill up the said tank as they shall think fit, and the expense incurred thereby shall be paid by the owner of such

Power to Commissioners to enter on lands adjacent to works, &c.

Power to Commissioners to prefer bill of indictment in certain cases.

Power to Commissioners to arrest unknown offenders without warrant.

Power to Commissioners to enter and inspect bazars, slaughter-houses, &c., and to seize unwholesome articles exposed for sale.

Power to Commissioners to remove obstructions in streets.

Power to Commissioners to make compensation out of rates, &c.

Power to Commissioners to prosecute in certain cases.

tank, to be recovered in a manner hereinafter mentioned.

XXIV. The Commissioners may affix on or to the wall of any house or compound, or in or to any wall within the said Town, as they shall think fit, any board or metal plate, to indicate the name of the street in which such house, compound, or wall is situate.

XXV. It shall be lawful for the said Commissioners, or their subordinate Officers, as they shall think fit, to kill and destroy all dogs that may be found loose in the said streets, and not accompanying their owners, or some person in charge of them.

XXVI. The said Commissioners shall, so far as the funds at their disposal will admit, keep in good and sufficient repair every street, now or at any future time existing in the said Town.

XXVII. When any of the streets, sewers, or drains in the said Town are being made, or shall be under repair, the Commissioners, or their Surveyor, or other subordinate Officer, shall take proper precautions against danger, by shoring up and protecting the adjoining houses, and shall fix and place, or cause to be fixed and placed, such and so many bars, chains, or posts, across or in any of the said streets, to prevent the passing and repassing of carriages, carts, or other vehicles, cattle, or horses, during the time of such works and repairs being carried on, as shall be necessary, and the said Commissioners, and their said Surveyor, shall cause any sewer or drain, or other works, during the construction or repair thereof by them, to be well and sufficiently lighted during the night, to prevent accidents.

XXVIII. The said Commissioners, so far as the funds at their disposal will admit, shall provide lamps for lighting such parts of the said Town as the said Commissioners shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare, repair, and light the same, and shall also from time to time, as shall be required, increase or otherwise alter the number and situation of the said lamps, as to them shall appear necessary for the lighting of the said Town.

XXIX. The said Commissioners, and their said Surveyor, and other Officers, shall cause all the public streets of the said Town, together with the pavements or foot-paths therein, from time to time to be properly swept and cleansed, and all dust, dirt, soil, ashes, rubbish, and filth of every sort, which may be found thereon, to be collected and removed therefrom at convenient hours and times, and shall cause all or any of the privies, cess-pools, and drains within the said Town to be cleansed and emptied in a sufficient and proper manner by the owners or occupiers of the premises; and the said Surveyor, or other subordinate Officer of the Commissioners, shall give such orders and directions to the owners and occupiers aforesaid as to the said Surveyor or other Officer as aforesaid, acting under the orders and control of the said Commissioners, shall appear proper and necessary.

XXX. The said Commissioners, and the owners of any private drains in the said Town, shall, by providing proper traps, or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose, prevent as far as possible the effluvia of sewers and drains from exhaling from gully-holes, gratings, or any other openings what-

soever of drains or sewers in streets or other places, and in case the owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice to prevent as far as possible the effluvia of such sewer or drain from so exhaling, and if the same shall not be done by such owner within ten days after such notice shall have been given him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid, so as effectually to prevent such effluvia from exhaling, and the expense incurred thereby shall be paid by the owner of such sewer or drain, to be recovered in manner hereinafter mentioned.

XXXI. If upon the representation of the Surveyor of the Commissioners, and after inquiry by such other ways and means as the Commissioners may think fit to direct, the said Commissioners shall certify, (such certificate to be published in the Government Gazette, and in one of the English and Bengallee newspapers respectively, usually circulated within the town,) that any burial-ground situated within the said Town is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or that any church or other place of public worship within the Town is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of or underneath the same, and that sufficient means of interment exist within a convenient distance from such burial-ground, church, or place of public worship, it shall not be lawful, after a time to be named in such certificate, to bury, or permit, or suffer to be buried, any further corpses or coffins in, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate, and whosoever, after notice of such certificate, buries, or causes, permits, or suffers to be buried, any corpse or coffin, contrary to this enactment, shall for every such offence be liable, on conviction before a Justice of the Peace, to a penalty not exceeding Company's Rupees two hundred.

XXXII. No vault or grave shall be constructed or made within the walls of or underneath any church or other place of public worship built in the said Town after the passing of this Act, and no burial-ground shall be made or formed within the said Town after the passing of this Act without the consent of the Commissioners first had and obtained, and whosoever shall bury, or cause, permit, or suffer to be buried any corpse or coffin in any vault, grave, or burial-ground constructed, made, or formed contrary to this enactment, shall for every such offence be liable to a penalty not exceeding Company's Rupees five hundred, which may be recovered by any person, with full costs of suit, in an action of debt.

XXXIII. The said Commissioners, when executing any works hereby authorized to be made, shall, at their own expense, make and provide a sufficient number of convenient roads, ways, watering-places, wells, water-courses, drains, and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, water-courses, drains, and channels shall and may be taken away or interrupted, injured, or rendered inconvenient or useless by reason of the execution of the said works, and in case of any difference arising between the said Commissioners and the owners of such adjoining lands, such difference shall be settled by arbitration,

Commissioners, when executing works, to provide convenient roads, drains, &c. for use of adjoining lands, where present roads, sewers, are stopped, &c.

Commissioners to issue certificates, prohibiting improper burial-places.

Commissioners to take precautions when streets and drains under repair.

Commissioners to keep Town clean, remove dirt, &c.

or by the verdict of a jury summoned and assembled in manner provided in Act No XXII. of 1847.

XXXIV. The Commissioners or any one of them may sue and be sued at law and in equity in the name of their Secretary for the time being, and no action or suit to be brought or commenced by or against such Secretary in manner aforesaid, shall abate or be discontinued by the death, resignation, or removal of such Secretary; and no execution shall issue or be had in any such action or suit against such Secretary until six months' notice shall have elapsed after final judgment in such action or suit shall have been obtained, and every such Secretary, in whose name or by or against whom any such action or suit shall be brought, commenced, or sued, shall be fully reimbursed and paid all such costs, charges, damages, and expenses as by the event or in consequence of any action, suit, or proceeding he shall pay, sustain, or be put into, or become chargeable with or liable to by reason of his being plaintiff or defendant as aforesaid, or of his name being used as aforesaid, by and out of the funds under the control of the Commissioners; and if any person against whom the Commissioners shall have any claim or demand, take the benefit of or become subject as an insolvent to the operation of any Act for the Relief of Insolvent Debtors, the Secretary of the Commissioners in all proceedings in the insolvency may represent the Commissioners and act in their behalf in all respects as if such claim or demand had been the claim or demand of such Secretary, and not of the Commissioners.

XXXV. The Secretary of the Commissioners being the plaintiff, prosecutor, or defendant, or otherwise acting in any action, suit, or proceeding as aforesaid, shall be competent to be a witness therein in the same manner as he might have been if his name had not been made use of as the plaintiff, defendant, or otherwise in any such action, suit, or proceeding.

XXXVI. No writ or process shall be issued against or served upon any Commissioners or any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners for anything done or intended to be done under the powers of this Act, until the expiration of one month

next after notice in writing shall have been delivered to him or left at his office or place of abode, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause, and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered, and unless such notice be proved, the Court shall find for the defendant, and every such action shall be brought or commenced within six months next after the accrual of the cause of action, and not afterwards; and if any party shall have committed any irregularity, trespass, or other wrongful proceedings in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof such party shall make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending, at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

XXXVII. No matter or thing done, or contract entered into by the Commissioners, or any one of them, or by any Secretary, Surveyor, or other Officer or person whomsoever, acting under the direction of the Commissioners, shall, if the matter or thing were done, or the contract were entered into *bonâ fide* for the purpose of executing this Act, subject them or any of them personally to any action, liability, claim, or demand whatsoever, and any expense incurred by any such Commissioners, Secretary, Surveyor, or other Officer or person acting as last aforesaid, shall be borne and repaid out of the funds under the control of the Commissioners.

XXXVIII. All the streets existing within the said Town at the time of the passing of this Act, and all parts of the said Town which shall hereafter become streets, and also the pavements, stones, and other materials therein, and all erections and building materials, implements, or other things provided for the said streets, by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, and also all public sewers and drains within the said Town, together with all works, materials and things therewith connected and belonging, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein by the said Commissioners or otherwise, and also all canals, aqueducts, conduits, tunnels, water-works, cisterns, pumps, pipes, tanks, reservoirs, and wells which now are or shall hereafter be provided, or lawfully applied to public use, and which are not the property of any private person, together with all buildings, engines, works, materials, and things therewith connected, existing in the said Town at the time of the passing of this Act, or which shall hereafter be constructed and made therein at the cost of the said Commissioners or otherwise, and also all lands surrounding and belonging to public tanks, and slips of ground alongside of any street, drain, or aqueduct, not the property of any private person, and also all lands belonging to the late Lottery Committee and not legally appropriated, and also all dirt, dust, dry and liquid filth, ashes and rubbish to be collected from the streets, houses, privies, sewers, and cess-pools, and elsewhere within the said Town, shall be the property of, and are hereby vested, in the said Commissioners, as Trustees for the purposes of this Act.

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

XL. It shall be lawful for any person, at his own expense, to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size, and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct, and for that purpose to take up and remove so much of the pavement and other materials of any street as

Commissioners and their servants not to be personally liable when act done *bonâ fide*.

Streets, drains, filth, &c., the property of Commissioners as Trustees.

Act not to exempt parties guilty of nuisance from prosecution or action.

Parties may make branch drains into public, as Surveyor of Commissioners shall order. Penalty for offences against this Section.

may be required, unless the said Commissioners shall consent and agree, which they are hereby authorized to do, to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made, under and by virtue of this Act, of a different size or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall, for every such offence, forfeit and pay, on conviction before a Magistrate, a sum not exceeding fifty rupees, and in default of payment shall be imprisoned, with or without hard labour, for any period not exceeding one month, and the said Magistrate shall order the said person so offending to alter such drain as required by the said Commissioners within ten days, and in default the said Commissioners shall, at the expense of the maker of such drain, alter or destroy the same as they shall think fit, and in case the expense of making such alteration or destruction shall not be paid by the owner or maker of such drain, the expense incurred thereby shall be recovered in manner hereinafter mentioned.

XLI. It shall be lawful for the said Commissioners to contract and agree with the owners of any houses or other tenements within the said Town, that any drains required to be constructed and made by such owners

shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains (as certified by the said Surveyor of the said Commissioners) shall be repaid by such owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

XLII. Before beginning to dig or lay the foundations of any new house, building, or wall within the said Town, or to rebuild any house, building, or wall therein, contiguous or near to any street, and not being within the compound wall of any premises, and also before making any sewer

or drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Secretary to the said Commissioners by delivering the same to him or leaving it at his office by the person intending to build or re-build such house, building, or wall, or to make such sewer or drain, and every foundation of any such house, building, or wall, and the drains within the same, shall be laid at such level as the said Surveyor of the said Commissioners shall direct, and so as that no part of the said house, building, or wall shall project or encroach into or over the adjoining street or drain, and so as that the said drains may be properly built with reference to the adjoining public drains, and every such branch drain shall be made in such direction, manner, and form, and of such materials and workmanship as the said Surveyor shall order, and the building or re-building of any such house, building, or wall shall be under the survey and control of the said Commissioners and their Surveyor, so far as may be necessary to prevent any projection or encroachment in or over any street or drain, and to insure that the level of the drains within such house, building, or wall shall be properly built with reference to the public drains; and in default of such notice as aforesaid, or if such building or drain shall be begun, or made without, or in any respect contrary to, any order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be re-laid, amended, destroyed, or re-made, as

the case may require, and to cause the expenses thereof to be levied and re-paid to them from and by the owner thereof in manner hereinafter provided.

XLIII. Every person, upon conviction before any Justice of the Peace, on the testimony of one or more credible witnesses, shall be liable to a penalty of not more than Fifty Rupees, or in default of payment thereof, to imprisonment for any term not exceeding one month, who, within the limits of the said Town, shall commit any one of the following offences; (that is to say,)

1. Every person who shall throw or put, or cause, or order, or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, garden or stable refuse, or rubbish of any kind, or the carcase of any dog or other animal, or any flesh or other part of an animal, or any animal matter, upon any of the public streets, except between the hours of midnight and seven in the morning.

2. Every person who shall keep, or allow to be kept, for more than twenty-four hours, any dirt, dung, mud, dust, bones, ashes, night-soil, or other rubbish of a perishable and noisome kind, in or upon any house, out-house, yard, or ground occupied by him.

3. Every person, being the owner or occupier of any private tattee, drain, sewer, cess-pool, tannery, or other receptacle of filth, who shall neglect or refuse to keep the same in a clean and proper state, or to employ proper means to remove any noisome smell or the filth therefrom.

4. Every person, being the owner or occupier of any house, hut, or building, whether tenanted or otherwise, who shall suffer the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation.

5. Every person who shall cause or allow the water of any sink, sewer, or drain, or other offensive liquid matter belonging to him, or running through, or being on his land, to run, drain, or be carried into or upon any of the streets, tanks, aqueducts, or reservoirs belonging to the Commissioners, or who shall commit or cause any act whatsoever whereby the water provided for the domestic use of the inhabitants of the town shall be in any way fouled or corrupted, or who shall throw or put, or cause, or order, or allow his servants to throw or put, or from whose premises shall be thrown or put, any dirt, dung, mud, dust, ashes, night-soil, garden or stable refuse, or other rubbish, into any of the public sewers or drains, or into any reservoirs, tanks, aqueducts, or other water-works belonging to the Commissioners.

6. Every person who shall have or keep any common tattee, privy, or urinal, on any ground owned or occupied by him within the Town, without a licence first had from the Commissioners, under the hand of their Secretary, such licence being granted for one year, and renewed or not every year, according to the discretion of the Commissioners.

7. Every person, being the owner or farmer of any licensed tattee, privy, or urinal within the said Town, who shall suffer such tattee, privy, or urinal to be kept in a filthy and unclean state, or shall neglect to employ proper means for cleaning and regulating it.

8. Every person who shall wantonly or wilfully destroy, injure, or deface any of the lamps, or lamp-posts, in the said streets, or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof, without the order of the said Commissioners or of their said Surveyor, or who

Penalties for certain offences in the streets.

For keeping dirt, &c. in houses.

For neglecting to keep drains, &c. clean.

For allowing house or ground to be in a filthy or unwholesome state.

For allowing offensive liquids to drain into tanks or water-works.

For keeping common privy without licence.

For keeping common privies filthy.

For destroying lamps or street-boards, &c.

shall wantonly or wilfully destroy, injure, or deface any board bearing on it the name of any street, or the number of any building or land within the said Town, or any notice of the said Commissioners fixed or posted up in any public place.

9. Every person who shall displace, take up, or make any alteration in the pavements, flags, stones, fences, posts, or other materials of any foot or carriage-way in any street, without the consent in writing of the said Commissioners, or of their said Surveyor, or who shall cause any obstruction to or make any encroachments upon any street or upon any sewer, drain, aqueduct, or space of ground alongside a street or drain.

10. Every person who shall take down or remove any fences or boards, or any bars, chains, or posts erected by the said Commissioners, or extinguish any light attached to or connected with the said fences, boards, bars, chains, or posts, without the authority or consent of the said Commissioners or their Surveyor.

11. Every person who shall carry, or cause to be carried, in carts, pots, handies, or other vessels, any night-soil or urine, or other noisome or offensive matter, through the public streets, except between the hours of midnight and eight in the morning, or who shall carry, or cause to be carried, any night-soil or urine in such manner that any offensive smell or drainings issue therefrom, or who shall place or set down in any public place any vessel containing night-soil or urine, or who shall carry, or cause the same to be carried, in any other than covered carts or vessels.

12. Every person who shall bathe or wash any part of his person in any public street, or upon or in any of the tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners, except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the Commissioners shall set apart for that purpose.

13. Every person who shall wash, or cause to be washed, any horse, dog, or other animal, or any cloth, wearing apparel, leather, or skin of any animal, or any foul or offensive thing in or near any tanks, reservoirs, aqueducts, water-works, or drains belonging to the Commissioners, or on or in the road adjoining thereto, except in such of the said tanks, reservoirs, aqueducts, water-works, or drains as the said Commissioners shall set apart for that purpose.

14. Every person who shall wilfully and indecently expose his person, or who shall commit nuisance in any of the public streets.

15. Every person, being the owner or occupier of any house, hut, or building within the Town, who shall cause or allow any water or liquid matter from or on such house, hut, or building to flow or be carried through pipes, gutters, water-spouts, or other means on any part of any public street, or on any public but his own land, or the public drain, or who shall refuse or neglect to remove or alter the direction of any such pipe, gutter, or water-spout, after the expiration of ten days' notice for that purpose given by the Surveyor of the said Commissioners.

16. Every person, being the owner or occupier of any house, hut, or building, who shall cause or allow any verandah, balcony, sunshade, or other part of any house, hut, or building, to overhang and project into any public street or public place, at a height of less than eleven feet from the level of the roadway, or to a distance exceeding four feet from the house, and who

shall refuse or neglect to take down and remove such verandah, balcony, sunshade, or other projection, after the expiration of fifteen days' notice for that purpose given by the Surveyor.

17. Every person who shall, after the passing of this Act, erect or set up any verandah, balcony, sunshade, or other projection of any kind, which may overhang and project into the road at any height and to any distance, without licence first obtained from the Commissioners, under the hand of their Surveyor.

18. Every person who shall wash or cleanse, or cause, or order, or allow his servants to wash or cleanse his carriage or other conveyance, or horse or other animal, or whose carriage or other conveyance, or horse or other animal shall be washed or cleansed in any public street or other public place.

19. Every person who shall place, set up, or build in any public street within the Town any board or scaffolding, or post, bar, rail, boards, or other thing, by way of inclosure, for the purpose of making mortar, or of depositing, sifting, screening, or slackening any bricks, stone, lime, sand, or any other materials for building or repairing any house or other building, or for any other purpose whatsoever, without licence first obtained from the Commissioners under the hand of their Surveyor, or who shall set up or build the same in any other manner, or allow or cause the same to be continued for any longer time than shall be allowed or expressed in such licence, or who shall cause or allow any of the building materials or other things to extend beyond the distance expressed in the licence.

20. Every person who shall have been allowed by the Commissioners to set up any scaffolding, or deposit any bricks, stone, lime, sand, or other building materials on the public streets, and who shall not cause a light to be set up every night from sunset to sunrise on every such erection or obstruction.

21. Every person who shall build any wall, or erect any fence or obstruction, or set up any post, so as to be an obstruction in any street, whether the proprietary right to such street shall be in dispute or not.

22. Every person who shall set out, place, or expose, or cause to be set out, placed, or exposed, whether for sale or otherwise, any stall, booth, show-board, basket, cask, or meat, fish, vegetable, fruit, groceries, or any other merchandise or goods of any kind, or any stone, bricks, earthen-ware, hard-ware, timber, or any other thing whatsoever, whether animal, vegetable, or mineral, in or upon any of the public streets, or in, or over any drain, sewer, or aqueduct.

23. Every person who shall sift or clean, or cause to be sifted or cleansed, or exposed for any other purpose, any cotton, grain, seeds, rice, coffee, onions, or any other vegetable matter whatsoever, or who shall sift brickdust or lime on any public street, or on, or over any public drain, sewer, reservoir, or aqueduct.

24. Every person who shall keep or leave any carriage, cart, hackery, or other conveyance, or any horse, ox, or other animal, on any public street, or on, or over any public drain, sewer, or aqueduct, for a longer time than two hours.

25. Every person who shall set fire to or burn any straw, hay, seeds, timber, or any other matter, or light any bonfire, or fire, in any public street, or discharge any kind of fire-arms, or any air-gun, or let off, or throw any kind of fire-works, or send up any fire-balloon.

26. Every person who shall beat or sound any musical or sounding instrument, or any brass metal utensil in the public streets.

27. Every person who shall affix any bill, notice, or any paper against or upon any building, wall, fence, or board, or who shall write upon, deface, or mark any such building, wall, fence, or board with chalk or paint, or in any way whatsoever without the consent of the owner or occupier of such building, wall, fence, or board.

28. Every person who shall expose, or allow to be exposed, within the limits of the said Town any animal, carcass, meat, poultry, game, flesh, fish, or vegetables in a decayed and unwholesome state, and unfit for the food of man.

29. Every person who shall slaughter or cut up any beast, sheep, swine, or other animal in any public street, or so near thereunto that any blood or filth or other matter from the same shall flow or be carried into such street.

30. Every person, being the owner, occupier, or farmer of any public market, bazar, or slaughter-house who shall keep or allow the same to be kept in a filthy and unclean state, and shall refuse or neglect, after the expiration of two days' notice to be given by the said Commissioners or their Bazar Inspector, to cause such market, bazar, or slaughter-house to be properly cleansed and the filth thereof removed.

31. Every person who shall keep in any street, house, out-house, yard, or ground within the Town any swine, or a flock of more than twenty sheep or goats.

32. Every person who shall drive or ride furiously, or at a greater rate than eight miles an hour, any vehicle or animal in the said street.

XLIV. Every person, being the owner, occupier, or farmer of any public market, bazar, or slaughter-house within the Town, shall cause such market, bazar, or slaughter-house to be registered at the Office of the Commissioners, with a general description of the place, size, number of shops and stalls, and kinds of goods therein exposed for sale; and if he shall refuse or neglect so to register the same he shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment thereof, shall be liable to be imprisoned for any period not exceeding one month.

XLV. No place shall be used or occupied as a slaughter-house, within the said Town, which was not in such use and occupation at the time of the passing of this Act, and has not so continued ever since, unless and until a licence for the erection thereof, or for the use and occupation thereof, as a slaughter-house, has been obtained from the Commissioners, and every person who, without having first obtained such licence as aforesaid, shall use as a slaughter-house any place within the said limits not used as such at the time of the passing of this Act, and so continued to be used ever since, shall for every such offence forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding one month.

XLVI. Every person, being the owner, occupier, or farmer of any market, bazar, tannery, or slaughter-house within the said Town, is required to have such a number of drains therein as shall be considered sufficient by the Com-

missioners, and shall have all the floors and drains paved with stone or burnt brick, and he shall have also therein a supply of water sufficient in the judgment of the Commissioners to keep the whole place in a clean and wholesome state at all times, and in default thereof for four weeks after notice given to him by the Inspector of Markets that such market, bazar, tannery, or slaughter-house is defective in any of the said particulars, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding one month.

XLVII. Any person who, after the passing of this Act, shall establish any new tannery or other manufactory within the said Town, from which an offensive or unwholesome smell may arise, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding two hundred rupees, and in default of payment shall be liable to be imprisoned for any term not exceeding two months.

XLVIII. All doors and gates put up after the passing of this Act within the limits of the said Town, and which open upon any street, shall be hung or placed so as not to open outwards; and if any such door or gate be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him in manner hereafter mentioned. And if any such door or gate was before the passing of this Act hung so as to open outwards upon any street, the Commissioners may alter the same, so that no part thereof when open shall project over any public way.

XLIX. Every person, being the owner or occupier of a house in the Town, shall fix at his own expense, in a conspicuous place outside of the house or of his gate, in the street, the number of the same as recorded in the assessment books, and no other number, and the said number shall be in legible figures at least 2½ inches in length, and any person who, after the expiration of three months after the publication of this Act, shall neglect or refuse to have such number affixed, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding fifty rupees.

L. Every person, being the occupier of a house in the said Town, and paying a gross monthly rental of rupees seventy and upwards for the same, shall fix at his own expense, in a conspicuous place outside of his house, or if the said house be in a compound, outside of his gate, in the street, a lamp, and the said occupier shall keep and maintain a good and sufficient light burning in the said lamp throughout the night, and any person who, after the expiration of three months next after the passing of this Act, shall neglect or refuse to have such lamp affixed as aforesaid, or who shall on any night after the expiration of the said three months, neglect or refuse to keep a good and sufficient light burning therein as aforesaid, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding one hundred rupees.

LI. The rule, ordinance, and regulation passed by the Governor General in Council on the 8th April 1802, and Section II. Act XVIII. of 1841, are hereby repealed; any person who shall within the limits of the said Town manufacture gunpowder or gun-cotton, or have in his possession in any house, shop, warehouse, or other building, at any one time, a greater quantity of gunpowder for sale or otherwise than ten pounds, shall, on conviction before a Justice of the Peace, be liable to a for-

missioners, and shall have all the floors and drains paved with stone or burnt brick, and he shall have also therein a supply of water sufficient in the judgment of the Commissioners to keep the whole place in a clean and wholesome state at all times, and in default thereof for four weeks after notice given to him by the Inspector of Markets that such market, bazar, tannery, or slaughter-house is defective in any of the said particulars, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding one hundred rupees, and in default of payment shall be liable to be imprisoned for any period not exceeding one month.

XLVII. Any person who, after the passing of this Act, shall establish any new tannery or other manufactory within the said Town, from which an offensive or unwholesome smell may arise, shall forfeit and pay, on conviction before a Justice of the Peace, a sum not exceeding two hundred rupees, and in default of payment shall be liable to be imprisoned for any term not exceeding two months.

XLVIII. All doors and gates put up after the passing of this Act within the limits of the said Town, and which open upon any street, shall be hung or placed so as not to open outwards; and if any such door or gate be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him in manner hereafter mentioned. And if any such door or gate was before the passing of this Act hung so as to open outwards upon any street, the Commissioners may alter the same, so that no part thereof when open shall project over any public way.

XLIX. Every person, being the owner or occupier of a house in the Town, shall fix at his own expense, in a conspicuous place outside of the house or of his gate, in the street, the number of the same as recorded in the assessment books, and no other number, and the said number shall be in legible figures at least 2½ inches in length, and any person who, after the expiration of three months after the publication of this Act, shall neglect or refuse to have such number affixed, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding fifty rupees.

L. Every person, being the occupier of a house in the said Town, and paying a gross monthly rental of rupees seventy and upwards for the same, shall fix at his own expense, in a conspicuous place outside of his house, or if the said house be in a compound, outside of his gate, in the street, a lamp, and the said occupier shall keep and maintain a good and sufficient light burning in the said lamp throughout the night, and any person who, after the expiration of three months next after the passing of this Act, shall neglect or refuse to have such lamp affixed as aforesaid, or who shall on any night after the expiration of the said three months, neglect or refuse to keep a good and sufficient light burning therein as aforesaid, shall, on conviction before a Justice of the Peace, forfeit and pay a sum not exceeding one hundred rupees.

For sounding musical instruments or metals in streets.

For affixing bills, or otherwise defacing houses, &c.

For exposing unwholesome food, &c.

For slaughtering in streets.

For keeping a market unclean, &c.

For keeping swine, &c., in the Town.

For driving furiously, &c.

Slaughter houses to be registered, penalty for not registering.

Penalty for making and using any new slaughter-house within the Town without the consent of Commissioners, &c.

Owners of bazars, tanneries, &c., shall have sufficient drains.

Penalty for establishing any new tannery, &c., in Town.

Doors in future to be made to open inward, and doors opening outwards may be altered by the Commissioners.

Number of house to be affixed to it.

Occupiers to keep lamp lighted outside their gates in the streets.

feiture of all such gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be seized, and also to a fine not exceeding in amount the sum of rupees five hundred.

LII. It shall be lawful for the Chief Magistrate of Police to grant to any person (whom he shall deem fit and proper) a licence for the sale or keeping in deposit, within the limits of the said Town, any quantity of imported or Indian-manufactured gunpowder not exceeding fifty pounds, or any quantity of gun-cotton not exceeding twenty pounds, on such conditions as shall be specified in the licence; and any person who shall be guilty of a breach of any of such conditions shall, on conviction before a Justice of the Peace, be liable to a forfeiture of his licence, and of all gunpowder or gun-cotton so kept in deposit contrary thereto, and also to a fine not exceeding Rupees two hundred.

LIII. Every such licence as is mentioned in the preceding Section shall be in force for a period of one year only, and no longer, but shall be renewable by the said Chief Magistrate at his discretion on the same or any other terms and conditions; and such licence shall also provide for the transit and carrying of gunpowder from one place to another within the limits of the said Town, in such manner and in such quantity as shall be deemed advisable for the safety of the inhabitants and of property within the said Town, and every person offending against such provisions shall be liable to a fine not exceeding rupees fifty.

LIV. Any Justice of the Peace, on credible information laid before him on oath or solemn affirmation, that gunpowder or gun-cotton, or mixed materials for making the same contrary to the provisions of this Act, are suspected to be stored, kept, or possessed by any person, may issue his warrant, authorizing any Police Officer to search in the daytime any house, shop, magazine, or other building or place in which he has reasonable ground to suspect any gunpowder or gun-cotton to be manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle in which any gunpowder, gun-cotton, or materials for manufacturing the same, may be suspected to be carried, or any person suspected of carrying the same contrary to such licence, or to the provisions of this Act, and all gunpowder, gun-cotton, or materials for manufacturing the same, found on such search, shall, together with the vessels or receptacles in which they may be stored, be immediately seized and brought before a Justice of the Peace, with whom the same shall be kept till it shall be adjudged whether the same shall be forfeited.

LV. The five last preceding Sections shall not extend to any Government magazine, or store, or building for the making or deposit of gunpowder, or gun-cotton, under the authority or for the use of the Government, or to any gunpowder or gun-cotton for the use of Her Majesty's or the East India Company's Troops, or otherwise for the service of Government, or to any of Her Majesty's vessels of war, or the vessels of the Indian Navy, or of the East India Company's Marine, or to any other vessel within the River Hooghly, laden with gunpowder for importation or exportation.

LVI. Commanders of merchant vessels entering the River Hooghly shall, on or before the arrival of their vessels off Moyapore, deposit in the magazine at that place all gunpowder intended for the ship's use from on board their respective vessels, exceeding the quantity of fifty pounds, which quantity they shall be permitted to retain in their vessels for the purpose of firing salutes or signals in case of distress, and the gunpowder so deposited shall be again delivered on board on the return of the respective vessels from Calcutta in prosecution of the outward voyage, and commanders of merchant vessels in the River Hooghly, having on board their vessels gunpowder or gun-cotton for importation (not being gunpowder belonging to the Government), exceeding the quantity of fifty pounds, shall also deposit

the same, on or before the arrival of their vessels off Moyapore, in the magazine of that place, under charge of an Officer belonging to the Customs at that place, or such other person as the Governor of Bengal may appoint, and the proprietors or consignees of such gunpowder or gun-cotton, or their agents, whenever they shall desire to remove the same from the magazine, shall make application to the Collector of Sea Customs for authority to do so, which application, when it be intended that such gunpowder or gun-cotton shall be lodged in any place, or be laden in any boat or other conveyance within the limits of the said Town, shall be accompanied by a written order of permission, signed by a Justice of the Peace to that effect, and when it be intended that such gunpowder or gun-cotton shall be exported by sea, the Commanders of vessels, or the proprietors or their agents, by whom it shall have been deposited in the magazine, shall make application to the Collector of Sea Customs for permission so to export it; and the Collector of Sea Customs shall comply with such applications aforesaid, except where the exportation of ammunition shall require, under the provisions of Act XVIII. of 1811, a licence from a public Officer, other than the Collector of Sea Customs, in which case the Collector of Sea Customs shall not comply with the application unless it be accompanied by the licence of such public Officer; and on or before the removal of all gunpowder or gun-cotton from the magazine, the Collector of Sea Customs shall, and he is hereby authorized to levy a fee, the rate of which shall not be exceeding two annas per pound, for all gunpowder or gun-cotton that has been lodged therein, which fee (not to exceed the rate of two annas per pound as aforesaid) shall be taken to cover all charges for the safe custody of the gunpowder or gun-cotton during the period it has remained or shall remain in the magazine; provided also, and it is hereby enacted, that the Governor of Bengal shall be at liberty to authorize such arrangement to be made by letting or otherwise contracting for the custody of the magazine, and for the collection and appropriation of the fee which may be charged for gunpowder or gun-cotton stored therein, as he may think proper, subject however to all the restrictions and rules imposed by this Section in respect to the removal from the magazine of gunpowder therein stored.

LVII. For every act done or omitted to be done contrary to the provisions in the last preceding Section of this Act, by the Commander of any merchant vessel in the port of Calcutta, the Commander aforesaid shall forfeit the sum of two hundred rupees, and the Collector of Sea Customs is hereby empowered to enforce the said penalty; provided also, and it is hereby enacted, that the Collector shall not grant a Port-clearance for any vessel in which such penalty shall have been incurred until it shall have been paid; and the Collector of Sea Customs is hereby empowered to search for any quantity of gunpowder which he may have reason to believe to be on board a merchant vessel in the port of Calcutta, contrary to the provisions of this Act, and to seize it, and detain it as forfeited to Government, to be dealt with as the Governor of Bengal shall think right to direct.

LVIII. When any person shall have been convicted under the provisions of this Act, and shall not, within seven days after such conviction, discontinue the nuisance, or cease to commit the offence for which he was so convicted, such person shall be again liable to the penalties and punishments provided by this Act for such nuisance or offence, and may be again convicted or sentenced under this Act accordingly, and in cases where by the provisions of this Act offenders are required to have notice given them to remove the obstruction or nuisance previous to being liable to the penalties imposed by this Act, if such parties being once warned shall be convicted, and shall again offend against the provisions of this Act, it shall not be necessary to repeat the notice aforesaid, but the parties may be summoned at once.

LIX. Any person who shall wilfully obstruct or molest the said Commissioners, or any of them, or their Secretary, Surveyor, or other Officer or workman employed by them under the provisions of this Act, or any person or company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance or execution of any duty or thing which they are respectively required or authorized to do under this Act, shall, for every such offence, on conviction before a Justice of the Peace, forfeit and pay any sum not exceeding one hundred rupees, or, in the discretion of the said Justice before whom he is convicted, to imprisonment for a period not exceeding three months.

LX. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act for any offence complained of before a Justice of the Peace, unless the complaint respecting such offence shall have been made before such Justice within three months next after the commission of such offence.

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

LXII. The said Commissioners shall publish short particulars of the several offences for which any penalty or punishment is imposed by this Act, affecting other persons than Officers or servants of the said Commissioners, and of the amount of every such penalty and punishment, and shall cause such particulars to be painted on a board, or to be printed upon paper, and posted on a board in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Secretary of the said Commissioners, and when any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable, or have reference, and such particulars shall be renewed as often as the same or any part thereof are obliterated or destroyed.

LXIII. Every penalty or forfeiture imposed by this Act, or any expense incurred by the said Commissioners in respect of any private drains, sewers, doors, or other things as aforesaid, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before any Justice of the Peace of Calcutta, and on complaint being made to any such Justice, he shall issue his summons requiring the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending, either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for such Justice to proceed to the hearing of the complaint, which complaint shall be reduced to writing, and upon

proof of the offence, or of the expense having been incurred, either by the confession of the party complained against, or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Justice to convict the offender or party summoned as aforesaid, and upon such conviction to adjudge the offender to pay the penalty, forfeiture, or suffer the punishment, or to pay the expense incurred under the provisions of this Act, as well as such costs attending the conviction as such Justice shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LXIV. Where in this Act any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such sum of money and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained.

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

LXVI. The Justice of the Peace by whom any such penalty or forfeiture shall be imposed may, when the application thereof is not otherwise provided for, award not more than one-half thereof or any less sum to the informer, if he shall think fit so to do, and shall award the remainder or the whole thereof to the said Commissioners, to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Secretary of the said Commissioners for that purpose, whose receipt shall be a good and sufficient discharge to the person so paying the same.

LXVII. If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and if the amount of such damage shall not be paid on demand, the same may be recovered by action of debt, or on the case, in the Calcutta Court of Small Causes, or in Her Majesty's said Supreme Court of Judicature.

LXVIII. It shall be lawful for any Justice of the Peace to summon any person to appear before him as a witness in any matter in which such Justice shall have jurisdiction under the provisions of this Act, at a time and place to be mentioned in such summons, and require from him on oath or solemn affirmation that he will testify the truth in such matter; and if any person so summoned shall, without reasonable cause, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Justice, every such person shall for

every such offence forfeit and pay a sum not exceeding fifty rupees.

LXIX. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender only shall include females; the word "person" shall include corporations, whether aggregate or sole; the words "oath," "affirmation," and "solemn affirmation," when used alone shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India; the word "street" shall include any public square, circus, street, court, alley, foot-path, highway, lane, road, thoroughfare, public passage, or other public place within the said Town; the word "lands" shall include messuages, buildings, walls, tenements, and hereditaments of any tenure, as well as lands; the words "the said Commissioners" shall mean the Commissioners for the time being appointed under the provisions of Act No. of 1852; and the word "month" shall mean calendar month.

Ordered that the Draft now read be published for general information.

Ordered that the said Draft be reconsidered at the first meeting of the Legislative Council of India after the 19th day of February next.

FRED. JAS. HALLIDAY,
Secy. to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,
the 2nd January 1852.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 2nd January 1852, with the assent of the Most Noble the Governor General of India, which has been read and recorded.

Ordered, that the Act be promulgated for general information.

ACT NO. I. OF 1852.

An Act for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.

Whereas it is expedient to consolidate into one Act the laws now in force relating to the Customs under the Presidency of Bombay, and also to amend the rules for the collection and management of the same, It is enacted as follows:

I. The following Regulations and parts of Regulations of the Bombay Code, and the following Acts and parts of Acts of the Government of India, are repealed, that is to say, Sections I. II. and III. Regulation VI. of 1799; Clause II. Section VII. Regulation IX. of 1800; Sections XIV. XVII. XX. XXI. and XXV. Regulation I. of 1805; Section IV. Regulation II. of 1810; Regulation VI. of 1814; Chapters III. V. and VII. Regulation XX. of 1827; Regulation I. of 1833; Act I. of 1838, except in so far as it repeals any Regulation of the Bombay Code, or Act of the Government of India; Act IX. of 1845, so far as it relates to the Bombay Presidency, except so far as it repeals any other Act; Act II. of 1846; and all other Acts and parts of Acts, and all other Regulations and parts of Regulations of the Bombay Code, so far as such Acts or Regulations prescribe the levy within the Bombay Presidency of any customs duties, as well on transit by land as on import and export by sea, or which relate in any

way to such duties, or which require the payment of any fee leviable by Customs Authorities on account of any vessel which may enter any port in the territories subject to the Presidency of Bombay.

II. Nothing hereinbefore contained shall be construed to prevent the levy of any anchorage or harbour dues now leviable at the port of Bombay, or the levy of any special duties on opium, tobacco, gunja, spirits, or salt, which are or may be established by any Law, or the levy of any town duty, or of any Municipal Tax, or of any toll on any bridge, road, canal, or causeway, or for repair and maintenance of light-houses, or the levy of any rent or fee leviable under Act XXV. of 1836, on the warehousing of goods.

III. The Governor of Bombay in Council may appoint one or more persons to be commissioners of customs for the collection and management of the customs throughout the whole of the Presidency of Bombay, with such salary or salaries as the said Governor in Council may deem reasonable; the persons so appointed shall hold their offices during the pleasure of the said Governor in Council, and shall, in all matters relating to the execution of their duties, be subject to the authority, direction, and control of, and obey such orders and instructions as shall from time to time be issued to them by the said Governor in Council.

IV. The Governor of Bombay in Council may appoint such persons as he may deem fit for the control and supervision of the collection and management of the customs in the Bombay Presidency under this Act, as collectors of customs, or under such other designation as the said Governor in Council shall determine; the persons so appointed shall be subject to the authority and control of the commissioner or commissioners (if any such officer shall have been appointed), in such manner and to such extent as the said Governor in Council from time to time may direct.

V. The Governor of Bombay in Council may appoint all other proper persons to execute the duties of the several subordinate officers necessary to the due management and collection of the customs, and may require from such persons such securities for their good conduct therein as the said Governor in Council may deem necessary, and may from time to time transfer any part of the duties and powers of any officer of customs under this Act to any other officer, in such cases, and under such restrictions as the said Governor in Council may deem fit; and every officer of customs appointed or employed on any duty relating to the said customs shall hold his office during the pleasure of the Governor of Bombay in Council; all persons holding any office or employment in the said customs, at the time of the passing of this Act, shall continue to be so employed therein under this Act until duly removed therefrom.

VI. The Governor of Bombay in Council may delegate the whole or any portion of the powers with which he is invested by the preceding section to any commissioner or collector, or other officer of customs regularly appointed under the provisions of this Act, and all subordinate officers of customs, who may be appointed by such commissioner or collector, or other officer of customs, by virtue of such delegated power, shall be liable to be dismissed, suspended, or fined, to an extent not exceeding two months' pay, by the authority by which they were respectively appointed, subject to the control of Government, or of superior authority in the customs department.

VII. Whoever intentionally obstructs any officer, in the exercise of any powers given by this Act to such officer, shall be liable to imprisonment for any term not exceeding six months, or a fine not exceeding one thousand rupees, or both.

VIII. Any person who shall offer a bribe to any custom house officer, in order to induce such officer to act in a manner inconsistent with his duty, shall be liable for every such offence to a fine not exceeding one thousand rupees, or to imprisonment for any term not exceeding six months, or both.

IX. No action shall lie in the Supreme Court for any act or thing done under this Act; but every action for any wrong or trespass, if committed within the local limits of the Island of Bombay, shall be tried and determined before the Revenue Judge of Bombay, and if committed in any part of the Presidency of Bombay without those limits, then before the proper Zillah Judge within whose jurisdiction the same shall have been committed; and such Revenue Judge of Bombay, or Zillah Judge respectively, shall award such damages to the party aggrieved for the injury done as shall be just and equitable. Provided, that if it shall appear that there was reasonable and probable cause for the act complained of, the plaintiff shall not be entitled, beyond the restoration of any article unlawfully seized, or the value thereof, to more than two annas damages without costs.

X. Whoever, being an officer appointed under the authority of this Act, shall be guilty of a wilful breach of the rules prescribed in this Act, or any other rules that shall be passed by the Governor of Bombay in Council under the authority of it, or shall accept, or obtain, or attempt to obtain from any person any property, gratuity, or benefit as a consideration for doing or forbearing to do any official act, shall be liable to imprisonment for any term not exceeding two years, or to fine, or both.

XI. Whoever, being an officer appointed under the authority of this Act, practices or attempts to practice any fraud for the purpose of injuring the customs revenue, or abets or connives at any such fraud, or at any attempt to practice any such fraud, shall be liable to imprisonment for any term not exceeding two years, or to fine, or both.

XII. In all cases in which under this Act goods are liable to confiscation, and in all cases in which under this Act any person in charge of, or owning a vessel, or landing or shipping goods, or passing them through the custom house, is liable to a penalty, a commissioner or collector of customs may adjudicate such confiscation or such penalty; or the same may be adjudged by a deputy, or by an assistant collector of customs, being a justice of the peace: provided that the power to adjudicate confiscation shall not extend as regards a deputy collector to goods beyond the value of rupees one thousand, nor as regards an assistant collector to goods beyond the value of rupees one hundred, nor shall any deputy collector impose any fine beyond the amount of rupees fifty, nor any assistant collector beyond the amount of rupees ten; and all cases adjudicated by a deputy or assistant collector shall be liable to revision by a collector of customs on appeal.

XIII. In case any goods, ship, vessel, boat, cart, vehicle, or other article shall be seized and forfeited, or detained as under-valued under this Act, the adjudicating officer may order the same to be restored in such manner, and on such terms and conditions as he thinks fit to direct; and if the proprietor of the same accepts such terms and conditions, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the adjudicating officer shall not proceed to condemnation.

XIV. Any collector of customs, or other officer who is authorized to adjudicate customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, may adjudge damages to be paid to the proprietor by the customs officer who made such a vexatious seizure, beside ordering the immediate release of the goods; and if the proprietor accepts such damages, no action shall thereafter lie against the officer of customs, in any court of justice, on account of such seizure; and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, he may mitigate the same by levying on the goods so seized as aforesaid any portion of the market value of such goods not less than one-tenth of such value; and if the said officer adjudges confiscation or any penalty in mitigation of confiscation, he may order that

from the sale of the goods, or from the proceeds of any penalty inflicted in mitigation of confiscation, a proportion, not exceeding, in all cases of seizure, except seizures of salt or tobacco, one-half of the sum remaining after payment of all Government demands, shall be distributed in rewards amongst such officers as he deems entitled thereto, and in such proportion as he directs to each respectively; but in awarding rewards for the seizure of confiscated salt or tobacco, he may award one-half of the proceeds of the sale, without making any deduction on account of Government demands.

XV. All penalties under this Act, except those specified in any judicial award of the collector, or other adjudicating officer, as provided for in Section XIII. of this Act, shall be adjudged and determined by the officiating magistrate of the place where the offence shall have been committed; and any collector, being a justice of the peace, or deputy or assistant collector, authorized in such behalf by his superior, and being a justice of peace, may take informations and depositions on oath or solemn affirmation or declaration, touching any matters involving a breach of any of the provisions of this Act, and if taken in the presence of the party or parties charged with such breach, the same shall be received in evidence by such magistrate in the like manner and to the same extent as if taken before him, and shall be deemed sufficient for him to adjudicate thereon; but nothing herein contained shall prevent such magistrate from taking any information or deposition afresh, or from taking other and further depositions in the matter, if he think fit.

XVI. If any person in charge of, or owning a vessel, shall have become liable to any fine on account of any act or omission relating to the customs, the collector of customs, subject to the orders of the Governor of Bombay in Council, may refuse port clearance to such vessel until the fine is discharged; and in like manner if any person passing goods through the custom house shall have become liable to any fine, the collector of customs may detain such goods until the fine is discharged.

XVII. No person shall act as an agent for transacting business in the custom house in the port of Bombay, which shall relate to the entrance or clearance of any ship, goods, or baggage, unless authorized so to do by licence of the collector of customs, who may require a bond to be given by every person to whom such licence shall be granted, with sufficient securities, in any sum not exceeding five thousand rupees, for the faithful and incorrupt behaviour of such person as regards the custom house regulations and its officers; and every person who shall act as such agent, not being so licensed, shall, for every such offence, be liable to a fine not exceeding the sum of five hundred rupees. Provided always, that nothing herein contained shall extend to forbid the clerk or servant, or known accredited agent of any person, or of any mercantile firm, from transacting business at the custom house on account of such person or firm, without licence.

XVIII. Duties of customs shall be levied on goods imported by sea from any port not subject to the Government of the East India Company, or from Aden, or any port in the Straits of Malacca, the Tenasserim Provinces, or the Province of Arracan, into any place in the territories subordinate to the Government of the Presidency of Bombay, according to the rates specified in Schedule A annexed to this Act, and with the exceptions specified therein; and the said Schedule shall be taken to be a part of this Act.

XIX. Duties of customs shall be levied upon goods the produce or manufacture of India, exported by sea to any port situated beyond the territories subject to the Government of the East India Company, or to Aden, or to any port in the Straits of Malacca, the Tenasserim Provinces, or the Province of Arracan, from any port of the Bombay Presidency, according to the rates specified in Schedule B annexed to this Act, with the exceptions therein specified; and the said Schedule, with

the notes attached thereto, shall be taken to be a part of this Act. Provided always, that the ships of any European nation, having Firman privileges in the port of Surat, shall not be subject to further duties of import or export than may be prescribed by their Firmans respectively, anything in the Schedules or in this Act notwithstanding.

XX. Spirits exported from any port subject to the Government of the East India Company, and imported at any other port subordinate to the Government of Bombay, shall be liable on importation to the same rate of duty as may be fixed on spirit of country manufacture by Schedule A annexed to this Act, or by any future enactment. Provided always, that if the said spirit be accompanied by a document signed by competent authority, certifying that a duty, whether of customs or otherwise, has been paid on the said spirit to the East India Company, credit shall be allowed for the sum so paid in settling the customs at the port of import; and if such sum equal or exceed the full amount of customs leviable on spirits of country manufacture under Schedule A aforesaid, or any future enactment, then the spirit on which such duty has been paid shall be admitted to free entry.

XXI. The Governor in Council may direct that an anchorage toll shall be levied at any port or ports within the Bombay Presidency on all vessels arriving from any other port or ports which may be specified by the said Governor in Council, and such anchorage toll shall be levied at such port or ports on every such vessel on each arrival of such vessel at the rates specified in Schedule C, annexed to this Act: and the said Schedule shall be taken to be part of this Act.

XXII. No goods entered in either of the Schedules of this Act, as liable to duty, shall be exempted from the payment of such duty, or of any part thereof, except under special order from the Governor of Bombay in Council, and the collector of customs shall detain all goods subject to duty under this Act until such duty shall have been duly paid according to the rules herein provided; Provided always, that the collector of customs, or other officer in charge of a custom house, may at his discretion pass free of duty any passenger's personal baggage in actual use, and if any person shall apply to have goods passed as such baggage, the collector, acting under the orders of Government, shall determine whether they be passenger's personal baggage in actual use, or goods subject to duty under the provisions of this Act.

XXIII. On application by the exporter of any salt that has paid the excise duty, as established by law, a certificate shall be granted by the collector of customs at the place of export, under authority of which certificate the quantity of salt specified therein may be landed at any other port of the said Presidency of Bombay, and passed from such port into the interior of the country without the levy of any further duty either of excise or of customs.

XXIV. The Governor of Bombay in Council, from time to time, by notice in the official Gazette of that Presidency, may fix a value for any article or number of articles, liable to duty upon their value, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

XXV. When goods liable to duty for which a value has been fixed by such notice, or for which a fixed duty has been declared by the Schedules annexed to this Act, are brought to any custom house in the Bombay Presidency in a damaged state, and such damage is declared previous to the assessment of customs of such goods, the collector of customs may make an abatement of customs in proportion to the damage received; and, in estimating such damage, he shall be guided by such rules as the Governor of Bombay in Council may from time to time determine and notify; but if the value of the goods be not deteriorated more than one-fifth part thereof, no abatement of customs shall be allowed.

XXVI. When goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed duty has not been declared by the Schedules annexed to this Act, are brought to any custom house in the Presidency of Bombay for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied according to the market value of such goods at the place and time of importation or exportation, as the case may be.

XXVII. No goods shall be allowed to be passed through the custom house until a written application, according to a form, to be prescribed by the collector of customs, shall have been made by the owner, consignee, exporter, importer, or the agent for any of such persons respectively, for permission to pass such goods through the custom house; and such application shall contain a true description of such goods, with the marks, numbers, and description of the packages containing the same, and a declaration of their value, and shall set forth the name of the ship in which the goods have been imported, or are to be exported, the name of the master of the said ship, the colors under which the said ship sails, and the country in which the goods were produced. If any goods shall be passed through the custom house, or attempted to be removed therefrom without such an application in writing as is above described, they shall be liable to be seized and confiscated.

XXVIII. The market value for assessment of duties on the goods indicated in Section XXVI. shall be that declared in the application to be made as aforesaid. Provided always, that the value so declared be admitted by the collector, or by the officer appointed to appraise goods at the custom house; but if the value of the whole or any part of the goods entered in the declaration aforesaid shall seem to the collector to be understated in such declaration, he shall have power to take the goods, or any part thereof, as purchased for the Government at the price so declared; and whenever the collector of customs shall so take goods for the Government, payment thereof shall be made to the consignee, importer, or exporter, within one month from the date of the declaration; if the goods be imported goods, the amount of import duty leviable thereon shall be first deducted, and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of customs duty; and the collector shall sell the goods so taken on account of Government; and, if they shall realize on sale a sum exceeding all charges incurred on them by Government, a proportion not more than one-half of the excess shall, at the discretion of the collector, be payable to the officer who reported the under valuation of the goods, who shall in like manner be liable to pay one-half of the net loss that may accrue on the sale of the said goods.

XXIX. And whereas under Section XXIV. of this Act, it may be found expedient to fix the dutiable value of certain goods at the rates shown by their invoice, when it shall appear to the officer of customs appointed to appraise goods at the custom house that any goods are under-valued in an invoice presented for the purpose of assessing customs, he shall report the same to the collector of customs, who shall call upon the importer or exporter to declare the market value of the goods in question, and if the value so declared shall appear to the Collector insufficient, he may take such goods for Government at the value so declared, and dispose of them as empowered by Section XXVIII. of this Act.

XXX. Upon any goods liable to duty that may be passed through the custom house for shipment, the application for which shall be presented after port clearance shall have been taken out, double of the prescribed duty shall, in all cases, be levied, and if the goods (always excepting treasure and opium) be free, or have already paid import duty, or have been imported free under certificate, five per cent. upon the market value shall be levied thereon, or if the same be imported goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

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

XXXII. When goods shall be relanded before the lading of any vessel is complete, and before port clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods are exported, unless the vessel shall have put back for stress of weather or for damage, and the goods shall have been relanded under the rule contained in Section XXXI.

XXXIII. Goods exported in the same vessel on which they were imported, if manifested for re-export, shall not be subject to import or export duty; and, if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the custom house for re-exportation in the vessel into which they may be transhipped.

XXXIV. No duty of customs which shall have been charged and paid, and of which repayment is claimed in consequence of the same having been charged or paid under an erroneous construction of law, or from other error, shall be returned, unless such claim is made within two years from the date of such payment.

XXXV. With the sanction of the Governor of Bombay in Council, seven-eighths of the customs levied on imports may be repaid as drawback upon the re-export by sea of goods which can be identified to the satisfaction of the collector of customs as having previously paid customs duties on import at the same port; provided that such re-export be made within two years of the date of import by the custom house register, and the drawback be claimed at the time of re-export; but no drawback shall be claimable under this Act on any re-export of opium or salt, or of goods destined for any port in the territories subject to the Government of the East India Company, except Aden, and ports in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

XXXVI. Every person who shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any invoice, entry, cocket, or other document for the purpose of clearing, or having customs duties assessed on any goods, shall be liable to a fine not exceeding one thousand rupees.

XXXVII. If any certificate, manifest, bill, or other custom house documents be lost by any person to whom they may have been issued by the custom house authorities, the collector of customs, on being satisfied that on fraud has been committed, or was intended, may grant a duplicate of such lost document, upon payment

of a fee of not less than one rupee, nor exceeding ten rupees; and further, the collector may authorize any amendment to be made in any import or export application; but, if such amendment be required after such application is entered and recorded in the custom house books, then upon payment of a like fee for any document so entered.

XXXVIII. The master of every vessel on arrival at the port of Bombay shall, on being required by any custom officer who may proceed on board, enter in a printed form with which such officer will be furnished, the information therein required, which shall include the vessel's name, and the country to which she belongs, the name of the captain or sailing master, the port from whence she began her voyage, and the date of departure therefrom, also the names of any ports at which she touched during her voyage, and of any vessels she may have spoken, and a list of her passengers; and any master of any vessel who shall refuse to enter such information, or delay to do so for more than two hours after delivery to him of the printed form aforesaid, or wilfully make any false statement in filling up the same, shall be liable to a fine not exceeding five hundred rupees.

XXXIX. On the arrival of any ship, boat, or other vessel at the port of Bombay, the master or commander thereof shall, within twelve hours after he shall have anchored, report to the collector of customs the quantity of gunpowder which he has on board, and all such gunpowder in excess of five seers, unless a greater quantity shall be authorized by Government to be retained on board any vessel, shall be delivered by him in charge of such person as shall be named in an order to be furnished to him for such purpose by a proper officer of Government, and on his failure to make such report, or deliver such excess, he shall be liable to a fine not exceeding five hundred rupees.

XL. When any vessel shall arrive in any port of the Presidency of Bombay, the master shall deliver a certificate of registry of such vessel if registered as a British vessel under Act of Parliament, or if registered under Acts of the Government of India No. X. of 1841, or No. XI. of 1850 a certificate of registry as required by such Acts, or if not registered under either of the said Acts then the pass or sea letter under which the vessel may have sailed, to the first person duly empowered to receive such certificate of registry or pass, who comes on board; and if no such person comes on board before the anchor is dropped, then such certificate or pass shall be forwarded to the collector of customs or other principal officer of customs on the spot by the first boat that leaves the vessel after dropping anchor; and, if the port be up a river, or at a distance from the land first made, no inward bound vessel, except such country craft as are described in Section LIX. of this Act, shall pass beyond such place in such river or adjoining such port as shall be from time to time appointed by the Governor of Bombay in Council, by an order published in the Government Gazette of the Presidency, until the master shall have forwarded in such manner as may be so ordered by the said Governor, a certificate of registry or pass, and the master of such vessel arriving as aforesaid shall deliver in duplicate, at the same time and in like manner as he is hereinbefore directed to deliver a certificate of the registry of the vessel, a true manifest of the cargo on board; and if there be no cargo, then a blank manifest made out according to such form as may be prescribed by the collector of customs; and the wilful breach or neglect of any of the provisions of this Section shall subject the master to a fine not exceeding one thousand rupees.

XLI. If the manifest so delivered by the master shall not contain a full and true specification of all the goods imported in the vessel, the said master shall be liable to a fine not exceeding rupees one thousand, and any goods or packages in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, that are found on board, or are found after being frau-

dulently removed from the vessel, shall be liable to be seized by any officer of customs and confiscated, or to be charged with such increased duties, not exceeding the value of such goods or packages, as may be determined by the collector of customs.

XLII. If any inward bound vessel shall remain outside or below the place that may be fixed by the Governor in Council for the first delivery of manifests, the master shall deliver a manifest, as hereinbefore prescribed, to the first person duly empowered to receive such manifest who comes on board, and the master of any vessel entering a port for which there is a custom house established, and being at anchor therein for twenty-four hours, who shall refuse or neglect to deliver the said manifest within that time in the manner above prescribed, shall, for such refusal or neglect, be liable to a fine not exceeding rupees one thousand; and no entry or port clearance shall be given for such vessel until the fine is paid.

XLIII. No vessel shall be entitled to inward entry, or be allowed to break bulk until a manifest in duplicate, as required by this Act, shall have been received by the collector of customs, nor until orders have been given by the said collector for the discharge of the cargo; and the said collector may further refuse to give such order, if he shall see fit, until any port clearance, cockpit, or other papers known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

XLIV. No vessel shall be entitled to entry outwards, or to take on board any part of her export cargo, until a written application for such purpose shall have been made by the master of such vessel to the collector of customs, nor until an order shall have been given by the said collector for shipping export cargo, and in the written application to be made as aforesaid, the name, tonnage, and nation of the vessel shall be described, as also the name of the master, and the name or names of the place or places for which she is bound.

XLV. If in the application prescribed by the preceding Section of this Act, a vessel be described to be bound to any port or ports within the territories of the East India Company, then the collector of customs, or, in his absence, his deputy or assistant, may refuse a port clearance to such vessel until the master or commander thereof shall have given a joint bond together with the owner or the consignee of the said vessel, or some other party approved by the collector of customs, or in his absence by his deputy or assistant, by which such parties or one of them shall be bound to produce to the collector of customs a certificate from the officer in charge of the port to which such vessel is said to be bound, of her arrival at such port, within a fair and reasonable time, to be prescribed by the collector in each case, and in failure of producing such certificate, or showing sufficient reason for its non-production, the parties to the bond aforesaid shall be jointly and severally bound to pay a penal sum equal to double the amount of customs which would have been chargeable on the export cargo of the said vessel had she been declared bound to a port beyond the territories of the East India Company.

XLVI. No goods shall be allowed to leave any vessel, or to be put on board thereof, until entry of the vessel shall have been duly made in the custom house of the port, and until orders shall have been given for discharge or shipment of the cargo thereof as above provided, and it shall be the duty of every customs officer to seize as contraband any goods which have been removed from or put on board of any vessel in contravention of the above provision; and the master of any vessel who shall permit or neglect to take measures for preventing the landing or shipping of any goods in contravention of the above provisions, shall be liable to a fine not exceeding five hundred rupees.

XLVII. After entry of the vessel at the custom house in due form as above prescribed, such part of the cargo as may not be declared for re-exportation in the

same vessel shall be landed, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor of Bombay in Council; and if an attempt be made to land or put on board goods or merchandise in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

XLVIII. If goods entered in the manifest of a vessel shall not be found on board that vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the custom house, or at such other place as the collector of customs shall have prescribed, the master shall be liable to a penalty not exceeding five hundred rupees for every missing or deficient package of unknown value, and to a penalty equal to twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained, and if they be not subject to duty, then to a penalty equal to five per cent. on the value of such deficient goods. Provided always, that nothing herein contained shall be construed to prevent the collector of customs from permitting, at his discretion, the master of any vessel to amend obvious and unintentional errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental manifest.

XLIX. Every master of a vessel who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence, or put on board thereof between sunset and sunrise, or on any day when the custom house is closed for business, without leave in writing obtained from the collector of customs, shall be liable to a fine not exceeding five hundred rupees.

L. When goods shall be sent from on board of any vessel for the purpose of being landed and passed for importation, there shall be sent with each boat-load, or other separate despatch, a boat note specifying the number of packages, and the marks and numbers, or other description thereof, and such boat note shall be signed by an officer of the vessel; and if the vessel have a customs officer on board, the boat note must be signed by such officer, as well as by an officer of the vessel; and, if any imported goods be found in a boat proceeding to land from such a vessel without a boat note as above provided, or if being accompanied by such boat note they be found out of the proper track between the ship and the proper place of landing, the boat containing such goods may be detained by any officer of customs duly authorized by the collector; and, unless the cause of deviation be explained to the satisfaction of the collector of customs, the goods shall be liable to seizure and confiscation.

LI. Except in special cases sanctioned by the collector of customs, twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons' burthen, and thirty days for vessels exceeding that burthen; and the said periods shall be calculated from the date on which the vessel was admitted to entry inward; and if any goods remain on board after the periods above fixed, the collector may order the same to be landed and warehoused, for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the master for the goods so warehoused; but the collector or other officer in charge of the custom house, with the consent of the master of the vessel, may cause any packages to be brought on shore and to be deposited in the Government warehouses, although the periods above fixed have not expired.

LII. No vessel shall depart from any port of the Presidency of Bombay without a port clearance being granted by the collector of customs or other proper officer duly authorized by the Governor of Bombay in Council to grant the same, and application shall be made for such port clearance at least twenty-four hours be-

fore the intended departure of the vessel; and no such port clearance shall be granted to any square-rigged vessel sailing from the port of Bombay until the following documents shall have been produced to the collector of customs or other officer:

1st. The certificate of registry of the vessel if registered a British vessel under Act of Parliament, or if registered under the Acts of the Government of India No. X. of 1841, or XI. of 1850, a certificate of registry as required by such Acts, or if not registered under either of the aforesaid Acts, then the pass or sea letter under which the vessel shall be sailing.

2nd. A certificate from the senior magistrate of Police that there is no objection in his department to a port clearance being granted to the vessel.

3rd. A like certificate from the Indian naval store-keeper of all demands as regards his office on the vessel having been satisfied.

4th. A like certificate from the marine paymaster.

5th. A like certificate from the registrar of shipping.

6th. A list of the crew and (if any) of the passengers; but if none, then a declaration of the master to such effect.

Provided always, that it shall be lawful for the Governor of Bombay in Council, in any cases of necessity or special emergency, to authorize the granting of such port clearance without the production of any one or more of the documents herein before enumerated, and on such terms and conditions as he may think fit.

LIII. The master of every vessel leaving any port in the Bombay Presidency shall, at the time of applying as above prescribed for a port clearance, deliver to the collector of customs or other principal customs officer of such port, in duplicate, a true manifest of the cargo on board, and if there be no cargo, then a blank manifest made out according to such form as may be prescribed by the collector of customs; and if such manifest so delivered shall not contain a full and true specification of all goods to be exported in the vessel, the said master shall be liable to a fine not exceeding one thousand rupees; and any goods or packages found on board in excess of the manifest so delivered, or differing in quantity, or in kind, or in marks, or in numbers, from the specification contained therein, shall be liable to be seized by any customs officer and confiscated, or charged with such increased duties not exceeding the value of such goods or packages as may be determined by the collector of customs.

LIV. If any goods shall be taken on board of any vessel after port clearance, it shall be incumbent on the master of such vessel to amend the export manifest of such vessel in presence of the collector of customs, unless a special permission be granted by that officer; and the master of any vessel who may contravene the provisions of this Section shall be liable to a fine not exceeding one thousand rupees.

LV. If any vessel shall depart, or attempt to depart, without a port clearance, as directed by this Act, the master shall be liable to a penalty not exceeding one thousand rupees, which may be recovered from the master, or any owner of the vessel.

LVI. No transhipment shall be made of any goods except under special order in writing from the collector of customs of the port; and an officer of customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel; and, if any goods are transhipped, or any attempt be made to tranship any goods without a special order as aforesaid, such goods shall be liable to confiscation.

LVII. The Governor of Bombay in Council may declare, by public notice in the Official Gazette of that Presidency, what places within the same shall be ports for the landing and shipment of merchandise, and any goods landed, or attempted to be landed, at any other port than such as shall be so declared shall be seized and confiscated.

LVIII. There shall be in every port of the Bombay

Presidency one or more places for the landing and shipment of goods, and goods shall not be landed or embarked at any other place without the special order in writing of the collector of customs for the port; and, if any goods be landed or embarked, or an attempt be made to land or embark any goods at any other than the said authorized places, without such order, they shall be seized and confiscated.

LIX. The Governor of Bombay in Council may establish rules for the anchorage of the coasting and country craft of the British territories, for the delivery of manifests of the cargo of such vessels, and for the landing of goods therefrom, and shipping and transshipping of goods therein; and whoever, being in charge of any such craft, or being owner of the vessel or of any part of her cargo, shall knowingly contravene any such rule, shall be liable to a fine not exceeding one hundred rupees for each offence.

LX. Goods which shall be brought to be passed through the custom house, either for importation or exportation by sea, shall be liable to confiscation if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the custom house, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if in or among the packages any goods not stated in the application be found concealed in or mixed up with the specified goods.

LXI. Any exported goods which shall be found in the harbour, or any imported goods which shall be found on the wharf, of any port under the Bombay Presidency, shall be liable to confiscation, unless the owner, consignee, or other parties interested in the said goods, shall prove in the case of exported goods that they have been duly passed through the custom house, or, in the case of imported goods, that they have been landed according to the rules prescribed by this Act, preparatory to their being so passed.

LXII. The Governor of Bombay in Council, by an order in Council, may fix, and from time to time alter rates of rent to be charged on goods placed in the Government warehouses, or which may be, beyond such period as may be determined by the Governor in Council, lying on the custom house wharf, or other authorized landing places.

LXIII. The unshipping, carrying, shipping, and landing of all goods, and the bringing of the same to the proper place for examination or for weighing, and the putting the same into and out of the scales, shall be performed by or at the expense of the importer or exporter of such goods.

LXIV. The collector of customs, whenever he shall see fit, may require that goods brought by sea, and stowed in bulk, shall be weighed or measured on board ship before being sent to land, and may levy duty according to the result of such weighing or measurement.

LXV. The Governor of Bombay in Council, from time to time, may issue such rules as appear to him expedient for landing or shipping passengers' baggage, and passing the same through the custom house, and also for landing, shipping, and clearing parcels forwarded by Her Majesty's or the East India Company's mails, or by other regular packets and passenger vessels; and when any baggage or parcels are made over to the custom house officer, for the purpose of being landed, a fee of such amount as the Governor of Bombay in Council may from time to time direct shall be chargeable thereon, as compensation for the expense and trouble incurred in landing and depositing the same in the custom house.

LXVI. If any person, after goods have been landed, and before they have been passed through the custom house, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved, to the satisfaction of the collector of customs, that the removal was not sanctioned by the owner, or

by any person having an interest in or power over the goods: on such proof, the goods shall not be liable to confiscation, but the party or parties so removing or attempting to remove the goods, shall be liable to a fine not exceeding the value of the said goods.

LXXVII. In case of any goods landed from any vessel not being claimed and cleared from the custom house within three months from the date of entry of the ship in which such goods were imported, the collector, after publication of a description of the same in the Government Gazette, may sell the same on account of the duties and other charges due thereon; and the balance remaining after deducting the said duties and charges shall be held in deposit and paid to the owner on application; provided that such application be made within two years of the sale of the goods, or good reason be shown why such application has not been so made.

LXXVIII. If the Governor of Bombay in Council shall see fit, for the security of customs at any port, to maintain special establishments of boats for landing and shipping merchandise, or to licence and register the cargo boats plying in any ports, then, after due notification thereof, no person shall convey goods to or from any vessel in such port, otherwise than in the boats so authorized and prescribed, except under special permit from the collector of customs at the port: and any goods found on board of other boats than those so authorized for the port, shall be liable to be seized by any officer of customs, and shall be liable to confiscation; and the tinal or owner of any such boat shall be liable to a fine not exceeding fifty rupees for each offence.

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

LXX. Any master of such vessel at such port, who shall refuse to receive an officer so deputed with one servant on board, or who shall not afford such officer and servant suitable shelter and accommodation while on board, and likewise furnish them with a due allowance of fresh water, if necessary, and with the means of cooking on board, shall be liable to a fine not exceeding one hundred rupees for each day during which such officer and servant continue on board, and shall not be received and provided with suitable shelter and accommodation.

LXXI. If application be made to the collector for an extension of the period allowed in Section LI. of this Act, for the discharge of the import cargo of any vessel on board of which a custom house officer shall have been placed, and the collector may see fit to grant any such extension, the master of such vessel shall be charged with the wages of such officer, and other expenses, for such period as such officer may be detained on board beyond the period fixed by Section LI. of this Act.

LXXII. If any officer shall be placed on board for the purpose of superintending the lading of any vessel, and the unloading and lading of such vessel be continuous, then a period of twenty days shall be allowed for taking in export cargo; and the said period shall be calculated from the termination of the period allowed for discharging cargo by Section LI. of this Act; and the master thereof shall be charged for the wages and expenses of the customs officer on board after the expiration of such additional period. But, if the unloading and lading of any vessel be not continuous, and a customs officer is appointed to superintend the lading

thereof, then the period of thirty days shall be allowed from the date of entry of the vessel outwards, and the master of the vessel shall be charged for the wages and expenses of the customs officer on board after the expiration of that period.

LXXIII. When the unloading and lading of any vessel is not continuous, the customs officer shall be removed from on board such vessel so soon as the import cargo has been fully discharged, and shall be replaced on board such vessel on the entry outwards of such vessel; and the master of any such vessel who, before a customs officer has again been placed in such vessel, shall put on board or cause or suffer to be put on board of such vessel, any goods whatever, shall be punished with a fine not exceeding one thousand rupees, and the goods shall be liable to be re-landed for examination at the expense of the shippers, upon requisition to that effect from the collector of customs.

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

LXXV. If any officer of customs shall see cause to search any person on board, or who shall have landed from any vessel, or any person passing or having passed through the custom house or any custom station, such person, before being searched, may require such officer to take him before the collector or a justice of the peace, who shall determine whether there is reasonable ground to suppose that such person has any uncustomed or prohibited goods on his person; and if such collector or justice shall think there is reasonable ground for such supposition, then he shall direct such person to be searched in such manner as he shall think fit, otherwise he shall forthwith discharge such person; but no female shall be searched otherwise than privately, or by any other person than a female, duly authorized by such collector or justice; and any officer who shall not take such person with reasonable despatch before such collector or justice when so required, or who shall require any person to be searched without having reasonable ground to suppose that he has uncustomed or prohibited goods on his person, or who shall cause any female to be unlawfully searched, shall be liable to forfeit and pay a sum not exceeding one hundred rupees; and if any person suspected of having any uncustomed or prohibited goods on his person, or in his possession, shall, on being questioned by any officer of customs in regard thereto, deny the same, and any such goods shall after such denial be found on his person, or in his possession, such goods shall be seized and confiscated, and such person shall forfeit double the value of such goods, in addition to the goods confiscated.

LXXVI. Any officer of customs, acting under the warrant of any commissioner or collector of customs, may take a constable and a sufficient number of peons, (who shall, on the requisition of the collector for such purpose, be furnished, by the superintendent of police in Bombay, or the proper police authority in any zillah), and between sunrise and sunset may enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance may break open doors, chests, trunks, and other packages, and may seize and bring thence any uncu-

tomed or prohibited goods, and put and secure the same in the custom house warehouse, in the port next to the place whence such goods shall be so taken as aforesaid; and such goods shall be liable to confiscation; provided always, that no commissioner or collector of customs shall issue any such search-warrant except upon information on oath or solemn declaration formally laid before him.

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

LXXVIII. All fines, for the recovery of which no special provision is hereinbefore made, may be recovered, on conviction of the offender, before a magistrate or other person competent to adjudicate on the offences, and payment thereof may be enforced under Act II. of 1839.

SCHEDULE A.

Rates of duty to be charged on goods imported by sea into any port of the Presidency of Bombay, from any port or place not subject to the Government of the East India Company, or from Aden, or from any port or place in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

Nos.	Enumeration of Goods.	The produce or manufacture of	
		The United Kingdom or any British possession.	Any other place.
		Rate of duty on the value.	Rate of duty on the value.
1	Bullion and Coin	Free.	
2	Precious Stones and Pearls	Ditto.	
3	Grain and Pulse	Ditto.	
4	Horses and other living animals	Ditto.	
5	Ice	Ditto.	
6	Coal, Coke, Bricks, Chalk and Stones (marbles and wrought stones excepted).	Ditto.	
7	Cotton Wool, 9 annas per Indian Maund.		
8	All Machinery imported into India for improvement of the communications, and for development of the commercial resources of the country	Ditto.	
9	Opium covered by a pass	Ditto.	
10	Opium not covered by a pass.	24 rupees per Seer of 80 Tolahs.	
11	Books	Free.	3 per Cent.
12	Marine Stores	5 per Cent.	10 per Cent.
13	Metals, wrought or unwrought	5 per Cent.	10 per Cent.
14	Woolens	5 per Cent.	10 per Cent.
15	Cotton and Silk Piece Goods, and all manufactures of Cotton and Silk (except Thread, Twist and Yarn), or of Cotton or Silk mixed with any other materials	5 per Cent.	10 per Cent.
16	Cotton Thread, Twist and Yarn	3 1/2 per Cent.	10 per Cent.
17	Porter, Ale, Beer, Cyder, and other similar fermented Liquors		5 per Cent.
18	Salt not covered by a Pass		12 annas per Indian Maund.

19	Alum	10 per Cent.
20	Camphor	10 ditto.
21	Cassia	10 ditto.
22	Cloves	10 ditto.
23	Coffee	7 1/2 ditto.
24	Coral	10 ditto.
25	Nutmegs and Mace	10 ditto.
26	Pepper	10 ditto.
27	Battans	7 1/2 ditto.
28	Tea	10 ditto.
29	Vermillion	10 ditto.
30	Wines and Liqueurs	1 Rupee per Gallon.
31	Spirits, of European and Foreign manufacture, at or below London proof.	1 Rupee 8 annas per Gallon.
32	Spirits, of country manufacture, including Ceylon Arrack	9 Annas per Gallon.
NOTE.—The duty on all Spirits shall be ratably increased as the strength exceeds London proof.		
33	Tobacco, and all preparations thereof, when the market value does not exceed 30 Rupees per Indian Maund.	1 Rupee 8 Annas per Indian Maund.
34	Ditto ditto ditto, when the market value exceeds Rupees 30 per Indian Maund.	5 per Cent. on the value.
35	Ditto ditto, on removal from Bond for consumption in the Island of Bombay	7 1/2 Rupees per Indian Maund.
36	All articles not included in the above enumeration	5 per Cent. on the value.

SCHEDULE B.

Rates of Duty to be charged on goods exported by sea from any port or place in the Presidency of Bombay to any port or place not subject to the Government of the East India Company, or to Aden, or any port or place in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

Nos.	Enumeration of Goods.	Rate of Duty.
1	Bullion and Coin	Free.
2	Precious Stones and pearls	Ditto.
3	Books, Maps, and Drawings, printed in India	Ditto.
4	Horses and living animals	Ditto.
5	Opium covered by a Pass	Ditto.
6	Opium not covered by a Pass	Prohibited.
7	Cotton Wool	Free.
8	Sugar and Rum	Ditto.
9	Salt having paid Excise duty as prescribed by Law	Ditto.
10	Salt, not covered by a Pass, or Certificate of having paid Excise duty or Import Customs duty	Prohibited.
11	Spirits	9 annas per Gallon.
12	Tobacco, and all preparations thereof.	1 Rupee 8 Annas per Indian Maund of 80 Tolahs to the Seer.
13	All Articles produced or manufactured in the territories governed by the East India Company, and not enumerated or named above.	3 per Cent. on the value.
14	All Articles produced or manufactured in any foreign territory, uncovered by a Certificate of having paid Import duty	3 per Cent. on the value.

SCHEDULE C.

ANCHORAGE TOLLS ON COUNTRY CRAFT.

Candies.	Indian Maunds.	Candies.	Indian Maunds.	Rupees, Annas, Pies.	
				Rupees.	Pies.
Above 10	100 not exceeding	20	200	1	0 0
20				1	8 0
40		60		2	0 0
60		80		2	8 0
80		100		3	0 0
100		150		3	8 0
150		200		4	0 0
200		250		4	8 0
250		300		5	0 0
300		350		5	8 0
350		400		6	0 0

FRED. JAS. HALLIDAY,
Secy. to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,

the 2nd January 1852.

The following Act is passed by the Hon'ble the President of the Council of India in Council, on the 2nd January 1852, with the assent of the Most Noble the Governor General of India, which has been read and recorded.

Ordered that the Act be promulgated for general information.

ACT NO. II. OF 1852.

An Act for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay.

Whereas it is expedient to provide for the collection of Land Customs on certain Foreign Frontiers, It is enacted as follows :

I. Duties of Customs shall be levied on Goods passing by land into or out of Foreign European Settlements situated on the line of Coast within the limits of the Presidency of Bombay, at the rates prescribed in the Schedules of Act I. of 1852, at the ports of that Presidency.

II. The Governor of the Presidency of Bombay in Council may declare, by notice to be published in the Official Gazette of that Presidency, that the Territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil Authorities of that Presidency, shall be deemed to be Foreign Territory, and may declare Goods passing into or out of such territory liable either to the duty fixed by the Schedules of Act I. of 1852 for Goods imported or exported at the ports of that Presidency, or to double the said duties, as the Governor of Bombay in Council may think fit.

III. For the levy of duties of Customs as above provided on Goods exported by land to, or imported by land from, such Foreign Territories, Customs Stations may be established at such places as may be determined by the said Governor of Bombay in Council; and every Officer at every such Station shall have power to detain Goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the Territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certificate showing that the Customs duty leviable thereupon has been paid.

IV. Any Officer of Sea Customs may receive money on account of Customs, and grant certificates of the payment thereof; and any such certificate, being delivered to any Station Officer, shall entitle the Goods therein mentioned to cross the Frontier into or out of the East India Company's Territories, provided that the goods correspond with the specification thereof contained in such certificates, and that the certificates show the entire amount of duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Station be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate; and if the payment of duty certified therein shall not cover the entire amount of duty leviable on the Goods, as ascertained at such examination, the Goods shall be detained until further certificate for the difference shall be produced.

V. The said Governor of Bombay in Council shall appoint proper Officers to receive Customs duties on Goods crossing the land Frontier of the said Foreign Territories; and the Officers so appointed shall, on the receipt of money tendered as Customs duty, be bound to give any merchant or other person applying for the same a certificate of payment, and to enter therein the specification of Goods, with the values and description

thereof, according to the statement furnished by the person so applying; provided only, that the proper duty leviable thereupon according to the descriptions and values stated be covered by the payment made.

VI. No certificate shall be received at any Station that shall bear date more than thirty days before the date when the Goods arrived at such Station; but any person, who has taken out a certificate from any authorized Receiver of Customs duties, shall be entitled at any time within the said period of thirty days, on satisfying such Receiver that such certificate has not been used, and on delivering up the original, to receive a renewed certificate with a fresh date, without further payment of duty.

VII. The said Governor of Bombay in Council may prescribe, by public notice in the Official Gazette of the Presidency of Bombay, by what ways Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections I. and II. of this Act; and after such notice, Goods which may be brought to any Station established on other roads or passes than those so prescribed, shall, if provided with a certificate, be sent back; and if not provided with a certificate, shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector, that his carrying them by that road or pass was from ignorance or accident.

VIII. Goods unlawfully passed, or attempted to be passed unlawfully across any Frontier guarded by Stations, between sunset and sunrise, shall be seized and confiscated.

IX. Any Station Officer who shall permit Goods to pass across the Frontier, when not covered by a sufficient certificate, or who shall permit Goods to pass by any road or pass other than the prescribed ways, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months, and to a fine not exceeding five hundred rupees, commutable, if not paid, to imprisonment for a further period of six months.

X. Any Station Officer who shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or who shall wrongfully detain Goods for which there be produced a sufficient certificate, shall, on conviction before any Magistrate, be liable to imprisonment for any term not exceeding six months, and to a fine not exceeding five hundred rupees, commutable, if not paid, to imprisonment for a further period of six months.

XI. All confiscations and penalties under this Act may be adjudicated by Officers competent to adjudicate like confiscations and penalties under Act I. of 1852, and such Officers shall be subject to the same liabilities and rules in adjudicating such penalties and confiscations as they are subject to when adjudicating the like confiscations and penalties under the provisions of the aforesaid Act.

FRED. JAS. HALLIDAY,

Secy. to the Govt of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,

the 26th December 1851.

The following Draft of a proposed Act was read in Council for the first time on the 26th December 1851.

ACT NO. — OF 185 .

An Act to facilitate the acquisition of Land needed for public purposes in the Presidency of Fort St. George.

I. Whenever it shall appear to the Governor of Fort St. George in Council that any land is needed

for a public purpose, he shall make a declaration to that effect in a Minute of Council, and such declaration shall be conclusive evidence that the purpose for which the land is needed is a public purpose.

II. When a declaration has been made by the Governor in Council that any land is needed for a public purpose, if there shall be any hindrance to the immediate acquisition of such land by purchase from the parties interested therein, it shall be competent to the Governor in Council to order the land to be taken possession of on the part of Government, and applied to the purpose for which it is needed, leaving claims for compensation for the land to be determined as hereinafter provided.

III. When such order is passed by the Governor in Council it shall be sent to the Collector of the District in which the land lies, or to such other Officer as the Governor in Council shall think fit to appoint to carry it into execution, and the Collector, or other Officer so appointed, shall cause the land ordered to be taken to be marked out and measured, and possession to be taken thereof on behalf of Government, and the land shall thenceforward be vested absolutely in the Government, free and clear of all other the estates, rights, titles, remainders, reversions, limitations, trusts, and interests, and also of all mortgages, liens, or incumbrances whatsoever, of and in the land so taken as aforesaid, and any suit which may be instituted to recover the land so taken by Government in any Court of Judicature shall be dismissed with costs. Provided always, that nothing herein contained shall affect the liability of the party who may receive the value of any land so taken by Government, without having a good title to the same.

IV. As soon as the land has been marked out, the Collector, or other Officer appointed as aforesaid, shall cause the order in Council to be affixed in some conspicuous place upon the land, and published by proclamation in the neighbouring bazars and villages, with a citation, calling on all parties interested in the land to appear before him in person, or by authorized agents, on a certain day, not less than fifteen days after the date of citation, and to state the nature of their interests in the land required, and the amount and particulars of their claims to compensation for the same.

V. It shall be competent to the said Collector, or other Officer appointed as aforesaid, to admit any such claims that appear to him to be valid, and if he and all the parties interested in the land agree as to the compensation to be allowed to them respectively, to pass an award for the same.

VI. If the said Collector or Officer shall judge any of the claims preferred to be inadmissible, and the parties interested in the land or any of them shall nevertheless persist in such claims, or if the said Collector or Officer, admitting the interests claimed, shall object to the compensation demanded for the same, as excessive, the points in dispute shall be referred to the determination of arbitrators, to be appointed in the manner hereinafter provided.

VII. Two persons shall be chosen to act as arbitrators on the part of Government, by the Collector, or other Officer duly appointed as aforesaid, and the parties claiming to be interested in the land taken shall be called upon by the said Collector or Officer to elect, within fifteen days, two persons to act as arbitrators on his or their part. If there be several parties interested as aforesaid, and they cannot agree within the required period in the election of persons to act as arbitrators on their behalf, then and in that case each of them shall nominate one person, whom he may desire to act on his behalf, and the said Collector or Officer shall choose by lot, out of the persons so nominated by the parties aforesaid, or by any of them, two persons to act as arbitrators on behalf of the parties interested in the land. If only two persons

shall be so nominated by the parties interested in the land, they shall be the arbitrators on behalf of such parties, whether the whole of the parties interested as aforesaid may or may not have been concerned in their nomination. If only one person shall be so nominated, then only one of the persons selected to act as arbitrators on the part of Government shall be employed on the duty. If the parties interested in the land shall refuse or neglect, or if, by reason of minority, lunacy, or absence from the Presidency, they shall be unable to make any nomination within the required period, then the said Collector or Officer shall and may select two impartial persons to arbitrate the matter between Government and the parties interested in the land.

VIII. Before the arbitrators proceed to arbitrate, they shall be required by the said Collector or Officer to appoint an umpire for the decision of any points whereon they may differ in opinion, when the voices on each side shall be equal. If the arbitrators cannot agree in the selection of an umpire, the said Collector or Officer shall be authorized to choose some person to act as such.

IX. In cases wherein the arbitrators may differ in opinion, if the voices on each side shall be equal, the decision of the umpire on the point of difference shall be conclusive. In all other cases, the opinion of the majority of arbitrators shall determine the award.

X. The arbitrators shall hold their inquiry under the general superintendence of the Collector or other Officer appointed as aforesaid, who shall be competent to exercise towards them such powers and authority for the purpose of securing their attendance, and the due completion of their award, as the Courts of Judicature may legally exercise towards persons summoned as witnesses before them, for the purpose of compelling such witnesses to attend and give evidence. It shall further be competent to the Officer presiding, in the event of any unnecessary delay on the part of arbitrators in determining any question referred to them, to call upon them to make their award within a specified time, and, in default thereof, to refer such question to the umpire for his decision.

XI. The said Collector, or other Officer appointed as aforesaid shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for, and whom the parties may not be able to produce before them without such process. He shall also cause the proper forms of affirmation to be executed by any witnesses whom the arbitrators may desire to examine upon affirmation, or he may empower the arbitrators to administer, or cause the execution of such affirmation, if the witnesses cannot with convenience attend before him. Any witness who shall refuse or omit to appear when duly summoned by such Collector or Officer, or who shall appear, but shall refuse to execute the affirmation to be administered as aforesaid, or who shall refuse to give evidence, shall be liable to the same punishment which would be incurred under the Law by a witness refusing to appear or give evidence before a Court of Justice. Any person giving intentionally and deliberately a false deposition, under a solemn affirmation in any case referred to arbitration as above, and upon a point material to the issue thereof, shall be held to be guilty of perjury, and shall be liable to the penalties prescribed for that offence by Law; and any person causing or procuring another person to commit the offence of perjury, as above described, shall be guilty of subornation of perjury, and punishable according to Law.

XII. It shall also be competent to the Collector, or other Officer appointed as aforesaid, to demand from the parties interested in the land so taken as aforesaid, the production of any accounts, title deeds, or other documents which may be required by the arbitrators for the purposes of their inquiry, and in the

event of such accounts, title deeds, or documents, being withheld, and the fact of their existence being proved by information given upon solemn affirmation, to order the seizure of such accounts, title deeds, and documents, wherever they may have been deposited, in the manner prescribed by Section IX. Regulation IX. of 1822 of the Madras Code, and to exercise for that purpose the powers thereby vested in Collectors.

XIII. The arbitrators shall take into consideration the statements of the parties interested in the said land, and the objections of the Collector or other Officer aforesaid on behalf of Government, and after examining the evidence offered on both sides, and making any further inquiry that may appear to them necessary, shall pass their award allowing or disallowing the interests claimed, and determining the total amount of compensation to be given for the interests allowed, the mode in which it is to be given, and, if to be given to more than one party, the shares of the total compensation which each party shall be entitled to receive.

XIV. The award of the arbitrators, or of the umpire, if he shall be called upon to make an award, shall be binding and conclusive both upon the Government and the parties interested in the land, as respects the gross amount of the compensation to be paid by Government, unless the award shall be set aside by the Civil Court of the zillah upon a charge of corruption against the arbitrators, or the umpire, as the case may be, brought by either party, and proved after due investigation to the satisfaction of such Court; in which case the matter shall be referred for the determination of a second set of arbitrators, to be chosen in the same manner as the first, and their decision, whatever it may be, shall be final. No petition to set aside an award made under this Act shall be received by the Civil Court of the zillah, unless it be presented within thirty days from the date of the award complained of; and the said petition shall be presented on stamped paper of the value used for miscellaneous petitions, and shall be accompanied with a copy of the award objected to. The award of the arbitrators or umpire shall also be binding as respects the shares to be paid to the several parties interested in the land, unless upon a suit instituted within thirty days from the date of the award, in a competent Court, by any of the parties concerned, to alter the apportionment made by such award, an injunction shall be issued to suspend the payment until a decree is passed in the case.

XV. If any question arises as to the previous possession of or title to any land taken by Government under this Act, or if the parties, or any of them interested in the land, are minors, lunatics, or absent as aforesaid, and are not represented by their guardian, committee, attorney, or other person authorized in that behalf, or if there exist other grounds which, in the judgment of the arbitrators, render it improper to make immediate payment of the compensation awarded by them, or of any part thereof, to any of the parties interested in such land, the said arbitrators shall certify the same to the said Collector or Officer under whose directions they may act, and in such case, or if for any such reason, or any such ground as aforesaid, the said Collector or other Officer shall deem immediate payment improper, then the amount of compensation payable shall be held in deposit by Government, until the parties interested in the said land, or some of them, shall obtain an order of a competent Court for the payment of the same, and interest (if any) to them. All sums held in deposit as aforesaid, exceeding in amount the sum of Rupees, shall be invested in Government Securities.

XVI. On the close of the inquiry, the arbitrators or umpire shall deliver to the Collector, or other Officer appointed as aforesaid, a full and complete report and award upon the questions submitted to their arbitra-

tion, under their respective signatures, specifying the amount of compensation to be granted, and (except where under Section XV. it may appear proper to suspend payment,) the parties to whom it is to be made, and the proportions to be paid to each respectively, with a solemn declaration subscribed thereto, that the award so given is, to the best of their judgment, true and impartial, and according to the evidence adduced before them, and they shall at the same time deposit with the said Collector or Officer the whole of their proceedings.

XVII. All suits and proceedings instituted against Government to obtain compensation for land taken as aforesaid, other than such petitions to set aside awards as aforesaid, shall be dismissed with costs, but nothing herein contained shall affect the rights of any party to recover the value of any land taken by Government from any person who may have received the same without having any title thereto.

XVIII. In the case of land declared by a Minute of the Governor in Council to be needed for a public purpose being acquired by the Government by bargain with and purchase from the parties apparently interested therein, the Collector, or Officer appointed by Government to receive possession of the same, shall cause proclamation to be made in the manner prescribed in the 4th Section of this Act, of the transfer of the land to Government, by the said parties, and requiring all other persons who may claim any right, title, or interest in such land, to prefer their claims within one Calendar month after such proclamation made, and any claims that may be preferred shall be dealt with under Section V. or under Section VI. and the following Sections of this Act. Provided always, that if no claim shall be made within one Calendar month after such proclamation as aforesaid, the said land shall vest absolutely in the Government, free and clear of all other estates, rights, titles, remainders, reversions, limitations, trusts, interests, mortgages, liens, or incumbrances whatsoever, of and in the said land so purchased, and any suit to recover the land so purchased by Government, or to obtain from Government compensation for the loss thereof, which may be preferred in any Court of Judicature, shall be dismissed with costs. But nothing herein contained shall affect the liability of the party who may receive the value of any land purchased by Government, without having a good title to the same.

XIX. In cases referred to arbitration, under the provisions of this Act, any necessary expense which may attend the inquiry of the arbitration, whether for the diet of witnesses, or otherwise, shall be paid by Government.

XX. The provisions of Act XLII. of 1850 shall be applicable and in force within the Madras Presidency; and the said Act shall be construed as if instead of the words and figures "Regulation I. of 1824 of the Bengal Code" or "the said Regulation" therein mentioned, the number and title of this Act had been therein inserted.

XXI. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction (that is to say),

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

Words importing the masculine gender only shall include females.

The word "land" shall extend to tenements and hereditaments of any tenure, and all houses, buildings, walls, or appurtenants thereupon, as well as land.

The expression "party or parties interested in the land" shall be understood to mean all parties interested in the land either for life or for years, or in remainder, reversion, or succession, and all trustees, cestui

que trusts, mortgagees, incumbrancers, leaseholders or tenants, not being tenants by the month or at will of such land.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be re-considered at the first meeting of the Legislative Council of India after the 26th day of March 1852.

FRED. JAS. HALLIDAY,
Secy. to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,
the 26th December 1851.

The following Draft of a proposed Act was read in Council for the first time on the 26th December 1851:—

ACT No. — OF 185

An Act to facilitate the Prosecution of Native Ministerial Officers for certain Criminal Acts.

Whereas it is expedient to enable the Local Governments, and the Head Officers of Departments or Offices under Government, to prosecute their subordinate Native Ministerial Officers for acts of corruption, extortion, embezzlement, or other malversation, whether or not any charge be preferred by an aggrieved private party in respect of such acts, It is enacted as follows:

I. Whenever the Local Government, or the Head Officer of a Department or Office under Government, shall be of opinion that there are good grounds for making a public inquiry into the truth of any imputation of corruption, extortion, embezzlement, or other malversation committed at any time during tenure of Office by any Native Ministerial Officer subordinate to such Government, or employed in such Department or Office, as the case may be, it shall be lawful for such Government, or any such Head Officer as aforesaid, to prosecute such Native Officer on the part of Government in a Criminal Court, or to nominate some person to conduct such prosecution: it shall also be lawful for such Government or Head Officer as aforesaid, in their or his discretion, to undertake on the part of Government the prosecution in a Criminal Court of any such charge, as aforesaid, which may be brought by an aggrieved private party against any Native Ministerial Officer.

II. Provided always, that where no such charge, as aforesaid, is preferred by an aggrieved private individual, no Collector or Magistrate shall commence a prosecution under this Act on his own authority until he shall have obtained the permission of the Commissioner of the Division, or of the Superintendent of Police, to institute the same.

Ordered, that the said Draft now read be published for general information.

Ordered, that the Draft be re-considered at the first Meeting of the Legislative Council of India after the 26th day of March 1852.

FRED. JAS. HALLIDAY,
Secy. to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,
the 2nd January 1852.

The following Extract from the Proceedings of the Hon'ble the President of the Council of India in Council in the Legislative branch of the Home Department, under date the 2nd January, is published for general information:

Read a second time the Draft of a proposed Act, dated the 11th July 1851, and published in the Cal-

cutta Gazette of the 16th July 1851, for summary suits for arrears of rent and sales of saleable tenures to be held within the judicial district in which the lands are situated.

Resolution.—The President in Council resolves that the following amended Draft on the subject be published for general information.

ACT No. — OF 1852.

For the Trial of Summary Suits for Arrears of Rent, and for the Sales of Saleable Tenures, within the Judicial District in which the Lands are situated.

Whereas by Regulation VIII. of 1831 of the Bengal Code the hearing and decision of summary suits or claims relating to arrears or exactions of rents were transferred from the Judges of the Zillah or City Courts to the Collectors of the several Districts; and whereas by Regulation VII. of 1832 of the Bengal Code the superintendence of the sales of Putnee Talooks and other saleable tenures, of the class specified in Clause I. Section VIII. Regulation VIII. of 1819, was transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal to the Commissioner of Revenue for the Division; and whereas by Act VIII. of 1835 the conduct of sales of Talooks or other saleable tenures in execution of summary decrees for rent, in conformity with Regulation VII. of 1799 of the same Code was transferred to the Collectors of Land Revenue; and whereas doubts have been entertained as to the District within which such summary suits or claims should be decided, and such sales made, by reason that the jurisdiction of the several Zillah and City Courts is not contiguous with the jurisdiction of the several Collectors of Land Revenue, It is enacted as follows:

I. No order in any such summary suit, and no such sale made as aforesaid, which has not been questioned before a Court of competent judicature, before the passing of this Act, on the ground of having been decided or made by a Collector having no jurisdiction therein, shall be liable to be annulled or disputed on that ground.

II. Where the lands which are the subject of such summary suits or such sales as aforesaid are situate in a judicial district, other than that of the Collector or Deputy Collector who receives the Sudder Malgoozaree of such lands, all such summary suits and sales as aforesaid shall be tried and decided or made by the Collector or Deputy Collector who has jurisdiction in the greater part of the judicial district in which the lands are situated.

III. Where the lands which are the subject of such summary suits or such sales as aforesaid are situate in a judicial district, which is divided into two or more Collectorate districts, all such summary suits and sales as aforesaid shall be tried and decided or made by the Collector or Deputy Collector who has jurisdiction in that part of the judicial district in which the lands are situated.

IV. Sections IX., XI., XIII., XV., and XVII. of Regulation VIII. of 1819 of the Bengal Code, shall be applicable to sales of under-tenures under the provisions of Act VIII. of 1835.

Ordered, that the Draft now read be re-considered at the first Meeting of the Legislative Council of India after the 2nd day of March next.

FRED. JAS. HALLIDAY,
Secy. to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,
the 9th January 1852.

The following Draft of a proposed Act was read in Council for the first time on the 9th January 1852.

ACT No. — OF 1852.

An Act to diminish the expense and delay of Proceedings in Her Majesty's Courts within the Territories of the East India Company.

I. It shall be lawful for persons interested, or claiming to be interested in any question cognizable in Her Majesty's Courts within the Territories of the East India Company on the Equity, Plea, Ecclesiastical, or Admiralty sides thereof respectively, and including among such persons all lunatics, married women, and infants, in the manner and under the restrictions hereinafter contained, to concur in stating such question in the form of a special case for the opinion of the said Courts, and it shall also be lawful for all Executors, Administrators, and Trustees, to concur in such case.

II. The Committee of the estate of any lunatic interested, or claiming to be interested, in any such question as aforesaid may, after having been authorized in that behalf by the Court, or any Judge thereof, in which such special case is filed, concur in such case in his own name, and in the name and on the behalf of the lunatic.

III. A husband interested, or claiming to be interested in right of his wife in any such question as aforesaid, may concur in such case in his own name, and in the name of his wife where the wife has no claim to any interest distinct from her husband, and a married woman, having or claiming any interest in any such questions as aforesaid distinct from her husband may, in her own right, concur in such case, provided that her husband also concurs therein.

IV. The guardian of any infant interested, or claiming to be interested, in any such question as aforesaid, may concur in such case in the name and on the behalf of the infant, unless such guardian has an interest in such question adverse to the interest of the infant therein.

V. It shall be lawful for the said Courts, by order to be made in the matter of any lunatic not found such by inquisition, or in the matter of any infant, upon the application of any person on the behalf of such lunatic, or upon the application of such infant, by motion or petition, to appoint any person shown by affidavit to be a fit person, and to have no interest adverse to the interest of the lunatic or infant, to be the special guardian of such lunatic or infant for the purpose of concurring in such case in the name and on behalf of the lunatic or infant, and any such person so appointed may lawfully so concur. Provided always, that it shall be lawful for the said Courts to require notice of such application to be given to such person, if any, as the Court shall think fit.

VI. In any case in which any such order as aforesaid shall have been made by the said Courts in the matter of any infant without notice to the guardian of the infant, it shall be lawful for the said Courts, if they shall respectively think fit so to do, to discharge such order upon the application of such guardian, by motion or petition; and the said Courts, if they shall respectively think fit, may thereupon appoint some other fit person to be the special guardian of such infant for the purpose of such special case, and may also give such directions as may be necessary for substituting in such special case either the name of the guardian so applying, or of the special guardian so appointed, in lieu of the name of the special guardian so displaced. Provided always, that the discharge of

any order appointing a special guardian shall not invalidate any thing which shall in the mean time have been done by such special guardian, unless the Court shall, upon notice to all parties, specially so direct.

VII. Every such special case shall be entitled as a cause between some or one of the parties interested, or claiming to be interested, as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; and in the title to such cases, lunatics and infants shall be described as such, and their committees, guardians, or special guardians named; and where in any such case a married woman is named as a plaintiff, and her husband as a defendant thereto, a next friend of such married woman shall be named in the title to such case.

VIII. Every such special case shall concisely state such facts and documents as may be necessary to enable the Court to decide the question raised thereby; and upon the hearing of such case, the Court and the parties shall be at liberty to refer to the whole contents of such documents; and the Court shall be at liberty to draw from the facts and documents stated in any such special case any inference which the Court might have drawn therefrom if proved in a cause.

IX. Every such special case to which an infant or lunatic is a party by his guardian or special guardian shall also state how such guardian or special guardian was constituted; and where any married woman having or claiming any interest distinct from her husband is a party to such case, it shall be stated therein that she concurs in such case in her own right.

X. Every such special case shall be signed by Counsel for all parties, and shall be filed in the same manner as bills, plaints, or allegations are filed, and the defendants may appear thereto in the same manner as defendants appear to bills, plaints, or allegations, and no defendants shall be required to take an office copy of a special case, but an office copy thereof shall be taken by the plaintiff.

XI. After a special case shall have been filed, and the defendants shall have appeared thereto, all the parties to such special case shall be subject to the jurisdiction of the Court in the same manner as if the plaintiff in the special case had filed a bill, plaint, or allegation against the parties named as defendants thereto, and such defendants had appeared to such bill, plaint, or allegation, and upon the special case being filed, and appearances entered thereto as aforesaid, all parties to such special case, shall, for the purposes of such special case, be bound by the statements therein.

XII. So soon as all the defendants shall have appeared to the special case, the same may be set down for hearing, and subpoenas to hear judgment or notices of hearing, issued and served according to the practice of the said Courts.

XIII. It shall be lawful for the said Courts, upon the hearing of any such special case as aforesaid, to determine the questions raised therein, or any of them, and by decree or judgment to declare its opinion thereon, and, so far as the case shall admit of the same, upon the right involved therein, without proceeding to administer any relief consequent upon such declaration, and every such declaration of the said Court contained in any such decree or judgment shall

have the same force and effect as such declaration would have had, and shall be binding to the same extent as such declaration would have been, if contained in a decree or judgment made in a suit between the same parties instituted by bill, plaint, or allegation; provided always, that if upon the hearing of such special case as aforesaid, the Court shall be of opinion that the statements contained therein, so far as the same affect the interest of any married woman, infant, or lunatic, are not true, or that the questions raised thereby, or any of them, cannot properly be decided upon such case, the same may be at

Proviso that Court may refuse to decide. such hearing, with the consent of all parties thereto, and of the Court, amended so as properly to raise such questions, or the said Court may refuse to decide the same.

XIV. Every Executor, Administrator, Trustee, or other person making any payment, or doing any act in conformity with the declaration contained in any decree or judgment made or pronounced upon a special case, shall in all respects be as fully and effectually protected and indemnified by such declaration, as if such payment had been made or act done under or in pursuance of the express order of the said Court made in a suit, action, or proceeding between the same parties instituted by bill, plaint, or allegation, save only as to any rights or claims of any person in respect of matters not determined by such declaration.

XV. Where any person shall be desirous to have a special case re-heard, or to appeal from the decision thereon, it shall be lawful for the said Courts respectively, upon application for that purpose, either at the time of the decree or judgment upon such special case being made, or at any time afterwards, and upon such conditions, if any, as the Court shall think fit, to order that the declaration contained in such decree shall not be acted upon for such time as the said Courts respectively shall think just.

XVI. The filing of a special case, and the entering of appearances thereto by the persons named as defendants therein, shall be taken to be a *lis pendens*, and may be filed.

XVII. Any documents referred to in a special case, and any copies thereof, or extracts therefrom, identified by the signature of the solicitors for all parties, may be produced and read at the hearing of such case, without further proof; and it shall be lawful for the said Courts respectively at any time after the filing of the special case, and the entering of appearances thereto by the persons named as defendants therein, to order any document, which may be admitted thereby to be in the possession of any party to such case, to be deposited and produced in such manner and for such purposes as the said Courts respectively shall think fit.

XVIII. It shall be lawful for the said Courts, upon the application of the Executors or Administrators of any deceased person, by order to be made upon motion or petition of course, and to be in the form or to the effect set forth in the Schedule hereto, with such variations as circumstances may require, to refer it to the Master of the said Courts respectively to take an account of the debts and liabilities affecting the personal estate of such deceased person, and to report thereon; provided always, that no such order shall be made until the

expiration of one year next after the death of such deceased person, or pending any proceedings to administer the estate of such person, and in case at any time after the making of such order, any decree or order for administering the estate of such deceased person shall be made, it shall be lawful for the said Courts respectively, by such decree or order, to stay or suspend the proceedings under such order, of course on such terms and conditions, if any, as to the said Courts respectively shall seem just.

XIX. It shall be lawful for any person who may have come in before the Master under any such order, and claimed to be a creditor upon the estate of the deceased person, or to have any demand upon such estate by reason of any liability, and whose debt or claim may not have been wholly allowed by the said Master, to apply to the Court making such order by motion, of which notice shall be given within fourteen days after the filing of the Master's Report, to have such claim allowed by such Court, either wholly or partially; and it shall be lawful for the said Executors or Administrators, and for any creditor of the deceased person who may be authorized by special leave of the said Court so to do, to apply to the said Court by motion, of which notice shall be given within the time aforesaid, to have any debt or claim allowed by the said Master disallowed by the said Court, either wholly or partially, and, at the expiration of fourteen days after the filing of the said report, the same shall, except as to any debt or claim as to which any such notice as aforesaid may have been given, be absolute, as if the same had been confirmed by order of the said Court.

XX. Upon the hearing of any such motion as aforesaid, the said Courts respectively may either dismiss such motion, or may order the debt or claim to which such motion relates to be allowed or disallowed, as the case may be, and either wholly or partially, or may direct further inquiry or further proceedings, by way of action or otherwise, touching such debt or claim; and after such inquiry or proceedings may, upon further motion, deal with such debt or claim as to the said Courts respectively shall seem just: Provided always, that no new evidence shall be received by the said Courts upon the hearing of any such motion without special leave of the said Courts.

XXI. In case any debt or any certain liability shall have been allowed as aforesaid, and shall not within fourteen days after the report has become absolute as to such debt or liability, or after the same shall have been allowed by the said Court, be paid or provided for by appropriation to the satisfaction of the person who has established such liability, it shall be lawful for the said Courts respectively by order to be made, in case of any debt remaining due, upon the application by motion or petition of the person to whom the debt remains due, and on notice to the Executors or Administrators, and in case of any certain liability remaining unprovided for by appropriation, upon the application by motion or petition of the person by whom such liability has been established, or of the Executors or Administrators, and on notice by the party applying to the other of them, to order payment of the debts which may have been allowed and remain unpaid, and to provide for the certain liabilities which may have been allowed and remain unprovided for, in like manner as the same could or might have been paid or provided for in a suit for that purpose instituted by Bill, or to refer it to the Master to take an account of the debts and certain liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the

usual accounts of the personal estate of the deceased person with all usual and proper directions; and every such order shall have the same force and effect, and shall be prosecuted and carried on in like manner as a decree in a creditor's suit instituted by bill.

XXII. In case any contingent liability shall be allowed by the said report, or by the said Courts respectively, it shall be lawful for the said Courts, by order, to be made upon the application of the Executors or Administrators, by motion or petition, on notice to the person who may have

established such contingent liability, to order such sum of money, part of the estate of the deceased person, as to the said Courts respectively shall seem just, to be set apart and appropriated for answering such contingent liability, and to give such directions as the said Courts shall think fit touching the payment of such sum of money into Courts, and the investment thereof, and the payment, application, or accumulation of the interest or dividends thereof in the mean time, and until the same shall be required to answer such liability, and when such liability shall be ascertained or determined, to give such directions as to the payment of such sum out of Court as the said Courts respectively shall deem right: Provided always, that no order to be made as aforesaid shall in any manner bind the assets so appropriated as against the persons entitled to the estate of the deceased, subject to the contingent liability; and any person interested in such appropriated assets may apply to the Court touching the same, as he may be advised.

XXIII. After the filing of such report as aforesaid, it shall be lawful for the said Courts respectively, upon the application of the Executors or Administrators of the deceased, by order, to be made on motion, to restrain by injunction any proceedings at law against them by any person having or claiming to have any demand upon the estate of the deceased by reason of any debt or liability other than the persons who may have established contingent liabilities under the said order for which no appropriation may have been made.

XXIV. In case no debt or liability, or no debt or liability other than a contingent liability, shall have been allowed as aforesaid, or in case any debt or liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by appropriation as aforesaid, all payments made by the Executors or Administrators, or any of them, on account of the estate of the deceased person, and all dispositions of such assets made by them or any of them on account of such estate, shall as against all persons having or claiming to have any demand upon such estate by reason of any debt or liability, other than persons who may have established under the said order any contingent liability for which no such appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a decree of the said Courts respectively; Provided always, that nothing herein contained shall in any manner affect or prejudice the rights of any creditor or other person having any demand or claim upon the estate of the deceased against any assets so paid or disposed of, or against the persons to whom such payment or disposition may have been made, or against any assets appropriated under the provisions of this Act, and the appropriation of which, if made under a decree of the said Court, in a suit to which he was not a party, would not have been binding upon him.

XXV. All exceptions for scandal, impertinence, and insufficiency, which, according to the existing practice of the said Courts, are referred to the Masters

nence, and insufficiency, to be heard by the Court.

of the said Courts, shall not any longer be so referred, but shall be heard and determined by the said Courts in the first instance.

XXVI. Notwithstanding any rule or practice of the said Courts to the contrary, it shall be lawful for the said Courts respectively, at the hearing of any cause, or of any further directions therein, to receive proof by affidavit or otherwise of all proper parties

being before the Court, and of all such matters as are necessary to be proved for enabling the said Courts respectively to order payment of any monies belonging to any married woman, and of all such other matters, not directly in issue in the cause, as in the opinion of the said Courts respectively may safely and properly be so proved.

XXVII. It shall be lawful for the said Courts respectively, from time to time, to make, rescind, and alter General Rules and Orders for better enabling the opinion of the said Courts respectively to be obtained on special cases, and for effectuating the

purposes of this Act as to the debts and liabilities of deceased persons, and for making any provision which may be or be deemed necessary or proper as to amendment, revivor, and supplemental matter or relief, and as to costs of any proceedings under or in pursuance of this Act, and for regulating the times and form and mode of procedure and practice of the said Courts in respect of the matters to which this Act relates, and every of them, and so far as may be found expedient for altering the course of proceeding hereinbefore prescribed in respect to such matters or any of them, and generally for assimilating the practice of the said Courts respectively to that of the High Court of Chancery in England.

XXVIII. All such General Rules and Orders shall be laid before the Governor General of India in Council within one month after the making and issuing the same, and every such Rule or Order shall, from and after the time in that behalf to be appointed by the said Courts respectively, and if no time shall be so appointed, then from and after the making thereof, be binding and obligatory on the said Courts respectively, and be of like force and effect as if the provisions therein contained had been expressly enacted by the Governor General of India in Council. Provided always, that if the said Governor General of India in Council shall, by any resolution passed at any time within six months after such Rules, Orders, and Regulations shall have been laid before him, resolve that the whole or any part of such Rules or Orders ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall, from and after such resolution, cease to be binding and obligatory on the said Court; provided, that every such Rule or Order so expressed to be made in pursuance of this Act which shall not be laid before the Governor General of India in Council within the time by this Act limited for that purpose shall, from and after the expiration of such time, be absolutely void and of no effect. Provided always, that nothing in this clause contained shall be construed so that the said Rules or Orders should not be transmitted as heretofore to Her Majesty in Privy Council for approbation.

XXIX. In the mean time, and until any such General Rules or Orders shall be made, and in so far as the same, when made, shall not be applicable, the proceedings under this Act

Until Rules or Orders are made, and if not applicable when made,

Court, on application of Executors or Administrators, may direct appropriation of Money to answer contingent liability.

Power for Court, notwithstanding any rule, &c. to the contrary, to receive proof by affidavit.

Her Majesty's Courts to make General Rules and Orders from time to time.

Court may restrain proceedings against Executors and Administrators.

Protection to be afforded to Executors and Administrators.

Until Rules or Orders are made, and if not applicable when made,

practice to be according to this Act and practice of the Court.

shall be governed and regulated by the provisions herein contained, so far as the same extend, and in so far as the same do not extend shall, as well with respect to the persons who ought to be made parties to special cases as in every other respect, be governed and regulated by the Rules, Orders, and practice of the said Courts respectively, in suits instituted by bill, so far as the same can be applied thereto; and subject to such General Rules and Orders as aforesaid, the costs of all proceedings under this Act, shall be in the discretion of the said Courts respectively.

XXX. All decrees and orders made under the provisions of this Act shall be subject to rehearing, appeal, and review, and may be discharged and varied in the same and the like manner as decrees and orders of the said Courts made in suits instituted by bill.

XXXI. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or in the context repugnant to such construction:

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

Words importing the masculine gender only shall include females.

The expression "Her Majesty's Courts" or "Courts" shall mean and include Her Majesty's Supreme Courts of Judicature at Bengal, Madras, and Bombay, and also the Court of Judicature of the Straits Settlements.

The word "Lunatic" shall include idiots and persons of unsound mind, and whether found such by inquisition or not.

The word "Guardian" shall mean father or testamentary guardian, or guardian appointed by any of Her Majesty's Courts (not being a special guardian appointed under the provisions of this Act).

XXXII. This Act shall commence and take effect from and after the first day of one thousand eight hundred and fifty-two.

Schedule referred to by the foregoing Act.

(Date.)

In the matter of A. B., late of Banker (or as the case may be), deceased.

Upon motion this day made into this Court by Mr. of Counsel for C. D. of

the executor (or administrator) of the above-named A. B. (or upon the humble petition of C. D. of the executor (or administrator) of the said A. B. this day preferred unto the Supreme Court of Judicature at

for the reasons therein contained,) it is ordered, That it be referred to the Master of this Court in rotation to take an account of the debts and liabilities affecting the personal estate of the said A. B., and to compute interest on such of the said debts and liabilities as carry interest after the rate of interest the same respectively carry; and the said Master is to cause an advertisement to be published in the Gazette, and such other public papers as he shall think fit for the persons claiming in respect of any such debts or liabilities to come in before the said Master, and prove their debts and claims, and he is to fix a peremptory day for that purpose; and such of the creditors as shall not come in and prove their debts and claims by the time so to be limited, are to be excluded the benefit of this order; and it is ordered, that the Master do distinguish debts from liabilities, and liabilities certain from liabilities contingent; and it is ordered, that the personal estate

of the said A. B. be applied in payment and satisfaction of such debts and liabilities of the said A. B. in a due course of administration; and for the better taking the said accounts and discovery of the matters aforesaid, the parties are to produce before the Master, upon oath, all deeds, books, papers, and writings in their custody or power relating thereto, and are to be examined upon interrogatories as the said Master shall direct; and any of the parties are to be at liberty to apply to the Court as there shall be occasion.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be reconsidered at the first Meeting of the Legislative Council of India, after the 9th day of March 1852.

FRED. JAS. HALLIDAY,
Secretary to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,
the 9th January 1852.

The following Draft of a proposed Act was read in Council for the first time on the 9th January 1852.

ACT. No. — of 1852.

An Act to authorize the employment of Uncovenanted Deputy Collectors in the Presidency of Bombay.

Whereas the exigencies of the public service require the employment of Uncovenanted Deputy Collectors in the Revenue Department within the Presidency of Bombay, it is hereby enacted as follows:

I. The Governor of Bombay in Council may appoint in any Zillah or District within the said Presidency one or more Uncovenanted Deputy Collectors, with the powers hereinafter mentioned.

II. Every person appointed a Deputy Collector under this Act shall, before entering upon the duties of his office, make and subscribe before the Collector and Magistrate of the Zillah a solemn declaration to the same effect as the oath prescribed in Appendix A, annexed to Regulation XVI. of 1827 of the Bombay Code, the words "the East India Company" being inserted in such declaration, instead of the words "the United Company of Merchants of England trading to the East Indies," and the words "United Company" in the said oath contained.

III. Deputy Collectors appointed under this Act shall discharge such of the duties, and exercise such of the powers, of the Covenanted Assistants in the Revenue Department, as shall be prescribed from time to time in each case by the Governor of Bombay in Council, and shall be subject to the same control and authority in all respects as such Assistants respectively.

IV. Section XI. of Regulation XVI. of 1827 of the Bombay Code, shall be applicable to Deputy Collectors appointed under this Act, who shall hold their offices subject to the provisions of the said Section.

V. No Deputy Collector appointed under this Act shall be dismissed from office without the sanction of the Governor of Bombay in Council. Whenever there is reason to believe that a Deputy Collector is disqualified, by neglect, incapacity, corruption, or other misbehaviour, for continuance in office, a report shall be made by his superior in the Revenue Department for the consideration and orders of the Governor of Bombay in Council, who shall be competent to suspend such Deputy Collector, and order a further enquiry into his conduct, or direct his immediate dismissal, as may appear just and proper.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be reconsidered at the first Meeting of the Legislative Council of India after the 9th day of April next.

FRED. JAS. HALLIDAY,
Secy. to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,
the 9th January 1852.

The following Draft of a proposed Act was read in Council for the first time on the 9th of January 1852.

ACT No. — of 1852.

An Act to amend the Law of Evidence.

Whereas it is expedient to amend the law of Evidence in divers particulars, It is hereby enacted as follows:

I. So much of Section I. of Act No. VII. of 1844 as provides that the said Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part," is hereby repealed.

II. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding in any of Her Majesty's Courts of Justice, or before any person having, by law, or by consent of parties, authority to hear, receive, and examine evidence with respect to or concerning any suit, action, or other proceeding in any of such Courts, the parties thereto, and the persons in whose behalf any such suit, action, or other proceeding may be brought or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *vidé voce*, or by deposition, according to the practice of the Courts, on behalf of either or any of the parties to the said suit, action, or other proceeding.

III. But nothing herein contained shall render any person, who in any criminal proceeding is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

IV. Nothing herein contained shall apply to any action, suit, or proceeding in any Court of Common Law, or in any Ecclesiastical Court, instituted in consequence of adultery, or to any action for breach of promise of marriage.

V. Nothing herein contained shall repeal any provision contained in Act XXV. of 1838.

VI. Whenever any action or other legal proceeding shall henceforth be pending in any of Her Majesty's Courts, such Court and each of the Judges thereof may respectively, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making the application to inspect all documents in the custody or under the control of such opposite party relating to such action or other legal proceeding,

and, if necessary, to take examined copies of the same, or to procure the same to be duly stamped, in all cases in which, previous to the passing of this Act, a discovery might have been obtained by filing a bill, or by any other proceeding in a Court of Equity at the instance of the party so making application as aforesaid to the said Court or Judge. Provided always that every such application shall be made as aforesaid before issue joined in any such action, and twenty-one days before the trial or hearing of any other legal proceeding.

VII. All proclamations, treaties, and other Acts of State of any Foreign State, or of the East India Company, or of any Territory under the Government of the East India Company, or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice in any Foreign State, or in any of the territories under the Government of the East India Company, or in any British Colony, and all affidavits, pleadings, and other legal documents filed or deposited in any such Court, may be proved in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, either by examined copies, or by copies authenticated as hereinafter mentioned; that is to say, if the document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated copy to be admissible in evidence must purport to be sealed with the Seal of the Foreign State, or of the East India Company, or of the Territory under the Government of the East India Company, or of the British Colony to which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any Foreign or Colonial Court, or of any Court within the Territories under the Government of the East India Company, or an affidavit, pleading, or other legal document filed or deposited in any such Court, the authenticated copy, to be admissible in evidence, must purport either to be sealed with the Seal of the Foreign or Colonial Court, or Court within the Territories under the Government of the East India Company to which the original document belongs, or, in the event of such Court having no Seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his signature a statement in writing on the said copy that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the Seal, where a Seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature or statement is necessary, or of the judicial character of the person appearing to have made such signature and statement.

VIII. Every Register of a Vessel kept under Act X. of 1841, or under any of the Acts of Parliament relating to the registry of British Vessels, may be proved in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original, and which person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one

Repeal of part of Section I. Act VII. of 1844.

Parties to be admissible witnesses.

Parties criminally charged not compellable to criminate themselves. Husband and wife not compellable to give evidence for or against each other.

Act not to apply to proceedings for adultery or to actions for breach of promise of marriage.

The Wills Act not repealed.

Courts authorized to compel inspection of documents in actions and other proceedings whenever Equity would grant discovery.

Foreign and Colonial Acts of State, judgments, &c. provable by certified copies without proof of seal or signature, or judicial character of person signing the same.

Registers of British Vessels and Certificates of Registry admissible without proof of signature.

Rupee; and every such Register, or such copy of a Register, and also every Certificate of registry granted under the said Act or any of the Acts of Parliament relating to the registry of British Vessels, and purporting to be signed as required by law, shall be received in evidence in any of Her Majesty's Courts of Justice, or before any person having by law or by consent of parties authority to hear, receive, and examine evidence as aforesaid, as *prima facie* proof of all the matters contained or recited in such Register, when the Register or such copy thereof as aforesaid is produced, and of all the matters contained or recited in or endorsed on such Certificate of registry when the said Certificate is produced.

IX. Whenever in any proceeding whatever it may be necessary to prove the trial and conviction or acquittal of any person charged with any indictable offence, it shall not be necessary to produce the record of the conviction or acquittal of such person, or a copy thereof, but it shall be sufficient that it be certified or purport to be certified under the hand of the Clerk of the Court or other Officer having the custody of the records of the Court where such conviction or acquittal took place, or by the Deputy of such Clerk or other Officer, that the paper produced is a copy of the record of the indictment, trial, conviction, and judgment or acquittal, as the case may be, omitting the formal parts thereof.

X. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no statute or Act exists which renders its contents provable by means of a copy, any copy thereof, or extract therefrom, shall be admissible in evidence in any of Her Majesty's Courts of Justice, or before any person now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid; provided it be proved to be an examined copy or extract, or provided it purports to be signed and certified as a true copy or extract by the Officer to whose custody the original is entrusted, and which Officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable sum for the same, not exceeding four annas for every folio of ninety words.

Examined or certified copies of documents admissible.

XI. If any officer authorized or required by this Act to furnish any certified copies or extracts shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable, upon conviction, to imprisonment for any term not exceeding eighteen months.

Cartifying a false document a misdemeanor.

XII. All Her Majesty's Courts within the British Territories under the Government of the East India Company, and every Judge and Justice of such Courts, and every Officer, Commissioner, Arbitrator, or other person, now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence with respect to or concerning any suit, action, or other proceeding in any of such Courts, is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

XIII. If any person shall forge the seal, stamp, or signature of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp, or signature thereof, knowing the same to be false or

Persons forging seal, stamp, or signature of certain documents, or wilfully uttering the same, guilty of felony.

counterfeit, he shall be guilty of felony, and shall, upon conviction, be liable to transportation for seven years, or to imprisonment for any term not exceeding three years, nor less than one year, with hard labour; and whenever any such document shall have been admitted in evidence by virtue of this Act, the Court, or the person who shall have admitted the same, may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some officer of the Court or other proper person, for such period, and subject to such conditions, as to the said Court or person shall seem meet; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in the place in which he shall be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in any place in which the principal offender may be tried.

XIV. This Act shall come into operation on the day of in the year 1852.

Ordered that the Draft now read be published for general information.

Ordered that the said Draft be re-considered at the first Meeting of the Legislative Council of India after the 9th day of March next.

FRED. JAS. HALLIDAY,
Secy. to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE,

the 9th January 1852.

The following Draft of a proposed Act was read in Council for the first time on the 9th of January 1852.

ACT No. — OF 1852.

An Act for further improving the Administration of Criminal Justice in Her Majesty's Courts of Justice in the Territories of the East India Company.

Whereas offenders frequently escape conviction on their trials, by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case; and whereas such technical strictness may safely be relaxed in many instances, so as to insure the punishment of the guilty, without depriving the accused of any just means of defence; and whereas a failure of justice often takes place on the trial of persons charged with felony and misdemeanor by reason of variances between the statement in the indictment on which the trial is had, and the proof of names, dates, matters, and circumstances therein mentioned, not material to the merits of the case, and by the misstatement whereof the person on trial cannot have been prejudiced in his defence, It is hereby enacted as follows:

I. From and after the coming of this Act into operation, whenever, on the trial of any indictment for any felony or misdemeanor, there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof, it shall and may be lawful for the Court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended, according to the proof, by some officer

The Court may amend certain variances not material to the merits of the case, and by which the defendant cannot be prejudiced in his defence, and may either proceed with or postpone the trial to be had before the same or another Jury.

which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended, according to the proof, by some officer

of the Court, or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury, as such Court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects, and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had occurred: provided that, in all such cases where the trial shall be so postponed as aforesaid, it shall be lawful for such Court to respite the recognizances of the prosecutor and witnesses, and of the defendant, and his surety or sureties, if any, accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the defendant shall be bound to attend to be tried, at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizances to appear and prosecute, or give evidence, at the time and place to which such trial shall have been so postponed; provided also, that where any such trial shall be to be had before another jury, the crown and the defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first jury was sworn.

II. Every verdict and judgment which shall be given after the making of any amendment under the provisions of this Act, shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

III. If it shall become necessary at any time, for any purpose whatsoever, to draw up a formal record in any case where any amendment shall have been made under the provisions of this Act, such record shall be drawn up in the form in which the indictment was after such amendment was made, without taking any notice of the fact of such amendment having been made.

IV. In any indictment for murder or manslaughter preferred after the coming of this Act into operation, it shall not be necessary to set forth the manner in which or the means by which, the death of the deceased was caused, but it shall be sufficient, in every indictment for murder, to charge that the defendant did feloniously, wilfully, and of his malice aforethought, kill and murder the deceased, and it shall be sufficient in every indictment for manslaughter to charge that the defendant did feloniously kill and slay the deceased.

V. In any indictment for forging, uttering, stealing, embezzling, destroying, or concealing, or for obtaining by false pretences, any instrument it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same, or the value thereof.

VI. In any indictment for engraving, or making the whole or any part of any instrument, matter, or thing whatsoever, or for using, or having the unlawful possession of any plate, or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved

or made, or for having the unlawful possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole or any part of such instrument, matter, or thing.

VII. In all other cases, wherever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

VIII. From and after the coming of this Act into operation, it shall be sufficient in any indictment for intent to defraud particular persons need not be alleged or proved in cases of forgery, uttering, or false pretences. Forging, uttering, offering, disposing of, or putting off any instrument whatsoever, or for obtaining, or attempting to obtain, any property by false pretences, to allege that the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this Section mentioned, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with an intent to defraud.

IX. And whereas offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences, and not with the actual commission thereof, It is enacted that if on the trial of any person charged with any felony or misdemeanor, it shall appear to the jury upon the evidence that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the said indictment; and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

X. And whereas it is enacted by the 8th Section of Act XXXI. of 1838 that "on the trial of any person for any of the offences thereinbefore mentioned, or for any felony whatever where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted, if the evidence shall warrant such finding"; and whereas great difficulties have arisen in the construction of such enactment: for remedy thereof, It is enacted, that the said enactment shall be and the same is hereby repealed.

XI. If upon the trial of any person upon any indictment for robbery, it shall appear to the jury upon the evidence that the

Verdicts and judgments valid after amendments.

Records to be drawn up in amended form without noticing the amendments.

The means by which the injury was inflicted need not be specified in indictments for murder and manslaughter.

Forms of indictment in cases of forgery, and uttering, stealing, and embezzling, or obtaining by false pretences.

In other cases.

Intent to defraud particular persons need not be alleged or proved in cases of forgery, uttering, or false pretences.

A party indicted for felony or misdemeanor may be found guilty of an attempt to commit the same, and shall be liable to the same consequences as if charged with and convicted of the attempt only. No person so tried to be afterwards prosecuted for the same.

Repeal of the 8th Section of Act XXXI. of 1838.

of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned, and then to allege that the defendants unlawfully, wilfully, and corruptly did cause and procure the said person the said offence, in manner and form aforesaid, to do and commit; and wherever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

XXI. No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the statute," instead of "against the form of the statutes," or *vice versa*, nor for that any person mentioned in the indictment is designated by a name of office, or other descriptive appellation, instead of his proper name, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, nor for want of a proper or formal conclusion, nor for want of or imperfection in the addition of any defendant, nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury, or spoil, in any case where the value or price, or the amount of damage, injury, or spoil, is not of the essence of the offence.

XXII. Every objection to any indictment for any formal defect apparent on the face thereof shall be taken, by demurrer or motion to quash such indictment, before the jury shall be sworn, and not afterwards; and every Court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the indictment to be forthwith amended in such particular by some officer of the Court, or other person, and thereupon the trial shall proceed as if no such defect had appeared.

XXIII. No person prosecuted shall be entitled to traverse or postpone the trial of any indictment found against him at any Session of the Peace, Session of Oyer and Terminer, or Session of Gaol Delivery; provided always, that if the Court, upon the application of the person so indicted or otherwise, shall be of opinion that he ought to be allowed a further time, either to prepare for his defence or otherwise, such Court may adjourn the trial of such person to the next subsequent Session, upon such terms as to bail, or otherwise as to such Court shall seem meet, and may respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent Session, without entering into any fresh recognizance for that purpose.

XXIV. In any plea of *autrefois convict* or *autrefois acquit* it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the indictment.

XXV. Whenever any person shall be convicted of any one of the offences following, as an indictable misdemeanour, that is to say, any cheat or fraud punishable at common law; any conspiracy to cheat or defraud, or to extort money or goods, or falsely

to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice, any escape or rescue from lawful custody on a criminal charge; any public and indecent exposure of the person; any indecent assault, or any assault occasioning actual bodily harm; any attempt to have carnal knowledge of a girl under twelve years of age; any public selling, or exposing for public sale or to public view, of any obscene book, print, picture, or other indecent exhibition, it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment.

XXVI. In the construction of this Act the word "indictment" shall be understood to include "information," "inquisition," and "presentment," as well as "indictment," and also any "plea," "replication," or other pleading; and the terms "finding of the indictment," shall be understood to include "the taking of an inquisition," "the exhibiting of an information," and "the making a presentment;" and wherever, in this Act, in describing or referring to any person or party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

XXVII. This Act shall come into operation on the first day of the month of January, one thousand eight hundred and fifty-two.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be reconsidered at the first Meeting of the Legislative Council of India after the 9th day of March next.

FRED. JAS. HALLIDAY,
Secy. to the Govt. of India.

Advertisement.

Tenders are hereby invited for the conveyance of

1 (One) European Convict, either to Calcutta, Madras, or direct to Van Dieman's Land, and of

1 (One) Discharged Soldier of Her Majesty's 64th Foot, to Australia.

By Order of the Commander in Chief I. N.,
F. G. BONE, Secretary.

Commodore's Office,
Bombay, 27th January 1852.

Notice.

Sealed Tenders will be received at the Mint Engineer's Office, daily, from 10 A. M. to 4 P. M., for the supply of Coal, to the extent of Six Hundred Tons, or less, for the use of the Mint.

Each party tendering is requested to forward, with his Tender, a sample of the Coal proposed to be applied; and the price per Ton is to include all charges for weighing, and delivering at the Mint.

J. H. BURKE, Captain.
Mint Engineer.

Bombay, Mint Engineer's Office,
25th June 1851.

BOMBAY PRICE CURRENT

OF MEAT, POULTRY, FRUIT, BRAD, FLOUR, ROLONG, SAGO, BUTTER, MILK, FIREWOOD, OIL, CANDLES, SOAP, GHEE, SUGAR, GRAIN, &c. &c.—QUOTED BY THE DEALERS.

ARTICLES.		PRICES.	ARTICLES.		PRICES.	ARTICLES.		PRICES.
BEEF.		R a p.	PORK, FRESH & SALT (continued).		R a p.	SUGAR OF SORTS.		R a p.
Prime pieces.....	1st sort 10lbs.	1	Trotters, small	per four.	1	Sugar, Pinfa.....	per md. of 28 lbs	5 12
"	2nd do. 12 "	1	Pig's Liver & Heart	"	2	" Candy, 1st sort.....	"	4 12
"	3rd do. 10 "	1	Pork salt, country	8 lbs.	3	" 2nd do.....	"	4 4
Brisket and Round,	1st sort 12 "	1	POULTRY.			" 3rd do.....	"	4 4
"	2nd do. 14 "	1	Geese	each	4	" soft, 1st do.....	"	4 4
"	3rd do. 16 "	1	Turkey cock, Bombay.....	"	4	" 2nd do.....	"	4 12
Meat for Soup	10 "	1	" hen,	"	3	" brown.....	"	3 10
Shin.....	large each.	3	" cock, Goa.....	"	3	Jaggree	"	1 8
"	small	2	" hen,	"	3	GHEE OF SORTS.		
Ox Tails	"	3	Fowls, large, Surat.....	"	1	Ghee, Kurrachee, per md. of 28 lbs.	5 3	
Tongue	large "	3	" small,	"	8	" Surat.....	5 12	
"	small "	3	" large, Bombay.....	"	8	" Bhownggur.....	5 8	
Heart	"	3	" small,	"	6	" Balghauty.....	5 8	
"	large "	3	Ducks, large.....	"	8	" Ghanty	5 5	
"	small	1	" small.....	"	0	" Rajapoor.....	5 5	
Marrow-bone.....	"	1	Chickens, large.....	per dozen.	2	" Jaffrad.....	6 12	
Ox Palates	"	4	" small.....	"	12	GRAIN OF SORTS.		
Feet.....	four.	4	Hens' Eggs.....	each.	3	Wheat, Hansia.....	pr. Cdy. of	20
Suet.....	per lb.	4	Ducks'	"	3	" Jambooseer, 1st sort.	"	16
Tongues (salted, dry), Poona.	each.	4	FRUITS OF SORTS.			" 2nd do.....	"	15
" (pickled) Bombay.	"	5	Pine-apples, Bombay, large.	each.	1	" Bhownggur, 1st do.	"	13
VEAL, SMALL.			" small.....	"	12	" 2nd do.....	"	12
Hind Quarter.....	1st sort 4 lbs.	1	" Goa.....	large.	4	" Ghante.....	"	15
"	2nd do. 5 "	1	" small	"	3	" Sindur.....	"	15
"	3rd do. 6 "	1	Pomeles.....	large.	12	" Jambooseer.....	"	18
Fore Quarter	1st do. 5 "	1	" small.....	"	8	" Ghogaree, new.....	"	14
"	2nd do. 6 "	1	Guavas.....	large.	8	" old.....	"	13
"	3rd do. 7 "	1	" small.....	"	6	" Jambooseer.....	"	18
VEAL, LARGE.			Oranges	large.	1	" Ghogaree, new.....	"	14
Hind Quarter	1st sort 5 lbs.	1	" small.....	"	9	" old.....	"	15
"	2nd do. 6 "	1	Grapes, black.....	per seer	0	" Bengal.....	"	13
"	3rd do. 7 "	1	" green	"	6	" Wooreed, Ghante.....	"	13
Fore Quarter	1st do. 6 "	1	Melons, water, large.....	each.	2	" Malabur.....	"	13
"	2nd do. 7 "	1	" small	"	2	" Cutch.....	"	14
"	3rd do. 8 "	1	" Musk, large.....	"	8	" Ghogaree.....	"	14
Head.....	1st do. each.	10	" small.....	"	2	" Mut.....	"	12
"	2nd do. "	8	Plantains, red, large.....	"	8	" Ghante.....	"	13
"	3rd do. "	6	" small.....	"	6	" Cutch.....	"	13
Feet.....	four.	3	" yellow, large.....	"	4	" Mugg.....	"	18
Liver & Heart.....	each	1	" small.....	"	3	" Ghogaree.....	"	13
MUTTON FOR EUROPEANS.			Limes, sweet	small.	8	Bazaree, Ghante.....	"	13
Saddle.....	1st sort per lb.	3	" sour.....	"	1	" Bhownggur, 1st sort	"	15
"	2nd do. "	2	Potatoes, Neigherries, large, per seer.	"	1	" 2nd do.....	"	14
"	3rd do. "	1	" small	"	1	" Rajapoor.....	"	13
Leg, Loin, Neck,	1st do. "	2	" Mahabeshwar, large.....	"	1	" Barley.....	new	12
and Shoulder.....	"	2	" small.....	"	8	" old.....	"	9
"	2nd do. "	1	" Poona, large.....	"	6	" Putney, 1st sort.	"	10
"	3rd do. "	1	" small.....	"	4	" 2nd do.....	"	10
Breast.....	1st do. "	1	" Surat, large.....	"	4	Jorree.....	"	8
"	2nd do. "	1	" small.....	"	4	Nucheny.....	"	8
"	3rd do. "	1	Yams, white	"	6	Vattana.....	"	15
Tongue, Sheep's.....	each.	4	" red.....	"	6	Chowley.....	per phara	2 8
Bruins.....	"	1	Onions.....	"	2	Dall, Brouch.....	"	3 4
Head.....	"	1	Ginger.....	"	6	" Surat.....	"	4
Liver and Heart.....	"	1	DRY FRUITS OF SORTS.			UNBOILED RICE OF SORTS.		
Kidneys.....	"	4	Plums, fine.....	per seer weight.	2	Rice, Putney.....	per phara.	1 14
Feet.....	four.	4	" coarse.....	"	2	" Sindy, red.....	"	1 10
Suet.....	per lb.	4	Currants, fine.....	"	2	" raw.....	"	1 8
MUTTON FOR NATIVES.			" coarse.....	"	2	" red.....	"	1 8
First sort.....	12 lbs.	1	Prunes, new.....	"	1	BEATEN RICE OF SORTS.		
Second.....	14 "	1	" old.....	"	1	Rice, Jersaul, 1st sort.	per phara	3 8
Third.....	16 "	1	Almonds, sweet.....	"	1	" 2nd do.....	"	3 4
KID, SMALL.			" bitter.....	"	3	" Vergole, 1st do.....	"	2 12
Hind Quarter.....	1st sort 4 lbs.	1	BREAD, &c.			" 2nd do.....	"	2 8
"	2nd do. 5 "	1	A loaf, 1st sort.....	13 oz. each.	1	" Sindy ratra.....	"	3 12
"	3rd do. 6 "	1	" 2nd do.....	13 oz. "	1	" Segundee.....	"	3 12
Fore Quarter	1st do. 5 "	1	" brown.....	32 oz. "	2	" Putney.....	"	2 6
"	2nd do. 6 "	1	" 16 oz. "	"	1	" raw.....	"	2 4
"	3rd do. 7 "	1	Flour, wheat.....	per seer measure	3	MANGALORE RICE OF SORTS.		
Head, Feet, Liver, & Heart.....	"	4	Rolong.....	"	3	Rice, unboiled, 1st sort.	per robin.	2 12
KID, LARGE.			Sago, fine.....	" weight.	1	" 2nd do.....	"	2 8
Hind Quarter.....	1st sort 4 1/2 lbs.	1	" coarse.....	"	1	" boiled, 1st do.....	"	2 4
"	2nd do. 5 "	1	Arrowroot, best.....	"	2	" 2nd do.....	"	2 4
"	3rd do. 5 1/2 "	1	" coarse.....	"	1	BENGAL RICE OF SORTS.		
Fore Quarter	1st do. 5 "	1	MILK AND BUTTER.			Rice, unboiled, 1st sort.	per bag of	4 14
"	2nd do. 6 "	1	Cows' milk.....	per seer measure.	1	" 2nd do.....	{ 168 lbs.	4 12
"	3rd do. 7 "	1	" butter.....	per cup of 2 oz.	1	" boiled, 1st do.....	"	4 4
LAMB, SMALL.			Buffaloes' milk.....	per seer measure.	1	" 2nd do.....	"	4 4
Hind Quarter.....	1st sort 4 lbs.	1	" butter.....	per cup of 2 oz.	1	BHATT.		
"	2nd do. 5 "	1	FIREWOOD.			Bhatt, Putney, per moora of 25 pharas	23	
"	3rd do. 6 "	1	Babool, per candy of 28 mds.	784 lbs.	2	" raw.....	"	20
Fore Quarter	1st do. 5 "	1	Khair.....	"	3	" red.....	"	18
"	2nd do. 6 "	1	Ainc.....	"	2	SUNDRIES.		
"	3rd do. 7 "	1	Karmell.....	"	2	Saltetre, Europe, per md. of 28 lbs.	2 8	
LAMB, LARGE.			OILS, CANDLES, AND SOAP.			" Bengal.....	"	3 8
Hind Quarter.....	1st sort 5 lbs.	1	Cocconut oil, 1st sort, pr. md. of 28 lbs.	"	2	" Rajapoor.....	"	1 12
"	2nd do. 6 "	1	" 2nd	"	5	Pepper, black, 1st sort.	per seer.	1 6
"	3rd do. 7 "	1	Jeenglee.....	"	6	" 2nd do.....	"	1 3
Fore Quarter	1st do. 6 "	1	" Ghante.....	"	4	" white.....	"	3
"	2nd do. 7 "	1	Erundia, or Castor Oil	"	14	Garlic, large.....	"	9
"	3rd do. 8 "	1	Candles, Europe.....	"	20	" small.....	"	6
PORK, FRESH AND SALT.			" Goa.....	"	17	Camphor.....	per pound.	8
Pork, fresh	11 lbs.	1	" Cochin.....	"	18	" common, white.....	per seer	1 4
Pig, roasting, large size.....	each.	1	Soup, country.....	"	10	" black.....	per pyice.	1 3
" small do.....	"	1	" Europe, yellow	"	3	" "	"	1
Pig's Head.....	20 lbs.	1	" white.....	"	3			
Sausages.....	4 "	1						
Trotters, large.....	per four.	1						

Vegetables generally sold according to the quantity in the Market, and the choice of the vegetables.
 Bombay measures by which the articles are sold:—4 Seers are one Pylee—17 Pylees are one Phara—8 Pharas are one Candy—25 Pharas are one Moora.
 A Robin of Rice averages about 15 Pylees.
 Bombay weights by which the articles are sold:—1 Seer is 11 ozs. and 4 drs.—4 Seers are 1 Maund—1 Maund is 28 English pounds.
 Published by order of the Board of Conservancy,
 J. WATSON, Clerk of the Markets.

INSOLVENT DEBTORS' COURT.

Notice is hereby given, that the following Petitions have been filed, and the following Adjudications have been pronounced thereon, and which are published as required by the Act made and passed in the Eleventh year of Victoria, Chapter XXI. Clause LXXXII.

Nos. of Proceedings.	NAMES OF INSOLVENTS.	Dates of Petitions.	Dates of Adjudications.	Dates of Confirmations.
		1851	1851	1851
527	Dorabjee Pallonjee.....	July 19th	July 19th	Oct. 6th
532	Meerza Futtoola Beg bin Munwarally Khan.....	" 25th	" 25th	Ditto
537	Cassum Currimut.....	Aug. 8th	Aug. 8th	Ditto
540	William Rogers.....	" 13th	" 16th	Ditto
543	Mooljee Madowjee.....	" 16th	" Ditto	Ditto
545	Hajee Abdoola Cadoo.....	" 18th	" 18th	Ditto
557	Framjee Cooverjee Petegura.....	" 29th	" 29th	Ditto
558	Cassiba Valud Jewajee.....	" Ditto	Sept. 1st	Ditto
518	Woodhowjee Nathoo.....	June 17th	June 17th	Oct. 20th
539	Muncherjee Rustomjee.....	Aug. 14th	Aug. 14th	Ditto
564	Bhewa Jaggonnathjee.....	Sept. 9th	Sept. 9th	Ditto
565	John East.....	" 10th	" 10th	Ditto
551	Moolchund Jadowjee.....	Aug. 23rd	Aug. 23rd	Nov. 3rd
552	Narayan Runsordjee.....	" 25th	" 25th	Ditto
554	Mungesh Purshotum.....	" 26th	" 26th	Ditto
555	Meya Mahomed Hoossein bin Mahomed Esmall Khote, alias Mynoodeen.....	" 27th	" 27th	Ditto
563	Cummoo Tar.....	Sept. 8th	Sept. 8th	Ditto
566	Oosmanbhoy Mudarbhoj.....	" 10th	" 10th	Ditto
567	Soonder Balcrustnaje.....	" 11th	" 11th	Ditto
569	Annudrow Soonderjee.....	" 13th	" 13th	Ditto
572	John Northey.....	" 17th	" 17th	Ditto
579	Damjee Dharsey.....	Oct. 2nd	Oct. 2nd	Ditto
582	Raghojee Vittojee.....	" 3rd	" 3rd	Ditto
547	Bhasker Gumputjee.....	Aug. 19th	Aug. 19th	Nov. 17th
570	John Thompson.....	Sept. 13th	Sept. 13th	Ditto
587	Wittoba Dadoba.....	Oct. 18th	Oct. 18th	Ditto
589	Babool Wisswanathjee.....	" Ditto	" Ditto	Ditto
548	Aushruf Khoojee bin Khajay Amroolla.....	Aug. 19th	Aug. 19th	Dec. 1st
556	Rambhawoo Kulappa.....	" 28th	" 28th	Ditto
560	Jamsetjee Franjee.....	Sept. 2nd	Sept. 2nd	Ditto
568	Bhiccajee Gopall, Ramjee Bhiccajee, and Babool Bhiccajee.....	" 11th	" 11th	Ditto
573	Wisswanath Govindjee.....	" 19th	" 19th	Ditto
576	Andoo Megraz.....	" 23rd	" 23rd	Ditto
583	Bhungsallee Jewandass Bhowancedass.....	Oct. 11th	Oct. 11th	Ditto
586	Hurrichund Sudasew.....	" 18th	" 18th	Ditto
590	Wittoba Damodhurjee.....	" 27th	" 27th	Ditto
588	Mugneeram Hookumchund.....	" 18th	" 18th	Dec. 22nd
592	Gunga, Woman.....	Nov. 1st	Nov. 1st	Ditto
593	Babajee Wisswanathjee.....	Ditto	Ditto	Ditto

W. DE BLAQUIERE,
Clerk of the Court.

Bombay, Clerk of the Court's Office,
this 26th day of January 1852.

Notice

Is hereby given, that persons desirous of entering into a Contract for the supply of Coffins, &c. to this Department, for the term of one year, from the date of the acceptance of the offer, may, on application at this Office from 10 A. M. till 5 P. M. daily, (Sundays and Holidays excepted,) obtain a list of prices, and such other information relating thereto as they may require.

Verbal offers for the Contract will be received at this Office at 2 P. M. on Friday the 6th proximo, when persons will be required to bid a per-centage above or below the prices exhibited in the above-mentioned list, on the understanding that the arti-

cles to be supplied under this Contract are to be of unexceptionable quality, according to Musters, which may be seen in this Office, and delivered to the Indenting Departments in good condition, free of all further expenses, in such quantity or quantities as may from time to time be required; and that the same will be liable to examination and rejection by a Committee of Officers appointed on the part of Government.

The person or persons whose offer may be accepted will be required to sign and seal a Contract, stipulating to the above effect, and that he or they will comply immediately with all emergent demands for the articles included in the above-mentioned list, and will meet other demands of less urgency with-

in the periods stated in the requisitions made upon him or them, in failure whereof, or if the supply be condemned by a Committee of Officers, as aforesaid, the Coffins, &c. or such others as may be required in lieu thereof, shall be purchased by this Department, without reservation, at his or their risk and cost; and in all such cases an advance of Rupees (30) thirty per cent. upon the amount of expenses incurred, or a fine of Rupees (50) fifty, at the option of the Executive Officer, may be levied as liquidated damages for each and every such breach of Contract, as often as the same may occur; also the Contract may, in all such cases, be put an end to on the part of the East India Company.

No person will be allowed to bid for the Contract unless he previously deposits in this Office the sum of Rupees (18) eighteen in cash, which will be forfeited in the event of delay, evasion, or refusal to execute the necessary Deed of Contract, should his offer be accepted, in which latter case he must be prepared to give unexceptionable bonded security to the extent of Rupees (73) seventy-three, to be held by Government for the due fulfilment of his Contract.

It is to be distinctly understood, that Bills for the quantities of the articles included in the above-mentioned list, supplied, shall be preferred within or before the expiration of one month from the date of the delivery of the articles, in default of which the Contractor shall be liable to forfeit the full value or amount of the supplies for which Bills have not been so preferred, unless it shall clearly appear that the delay was unavoidable.

The amount of retrenchments made by the Military Board on the Contractor's Bills will be recovered from the first Bills preferred for payment by the Contractor; but in the event of such retrenchments, or any portion thereof, being remitted, it will then be refunded to him.

The parties who, after offering for the Contract, fail to furnish the necessary Security, will be interdicted from bidding on future occasions, unless they can produce a certificate from individuals of unexceptionable character, binding themselves to stand Security for the due performance of the Contract.

The annual outlay on the above Contract is estimated at Rupees 366, or thereabouts. All further particulars will be communicated on application at this Office, or at the time of bidding, and no reason will be assigned for the rejection of any offer.

Particular notice is given, that the above Sale will take place on the date stated, at 2 o'clock p. m. precisely, and that any person attending after that hour will not be allowed to bid.

E. WHICHELO, Major,
Deputy Commissary General.

Bombay, Deputy Commy. Genl.'s Office,
20th January 1852.

In the Court for the Relief of Insolvent Debtors, Bombay.

Notice is hereby given, that Jamsetjee Framjee, who formerly carried on trade in co-partnership with Pestonjee Dorabjee, since deceased, in the name and style of Framjee Jamsetjee and Company, an Insolvent, did, on the Nineteenth day of

January instant, file his Petition in my Office (under the provisions of the Act relating to Insolvent Debtors in India), praying that he might be discharged from all liability in respect of the Debts or Claims established, or which might by Law be proved in the Court in the matter of his Insolvency, and that the Court has appointed the third Monday in March next, for the further hearing of the said Petition.

Any Creditor wishing to dissent from the said Insolvent having his discharge, must give notice in writing thereof to me at my Office, at least three days before the hearing, and all Creditors who shall not have given such notice, will, at the expiration of the above-mentioned time, be taken to have assented thereto.

W. DEBLAQUIERE,
Clerk of the Court.

Clerk of the Court's Office, Fort,
Bombay, this 20th day of January 1851.

श्री मुयाँना नादार देनदार लोकाना
छुटका करनारी कोरट मध्ये *

मयर हीयाँनी आपेयाचि आवेछे न
नंनशेदल इरांनल न आगल नरनार
पेशतंनल दारायलना पंतीयालाचो इरा
नल नंनशेदलने नामे तथा पेडीये वपार
करतो इतो नयलो आगामीये खालता न
नीवारी नहीनानी तारीम आगनीशनीये
नारी डाक्रीशने पानानी अरल हायल करी
छे न इकोशतानमां नयला देवादारोने वा
शते कायेदा कराछे न करन अथवा हावा
नयला देवादार पायतनी कोरट मध्ये काये
हाथी शायुत थायेला हेाये अथवा शायुत
थये ते शरवथी इमारो छुटका करेवा येवी
अरन करीछे ने कोरट आवता नारय न
हीनाचो तीन शानवारो ते अरल इरी शां
नलवाने सुकरर इरावुछे *

वासते कायेक लेखदार नयला देवादार
नयकरवो छुटका थवाने नाराळ हेाये तो
तेले ते पायतनां लभीने नउरे मयर अ
रल शांनलवानो आगनय आछानो आछा
हाडा तरंन आगळी नारी डाक्रीशने आपवी
ने न शरवे लेखदारो हेवी मयर नही ल
भी आपये तो जपर लयेली सुदत गुनरी
गीया पछे ये पायतनां तेवा राळछे येन
नलेवानां आपये *

उयलीज—डी—यलाडीअर,
कोरटचो कलारक.

श्री मुयाँनां कोरटमध्ये कोरटनांकलार
कनी डाक्रीशने आन ईने तारी
म २० नी नंनीवारी शंने १८५२

(True Translation.)

R. X. MURPHY, Acting Chief Translator.

Insolvent Debtors' Court.

Notice is hereby given, that Petitions of the several persons hereunder named and described have been presented to the Court for the Relief of Insolvent Debtors, Bombay, praying, respectively, for the benefit of the Act made and passed in the eleventh year of Victoria, Chapter XXI :—

Crustnath Bappoo Josey, formerly a Vendor of Stamped Papers in the Office of the Collector of Land Revenue, Hindoo, residing in the Kurwady Lane, near Ramwady, without the Fort of Bombay, filed 12th January 1852.

Chundaboo, Widow, formerly a Dealer in Salt Fish, Mahomedan, formerly residing near Khara Tulao, without the Fort of Bombay, (and now in the Bombay Gaol,) filed 16th January 1852.

Mary Ann Higgins, late Stewardess of the Steamer "Pekin," European, residing near Kalcadavy Road, without the Fort of Bombay, filed 15th January 1852.

Abdool Ally Ishmailjee, formerly trading under the name and firm of Abdool Ally Rujub Ally, as a general Merchant, Mahomedan, residing in Bhoosary Molla, without the Fort of Bombay, filed 17th January 1852.

Poondlick Wittoba Senoy, a Clerk in the Custom House, Hindoo, residing in Antoba Gosavee's Oart, without the Fort of Bombay, filed 15th January 1852.

Suroopsook Dowlutram, who lately carried on business as a Broker in Piece Goods and a Speculator in Opium, Hindoo, lately residing near the Moombadavie Chowkee, without the Fort of Bombay, (and now in the Bombay Gaol,) filed 19th January 1852.

Shaik Ameer, who lately carried on business as a Butcher, Mahomedan, lately residing in Bengal-poorra, without the Fort of Bombay, (and now in the Bombay Gaol,) filed 19th January 1852.

Orders in the matters of the above-named Insolvents' Petitions, that the real and personal Estates and Effects of the said Insolvents be vested in the Official Assignee of this Honorable Court, under Clause VII. of the said Act, have been duly made.

Days appointed for Hearing.

Nowrojee Burjorjee, 1st Monday in February next, at 11 o'clock a. m.

Luxumon Balerustna, ditto ditto.

Chundaboo, Widow, ditto ditto.

Suroopsook Dowlutram, ditto ditto.

Shaik Ameer, ditto ditto.

Frederick Parkinson, 3rd Monday in February next, at 11 o'clock a. m.

Mary Ann Higgins, ditto ditto.

Poondlick Wittoba Senoy, ditto ditto.

Opposing Creditors must file their Claims, verified by Affidavit, and pay the usual Fees, at my Office, at least three days before the Hearing. The above-named Insolvents have filed Schedules of their Debts, Estates, and Effects, in my Office.

W. DEBLAQUIERE,
Clerk of the Court.

Clerk of the Court's Office, Fort,
Bombay, this 20th day of January 1852.

નવખલા દેવાદારોની કોરટ મધે *

ખપર હીઆંથી આપેઆનો આવછે નજી એલ ખેલા શખશો નએએ હાલ મુખાઈમધે

નાદારો દેનદાર લોકોનાં છુટકા કરનારી કોરટને અરજીઓ આપી છે ન વીકટોરીઆનાં અગીઆર ને વરસે ધારો પશાર થાએલો છે તેનાં એકવીશના ખાખ પરનાં છે. હ મેને ને દાદ ને પોઆડવા *

કેરશજનાથ ખાપુ નાશી આગલ મુલખ વશુલનાં કલેકટરની હાકીસનો છાપના કાગલ વચતો હતો હીનકુ રેહેનાર શ્રી મુખાઈનાં કોટખાહાર રામવાડી પાસે કડવા ડી લે છે મધે તેની તારીખ ૧૨ મી જુની વારી શંને ૧૮૫૨ ને દાડે દાખલ કરી છે *

મંજદાબુ વીધવા આગલ ખારી માણલો વચનાર હતો મુશલનાની આગલ શ્રી મુખાઈનાં કોટખાહાર ખારાતલાવ આગલ રેહેતો હતો (ને હાલ મેં શ્રી મુખાઈની ઉરંગમે છે) તેની તારીખ ૧૬ મી જુની વારી શંને ૧૮૫૨ ને દાડે દાખલ કરી છે *

મેરો આન હીગીનથ આગલ પીકીન આગલ યોટ ઊપર ઇશટીઊરદીન હતો અંગરેજ છે રેહેનારી શ્રી મુખાઈનાં કોટખાહાર કાલકા દેવીના રશતા આગલ તેની તારીખ ૧૫ મી જુની વારી શંને ૧૮૫૨ ને દાડે દાખલ કરી છે *

અખડુલ અલી ઇશમોઈલજી ન આગલ અખડુલ અલી રજખઅલી ને નામે તથા પેડી એ શરવે સીનનો વેપાર કરતો હતો મુશલનાં રેહેનાર શ્રી મુખાઈનાં કોટ ખાહાર ભુશારી મોહોલાનો તેની તારીખ ૧૭ મી જુની વારી શંને ૧૮૫૨ ને દાડે દાખલ કરી છે *

પુનડલીક વીઠાયા શેણાઈ નાંડવીનાનો લખનારો હીનકુ રેહેનાર શ્રી મુખાઈનાં કોટ ખાહાર આનતોયા ગોશાવીની વાડીમધે તેની તારીખ ૧૯ મી જુની વારી શંને ૧૮૫૨ ને દાડે દાખલ કરી છે *

શરખશુક દોલતરામ ને થોરા દાડા ઊપર કાપડની ફલાલોનો ધંનધો કરતો હતો તથા અકીમનો શટો કરતો હતો હીનકુ થોરા દાડા ઊપર શ્રી મુખાઈનાં કોટ ખાહાર માનાદેવીની ચોકી આગલ રેહેતો હતો ને હાલ મેં શ્રી મુખાઈની ઉરંગમે છે તેની તારીખ ૧૯ મી જુની વારી શંને ૧૮૫૨ ને દાડે દાખલ કરી છે *

શુક અનીર ને થોરા દાડા ઊપર કશાઈનો ધંનધો કરતો હતો મુશલનાન થોરા દાડા

જીપર શ્રી મુખાઈનાં કોટ બાહાર બંગાલ પુરાનો રહેતો હતો (ને હાલનો શ્રી મુખાઈની વરૂંગનો છે) તેની તારીખ ૧૯ મી જાનીવારી શંને ૧૮૫૨ ને દાડે દાખલ કરી છે *

જીપર લખેલા નખલા દેવાદારોની ચરણ ઓની બાબતમાં હુકમ થયો છે જે તેનાઓની પોતાની થાવર તથા માથ નીલકત તથા ઓળ વચત છે તે આએ નાનદાર કોરડના હાકીશીઆલ આશાએનીના તાએબાના જીપર લખેલા ધારાનો ૭ મી કલંન પરનાં છે આપવું *

શાંભલવાના દાડા ઠરાવેલા.

નવરોજીય બરબાર ૧ લો શોનવાર આ વતાં શેખરવારી મહીનાનો ૧૧ કલાકે પેહુ લે પોરના *

લખશેખન બાલકરચટનાં દાડો જીપર લખા પરનાં છે *

ચંનદાબુ વીધવા દાડો જીપર લખા પરનાં છે * શરપશુખ દેલતરાન દાડો જીપર લખા પરનાં છે *

શેક અમીર દાડો જીપર લખા પરનાં છે * શેરેદરોક પારકીનચંન ૩ નો શોનવાર આ વતા શેખરવારી મહીનાનો ૧૧ કલાકે પેહુ લા પોરના *

નેરી આન હીગીનચ દાડો જીપર લખા પરનાં છે *

પુનડલીક વીઠુયા શેણાઈ દાડો જીપર લખા પરનાં છે *

આડા આવનાર લેણાદારોએ પોતાના દાવા શોચનાનાથી શાયુત કરેલાં શાંભલવાની આગનચ ઓછાનો ઓછા ૩ દાડા અગાજી હનારી હાકીશને દાખલ કરવા નો ઈએ ને ઠરાવેલી (ફી) એટલે દયવુરી પંણ આપવી તે જીપર કહેલા નાદારોએ પોત પોતાના દેવાની તથા માલ નીલકતની ટીપો હનારી હાકીશને નોધાવી છે *

શહી. દખલીજી.—ડી.—બલાકીચર, કોરડનો કલારક.

શ્રી મુખાઈનાં કોટ મુઘે કોરડનાં કલારકની હાકીશને આજ દંને તારીખ ૨૦ મી જાનીવારી શંને ૧૮૫૨

(True Translation.)

R. X. MURPHY, Acting Chief Translator.

Notice

Is hereby given, that (3) three Elephants, the property of Government, lately received from the Baggage Corps, will be sold by Public Auction in the Town of Hyderabad, on the 15th proximo, precisely at 5 o'clock P. M. A descriptive Roll of the Elephants is herewith appended.

H. VINCENT, Captain, Sub-Assistant Commissary General.

Hydrabad, Commissariat Office, 23rd January 1852.

Descriptive Roll of Government Elephants, to be disposed of by the Commissariat at Hydrabad, Scinde, on the 15th February 1852.

Camp, Hydrabad, 3rd January 1852.

Names.	Sex.	Age.	Height.		Country.	Length of Tusk.	Remarks.
			Feet.	Inch.			
Goolala	Male	35 years	9	8	Nepaul	2 feet 7 inches.	The 3 Elephants in very good condition, with one Howdah, Silk Cushion, &c.
Gungah	Female	28 "	8	6	"	No Tusk.	
Lutchmee . . .	"	34 "	8	8	"	Small do.	

(Signed) R. T. MAUGHAN, Major, Late Commanding Baggage Corps.

(True Copy.)

H. VINCENT, Captain, Sub-Assistant Commissary General.

Advertisement.

Tenders are hereby invited for the conveyance to Singapore of about eight tons of Naval Stores, under transmission to the Honorable Company's Steam-frigate "Semiramis."

Particulars as to the nature of the Stores, the size, weight, &c. of the packages, may be learnt by personal application at the Office of the Commander in Chief Indian Navy.

By Order of the Commander in Chief Indian Navy,

F. G. BONE, Secretary.

Commodore's Office, Bombay, 27th January 1852.

General Orders.

MILITARY DEPARTMENT.

BY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 22nd January 1852.

No. 52 of 1852.—The following appointment is made :—

29th Regiment N. I.

Date of Appointment.

Lieutenant T. Nuttall to be Adjutant, vice Henderson, proceeded to Europe 1st Jan. 1852.

No. 53 of 1852.—Captain S. C. Baldwin, Superintendent of Bazars at Dapoolee, is allowed an extension of leave from the 11th to the 14th instant.

No. 54 of 1852.—Surgeon A. Gibson is allowed a furlough to Europe, for one year, with permission to take his departure from India by the Steamer leaving on the 3rd March next.

No. 55 of 1852.—The following Order is confirmed :—

An Order by Major John Jackson, C. B., dated Neemuch, the 21st December 1851, directing Surgeon MacKenzie, of the 25th Regiment N. I., to take charge of the Medical Stores and Staff at Neemuch from Assistant Surgeon Lodwick, appointed to the temporary Medical charge of the 16th Regiment N. I., pending the arrival of Assistant Surgeon Mosgrove, appointed Deputy Medical Storekeeper, or until further orders.

Bombay Castle, 23rd January 1852.

No. 56 of 1852.—Captain P. S. Fearon, of the 14th Regiment N. I., is appointed to the charge, during the voyage, of the European Invalids of the Hon'ble Company's Service, proceeding to England by the Ship "Earl of Hardwicke."

No. 57 of 1852.—Lieutenant G. H. Wilkinson, of the 16th Regiment N. I., is allowed leave of absence from the 20th February to the 29th April next, to proceed to Adjunta, on private affairs.

No. 58 of 1852.—The following promotions are made :—

Ordnance Department.

Date of Appointment.

Acting Conductor T. Mitchell to be Conductor, vice Blodwell, pensioned..... 13th December 1851.

Sub-Conductor J. S. Coleman to be Acting Conductor, vice Mitchell, promoted Ditto ditto.

Acting Sub-Conductor J. McCarthy to be Sub-Conductor, vice Mitchell, promoted Ditto ditto.

Bombay Castle, 24th January 1852.

No. 59 of 1852.—Major (Brevet Lieutenant Colonel) J. Outram, C. B., of the 23rd Regiment Native Light Infantry, is allowed a furlough to Europe for three years, on Medical certificate.

No. 60 of 1852.—Assistant Surgeon G. J. Shaw has returned to his duty, by permission of the Hon'ble the Court of Directors, and reported his arrival at Madras to take up his appointment as Assistant Assay Master at the Presidency, on the 29th of December last.

No. 61 of 1852.—Serjeant Henry Davenport, of the Sappers and Miners, is appointed a Supernumerary Sub-Assistant Overseer in the Department of Public Works, from the 29th December last.

No. 62 of 1852.—The following Statements, Nos. 1 and 2, showing the Officers belonging to this Presidency who are entitled to participate in the General Off-Reckoning Fund for the past year, together with the rates of advances payable to those present in India, are published for information :—

No. 1.

Statement showing the Proportion of Off-Reckonings payable in advance to Sharers in the General Off-Reckoning Fund for the year 1851, inclusive of the sum payable from the Treasury, either in India or in England.

COMMANDANTS OF REGIMENTS OF LIGHT CAVALRY.

		<i>Half Sharers.</i>			<i>Company's Rupees.</i>
Major General.....	P. Delamotte, C. B.....	Full year.	Europe.		
Colonel.....	D. Cunninghame.....	Ditto	India...	3413	5 4
Lieut. Colonel Comt..	M. Stack, C. B.....	Ditto	ditto..	3413	5 4

ARTILLERY.

Half Sharers.

Major Generals.....	Richard Whish.....	Full year.	Europe.		
	S. R. Strover.....				
	L. C. Russell, C. B. (the late), from 1st January to 28th April 1851, inclusive.....				
Colonels.....	J. G. Griffith.....	Full year.	ditto.		
	Alexander Manson, C. B.....	Ditto	India...	3413	5 4
	F. Schuler, from 29th April to 31st December 1851, inclusive, vice Russell, deceased.....		Europe.		

INFANTRY.

Full Sharers.

Company's Rupees.

Lieut. Generals. { H. S. Osborne. } Full year. Europe.
 { Sir David Leighton, K. C. B. }

Half Sharers.

Lieut. Generals.....	{	G. R. Kemp*	}	Ditto	ditto.				
		J. F. Dyson*							
Major Generals.....	{	W. Gilbert.....	}	Ditto	India...	3413	5	4	
		B. Kennett.....							
		E. W. Shuldham.....							
		W. Sandwith, C. B.							
		J. Salter, C. B.							
		E. Frederick, C. B.							
		G. B. Brooks.....							
		P. Lodwick.....							
		J. Morse.....							
		T. Morgan.....							
		D. Barr.....							
		F. Farquharson.....							
Colonels.....	{	Sir Henry Pottinger, Bt., G. C. B.	}	Ditto	India...	3413	5	4	
		J. Sherriff (the late), from 1st January to 2nd February 1851, inclusive.....							
		R. Taylor.....							
		M. E. Bagnold.....							
		C. B. James.....							
		J. H. Dunsterville.....							
		C. Payne.....							
		C. Ovens.....							
		D. Capon.....							
		W. D. Robertson.....							
		M. Soppitt.....							
		W. Spiller.....							
George Moore.....									
T. Leighton.....									
F. Stalker, from 3rd February to 31st December 1851, inclusive, vice Sherriff, deceased.....									

CLOTHING AGENT.

Full Share.

Major..... B. Crispin Full year. India... 6400 0 0

* Thus marked are entitled to an additional half share from the Public Treasury.

No. 2.

Statement showing the names of the Invalid Officers entitled to participate in the Off-Reckoning Fund for the year 1851, and the Proportion payable to them in advance on that account.

NATIVE VETERAN BATTALION.

Amount.

Major E. Hallum..... From 1st January to 24th November 1851, inclusive..... 900 0 0
 Lieutenant Colonel H. Sandwith... From 25th November to 31st December 1851, inclusive..... 202 11 10

Total.....Company's Rupees 1102 11 10

Bombay Castle, 26th January 1852.

No. 63 of 1852.—Private William Langley, of the 2nd Regiment European Light Infantry, is allowed to purchase his discharge from the Service, agreeably to Article 29, Section XXI. of Jameson's Code.

No. 64 of 1852.—Mr. Alexander Valentine Ward, now abroad, has been appointed by the Hon'ble the Court of Directors an Assistant Surgeon upon this Establishment, subject to the usual conditions.

No. 65 of 1852.—The Right Hon'ble the Governor in Council is pleased to direct that the following General Order, No. 29, dated Fort William, 9th January 1852, by the Hon'ble the President of the Council of India in Council, be republished for general information :—

“No. 29 of 1852.—The London Gazette, of the 21st November 1851, having been received from the Hon'ble the Court of Directors, the following Extract therefrom is published for general information :—

“War-Office, 21st November 1851.

BREVET.

“Her Majesty has been pleased to appoint the undermentioned Officers of the East India Company's Forces, to take rank by Brevet in Her Majesty's Army in the East Indies only, as follow. The Commissions to be dated 11th November 1851.

To be LIEUTENANT-GENERALS.

Major Gen. Brackley Kennett, Bombay Infantry.
 Richard Whish, Bombay Artillery.
 Augustus Andrews, C. B., Madras Infantry.
 James Ahmuty, Bengal Artillery.
 Charles McLeod, C. B., Madras Infantry.
 Edmund William Shuldham, Bombay Infantry.
 William Sandwith, C. B., Bombay Infantry.
 Mossom Boyd, Bengal Infantry.
 John MacInnes, Bengal Infantry.
 James Fallowfield Salter, C. B., Bombay Infantry.
 Patrick Byres, Bengal Infantry.
 Edmund Cartwright, Bengal Infantry.
 Henry George Andrew Taylor, C. B., Madras Infantry.
 Alfred Richards, C. B., Bengal Infantry.
 Archibald Watson, Bengal Cavalry.
 Brook Brydges Parly, C. B., Madras Infantry.
 Henry Hodgson, Bengal Infantry.
 Sir Robert Henry Cunliffe, Bt., C. B., Bengal Infantry.
 John Truscott, Bengal Infantry.
 John Woulfe, Madras Infantry.
 Edward Melian Gullifer Showers, Madras Artillery.
 Francis Whish Wilson, C. B., Madras Infantry.
 John Collette, Madras Cavalry.
 Patrick Cameron, Madras Cavalry.
 John Carfrae, Madras Infantry.
 Richard West, Madras Cavalry.
 George Jackson, Madras Infantry.
 Henry Huthwaite, Bengal Infantry.
 Thomas Wilson, C. B., Bengal Infantry.
 George Swiney, Bengal Artillery.
 Sir George Pollock, G. C. B., Bengal Artillery.
 Samuel Goodfellow, Bombay Engineers.
 Alexander Lindsay, C. B., Bengal Artillery.
 James Stuart Fraser, Madras Infantry.
 Peter Delamotte, C. B., Bombay Cavalry.
 Sir Walter Raleigh Gilbert, Bart., G. C. B., Bengal Infantry.
 Thomas Paterson Smith, Bengal Infantry.
 Edward Frederick, C. B., Bombay Infantry.
 George Benjamin Brooks, Bombay Infantry.
 Peter Lodwick, Bombay Infantry.
 James Morse, Bombay Infantry.
 Suetonius Henry Tod, Bengal Infantry.
 John Briggs, Madras Infantry.
 Harry Thomson, Bengal Cavalry.
 James Kennedy, C. B., Bengal Cavalry.
 Benjamin Roope, Bengal Infantry.
 Charles William Hamilton, Bengal Infantry.
 Edmund Frederick Waters, C. B., Bengal Infantry.
 William Martin Burton, Madras Artillery.
 Sir William Sampson Whish, K. C. B., Bengal Artillery.
 George Hunter, C. B., Bengal Infantry.
 Richard Collyer Andree, Bengal Infantry.
 George Mackenzie Stuart, Madras Infantry.
 Mark Cubbon, Madras Infantry.
 Samuel Roger Stover, Bombay Artillery.
 Thomas Shubrick, Bengal Cavalry.
 William Henry Kennn, Bengal Infantry.
 Thomas King, Madras Infantry.
 Thomas Morgan, Bombay Infantry.
 Duncan McLeod, Bengal Engineers.
 William Cullen, Madras Artillery.
 David Barr, Bombay Infantry.
 Sir John Hunter Littler, G. C. B., Bengal Infantry.
 William Vincent, Bengal Infantry.
 Thomas Marrett, Madras Infantry.

Major Gen. Samuel Smith, Bengal Cavalry.
 Thomas Henry Paul, Bengal Infantry.
 Ezekiel Barton, Bengal Infantry.
 Henry Tuffnell Roberts, C. B., Bengal Cavalry.
 Francis Farquharson, Bombay Infantry.
 Sir Henry Pottinger, Bart., G. C. B., Bombay Infantry.
 James Caulfeild, C. B., Bengal Cavalry.
 Richard Tickell, C. B., Bengal Engineers.

To be LIEUTENANT-COLONELS.

Major Lucius Horton Smith, 6th Bengal Cavalry.
 John Fitzgerald, 2nd Bengal Cavalry.
 William Coghlan, Bombay Artillery.
 Philip Anstruther, C. B., Madras Artillery.
 Alexander James Hadfield, C. B., 37th Madras N. I.
 Frederick Wright Hands, 2nd Madras European Regiment.
 Albert Pinson, 46th Madras N. I.
 Francis Jenkins, 47th Bengal N. I.
 John Francis Bird, 22nd Madras N. I.
 Thomas Sewell, 11th Bengal N. I.
 George Munro Carmichael Smith, 3rd Bengal Cavalry.

To be MAJORS.

Captain Robert Farquhar, 6th Bombay N. I.
 Frederick Knyvett, 64th Bengal N. I.
 William Wallace Dunlop, 50th Madras N. I.
 Cole Macleod, 42nd Madras N. I.
 Nathaniel Sneyd Nesbitt, 22nd Bengal N. I.
 Charles Alexander Stewart, 16th Bombay N. I.
 George Stephens Brown, 27th Bombay N. I.
 David Ross, 51st Bengal N. I.
 Edward Du Pre Townshend, 9th Bengal N. I.
 William John Baptist Knyvett, 38th Bengal Light Infantry.
 Henry Cotton, 67th Bengal N. I.
 Henry Lyell, 43rd Bengal Light Infantry.
 William Tudor Boddam, 2nd Madras Cavalry.
 James Forbes, 2nd Madras European Light Infantry.
 Charles Frederick Liardet, 14th Madras N. I.
 George Gordon, 48th Madras N. I.
 William Henry Budd, 31st Madras N. I.
 James Alexander, 8th Madras Cavalry.
 Nathaniel Dunbar Barton, 6th Bengal Cavalry.
 Patrick Theodore French, 23rd Bombay Light Infantry.
 Edward Skipper, 7th Bombay N. I.
 George Nelson Prior, 21st Bombay N. I.
 Thomas Dalycell, 42nd Bengal Light Infantry.
 Christopher Birdwood, 3rd Bombay N. I.
 George Craven Armstrong, 47th Bengal N. I.
 Robert Warden Fraser, 45th Bengal N. I.
 Richard Chitty, 40th Bengal N. I.
 James Whistler, 6th Madras Cavalry.
 William Stuart Menteath, 69th Bengal N. I.
 Edward Watt, 6th Bengal Cavalry.
 Robert Shoretree, 2nd Bombay European Light Infantry.
 James Holland, 28th Bombay N. I.
 Samuel Robinson Bagshawe, 7th Bengal N. I.
 George Pope, 22nd Bombay N. I.
 Henry Walker Bart, 46th Bengal N. I.
 Thomas Gamble Fraser, 29th Bombay N. I.
 George Wilson, 26th Bombay N. I.
 Charles Boulton, 47th Bengal N. I.
 William Anderson, 59th Bengal N. I.
 Edward Cluterbuck, 38th Madras N. I.
 Simon Fraser Mackenzie, 2nd Madras Cavalry.
 Dashwood Strettell, 20th Madras N. I.
 Charles Yates, 46th Madras N. I.
 John Carne Boulderson, 35th Madras N. I.
 John Wetherston Rickards, 21st Madras N. I.
 William Edward Gibb, 14th Madras N. I.
 James Smith Du Vernet, 2nd Madras European Light Infantry.

Captain Thomas David Colyear, 7th Bengal Cavalry.
 Samuel Athill Lyons, 34th Bengal N. I.
 George Cator Turner Stockley, 7th Bombay Native Infantry.
 Francis Ruddle Bazeley, Bengal Artillery.
 Hamilton Vetch, 54th Bengal N. I.
 William Purves, 9th Bombay Native Light Infantry.
 George Jackson, 11th Madras N. I.
 Henry Swan Waters, 3rd Madras Cavalry.
 Charles Baseley, 51st Bengal N. I.
 James Grissell, 46th Bengal N. I.
 Joseph Hampton Hampton, 50th Bengal N. I.
 John Howard Wakefield, 17th Bengal N. I.
 Henry Kirke, 12th Bengal N. I.
 Henry Pritchard, 8th Madras N. I.
 Elgate Whichelo, 9th Bombay N. I.
 Henry Daniel Maitland, 72nd Bengal N. I.
 Samuel Henry Partridge, 18th Bombay N. I.
 Augustus De Butts, Madras Engineers.
 Frederick Gaitskill, Bengal Artillery.
 George Clarkson, 12th Bombay N. I.
 Henry Aston, 10th Bombay N. I.
 Samuel Landon, 16th Bombay N. I.
 Archibald Park, 29th Bengal N. I.
 Keith Young, 50th Bengal N. I.
 Archibald Robert John Swinton, 32nd Bengal N. I.
 John Powell, 28th Bengal N. I.
 Thomas Francis Blois, 11th Bengal N. I.
 Thomas Kensington Whistler, Madras Artillery.
 John Hunt, 22nd Bengal N. I.
 John Fulton, 5th Bengal N. I.
 Archibald Goldie Young, 43rd Madras N. I.
 Henry John McGeorge, 7th Bengal N. I.
 Joshua Wilcox, 4th Bengal N. I.
 Edward Paterson Del'Hoste, 27th Bombay Light Infantry.
 Colpoys Dickson, 51st Bengal N. I.
 Henry William Matthews, 43rd Bengal N. I.
 Douglas Graham, 28th Bombay N. I.
 Benjamin Stuart Sullivan, 4th Madras Cavalry.
 Ponsonby Shaw, 34th Madras N. I.
 Henry Basil Blogg, 7th Madras Cavalry.
 Edward Thomas Tierney, 28th Bengal N. I.
 Charles Prior, 64th Bengal N. I.
 Thomas Smith Price, 8th Bengal N. I.
 William Wynne Apperley, 4th Bengal Native Cavalry.
 William Cantis, 15th Madras N. I.
 Edward Vibart, 2nd Bengal Cavalry.
 Charles Cooper, 23rd Bengal N. I.
 John Henry Blanshard, 63rd Bengal N. I.
 Edward Buckle, Madras Engineers.
 William Cross, 38th Madras N. I.
 John Bates, 40th Madras N. I.
 Edmund Vere Peregrine Holloway, 42nd Madras Native Infantry.
 Stuart Bayly, 26th Madras N. I.
 Frederick Burgoyne, Madras Artillery.
 George William Young Simpson, Madras Artillery.
 William Joseph Martin, 9th Bengal N. I.
 George William Hamilton, 34th Bengal N. I.
 John De Winter Charles James Moir, 28th Bengal N. I.
 William Charles Birch, 5th Bengal N. I.
 Maxwell Hyslop, 59th Bengal N. I.
 Arundel Barker, 1st Madras Fusiliers.
 Thomas Back, 2nd Madras N. I.
 Charles Norgate, 18th Bengal N. I.
 Douglas Truscott Caddy, 70th Bengal N. I.
 John Joseph Losh, 9th Madras N. I.
 Henry Spiller Watkin, 15th Bombay N. I.
 Tudor Lavie, Madras Artillery.
 Frederick Alexander Miles, Bengal Artillery.
 Thomas McGoun, 6th Madras N. I.
 William Jervis, 42nd Bengal N. I.
 Edward Baker, 32nd Madras N. I.

Captain Nathaniel Henry Thornbury, 4th Bombay N. I.
 Edmund Arthur Guerin, 2nd Bombay European Light Infantry.
 Robert Henry Seale, 20th Bengal N. I.
 Charles Samuel Reid, Bengal Artillery.
 Edward Sunderland, Bengal Artillery.
 George Briggs, Madras Artillery.
 John Maitland, Madras Artillery.
 Montague Watts, Madras Artillery.
 Alexander John Begbie, Madras Artillery.
 Robert Ramsay, 10th Bengal N. I.
 Frederick William Burroughs, 17th Bengal N. I.
 Charles Apthorp, 41st Bengal N. I.
 John Graham, 5th Bengal N. I.
 William Eyre Andrews, 73rd Bengal N. I.
 George Tebbs, 33rd Bengal N. I.
 Thomas Jackson, 10th Bombay N. I.
 George Timins, 34th Bengal N. I.
 Samuel Parr, 23rd Bombay Native Light Infantry.
 Henry Adolphus Shuckburgh, 40th Bengal N. I.
 William Hamilton Nicholetts, 28th Bengal N. I.
 George Fulljames, 25th Bombay N. I.
 Henry Downes Sheppard, 19th Madras N. I.
 Robert Hall Wardell, 5th Bombay N. I.
 Frederic Carleton Marsden, 29th Bengal N. I.
 John Violet Snook, 23rd Bengal N. I.
 Alexander Cumming Devar, 37th Bengal N. I.
 Charles Brown, 18th Bengal N. I.
 John Wilson Coates, 6th Madras N. I.
 George Poyntz Ricketts, 1st Bengal Cavalry.
 Thomas Mould Edgar Moorhouse, 35th Bengal N. I.
 James Dickson Wilson, 10th Bengal N. I.
 John Fortescue Porter, 1st Madras Cavalry.
 Thomas Tolfrey Christie, 17th Bombay N. I.
 Adam Augustus Drummond, 11th Bombay N. I.
 Henry Charles Morse, 8th Bombay N. I.
 Henry Green, 18th Madras N. I.
 Robert Gill, 44th Madras N. I.
 William Campbell Onslow, 44th Madras N. I.
 William Elliot Lockhart, 45th Madras N. I.
 De Renzie James Brett, 31st Madras N. I.
 Henry Colbeck, 4th Madras N. I.
 Stephen Charles Briggs, 31st Madras N. I.
 George Forster, 49th Madras N. I.
 Charles William Hodson, 16th Madras N. I.
 William Henry Rickards, 14th Bengal N. I.
 Charles John Richardson, 57th Bengal N. I.
 John Kingston Phibbs, 41st Bengal N. I.
 Francis Alexander Williamson, 63rd Bengal N. I.
 David Nisbett, 53rd Bengal N. I.
 John Holmes, 12th Bombay N. I.
 William Ward, Madras Artillery.
 Augustus Frederick Oakes, Madras Artillery.
 Hipplesley Marsh, 3rd Bengal Cavalry.
 William John Morris, 9th Bombay N. I.
 Archibald Frazer Macpherson, 43rd Bengal Light Infantry.
 John Minshull Drake, 46th Bengal N. I.
 William Carlisle Stather, 1st Bombay Grenadier N. I.
 George Powell Thomas, 64th Bengal N. I.
 George Arthur Brownlow, 3rd Bengal Cavalry.
 Edward Pinchard Bryant, 68th Bengal N. I.
 David Wilkie, 4th Bengal N. I.
 Andrew Henry Daucan, 43rd Bengal Light Infantry.
 Richard Onuseley, 50th Bengal N. I.
 Augustine Fitz Gerald, Bengal Artillery.
 George Fleetwood Charles Fitzgerald, Bengal Artillery.
 William Piers Meares, 42nd Bengal Light Infantry.
 Charles Seton Guthrie, Bengal Engineers.

Captain Charles Phillips Wilder, 6th Madras Cavalry.
 James Kilner, Bombay Engineers.
 Williams Knox Babington, 17th Madras N. I.
 John Robertson Younger, 56th Bengal N. I.
 George Larkins, Bengal Artillery.
 George Murray, 8th Bengal Cavalry.
 George Alexander Tulloch, 33rd Madras N. I.
 Thomas Quin, 4th Bengal Cavalry.
 Richard Rich Wilford Ellis, 23rd Bengal N. I.
 Lionel Percy Denham Eld, 9th Bengal N. I.

Captain Frederic Calder Minchin, 67th Bengal N. I.
 James Ross Arrow, 15th Madras N. I.
 Charles Pattenson, 4th Bengal N. I.
 Edward Lawford, Madras Engineers.
 Samuel Best, Madras Engineers.
 Hugh Montgomery, Madras Artillery.
 William Kirkman Loyd, Madras Artillery.
 Thomas Martin, 20th Bengal N. I.
 John Hamilton Kennedy, 47th Madras N. I.
 Edwin Marriott, 57th Bengal N. I.

No. 66 of 1852.—Ensign A. Bell, of the 3rd Regiment Native Infantry, has been appointed Adjutant of the Kolapoor Local Infantry, in succession to Lieutenant Barr.

No. 67 of 1852.—The services of Captain P. W. Clarke, of the 2nd Regiment Native Infantry, have been placed at the disposal of His Excellency the Commander in Chief, for Regimental duty.

Bombay Castle, 28th January 1852.

No. 68 of 1852.—The following Gentlemen are admitted to the Service, in conformity with their appointments by the Hon'ble the Court of Directors, as Cadets of Infantry, and as an Assistant Surgeon on this Establishment; the Cadets for the Infantry to be promoted to Ensigns, leaving the dates of their Commissions for future adjustment:—

<i>Infantry.</i>	<i>Date of arrival at Bombay.</i>
No. 650. Mr. James Patrick Murray Newton	} 23rd January 1852.
No. 653. Mr. Arthur Robert Wilson.....	
No. 660. Mr. John Rootsey Strutt	
<i>Medical Establishment.</i>	
No. 750. Mr. Alexander Fox	

The undermentioned Officers have returned to their duty, without prejudice to their rank, by permission of the Hon'ble the Court of Directors:—

	<i>Date of Arrival at Bombay.</i>
Lieut. Col. T. Gidley, of the 15th Regt. N. I.....	} 23rd Jan. 1852.
Captain (Brevet Major) A. A. Drummond, of the 11th Regt. N. I.....	
Ensign J. Gordon, of the 19th Regt. N. I.....	
Surgeon M. T. Kays, of the Medical Establishment.....	

No. 69 of 1852.—Major J. C. Heath, of the 5th Regiment Native Light Infantry, is allowed a furlough to Europe for three years, on Medical certificate.

No. 70 of 1852.—Lieutenant Brett, 11th Regiment Native Infantry, has been appointed to a special duty under the General Department.

By Order of the Right Hon'ble the Governor in Council,
 P. M. MELVILL, Lieut. Colonel,
Secretary to Government.

M A R I N E D E P A R T M E N T.

Bombay Castle, 23rd January 1852.

No. 12 of 1852.—The leave on Medical certificate granted to Second Hospital Assistant Andrew Braganza, in G. O. of the 3rd instant, is extended to the 23rd of this month, on the same account.

Bombay Castle, 26th January 1852.

No. 13 of 1852.—Mr. Francis Lambert Seaton, now at this Presidency, has been admitted by the Hon'ble the Court of Directors a Volunteer for the Indian Navy, subject to the usual conditions.

No. 14 of 1852.—The following temporary arrangements and appointments are confirmed, viz:—

By Commodore Stephen Lushington, Commander in Chief of the Indian Navy.

Lieutenant Foulerton, of the "Hastings," to reside on shore for the benefit of his health, on the 11th December 1851.

Mr. W. H. Carpendale, Mate, having returned from leave to the Deccan, to reside on shore for the benefit of his health, from the 15th December 1851.

Lieutenant Fraser, from the shore to the Command of the "Medusa," from the 24th December 1851.

The Port Surgeon to afford Medical aid to the Officers and Crew of the "Auckland," from the 24th December 1851, vice Assistant Surgeon Nicholson, relieved from duty in the Indian Navy.

Mr. H. C. Carey, Midshipman, of the "Moozuffer," to reside on shore for the benefit of his health, on the 24th December 1851.

Mr. Graham, Purser, from the "Auckland" to the "Elphinstone," on the 1st January 1852.

Mr. Hadley, Clerk in Charge, of the "Elphinstone," to the "Auckland," as Clerk in Charge, on the 1st January 1852.

Mr. Wilson, Captain's Clerk, of the "Elphinstone," proceeding on duty to Aden, to be accommodated with a passage on board the "Ajdaaha," at the Midshipmen's Mess, on the 3rd January 1852.

The Port Surgeon to afford Medical aid to the Officers and Crew of the "Elphinstone," from the 1st January 1852.

By Captain R. Ethersey, Indian Navy, Commanding the Indus Flotilla.

Lieutenant Hamilton, Indian Navy, proceeding on duty from Kurrachee to Kotree, to join the Indus Flotilla, to be accommodated with a passage on board the "Satellite," at the Acting Master's Mess, from 25th to 30th September 1851.

Mr. Forster, Acting 1st Class 2nd Master, of the Indus Flotilla, having passed the prescribed Examination for Acting Master, is promoted to that grade, from the 3rd November 1851, to fill an existing vacancy.

By Order of the Right Hon'ble the Governor in Council,

P. M. MELVILL, Lieut. Colonel,

Secretary to Government.

Civil Appointments, &c.

POLITICAL DEPARTMENT.

Bombay Castle, 27th January 1852.

Captain D'Oyly Compton, Assistant to the Political Agent in the Mahee Kanta, and Superintendent of the Gackwar Contingent, in that Province, resumed charge of his duties on the 5th instant, to which date the additional leave of absence granted to that Officer on the 10th ultimo is further extended, under the provisions of Section XII. of the Absentee Regulations.

SEPARATE DEPARTMENT.

Bombay Castle, 23rd January 1852.

Mr. Edward William Ravenscroft is permitted to proceed to Ahmedabad, for the purpose of there prosecuting his studies in the Hindoostance language.

By Order of the Right Honorable the Governor in Council,

A. MALET, Chief Secretary.

TERRITORIAL DEPARTMENT.

REVENUE.

Bombay Castle, 22nd January 1852.

Mr. G. B. Seton Karr, Acting Sub-Collector of Nassick, has been allowed leave of absence for 15 days, under Section XI. of the Absentee Regulations, to visit the Presidency, on urgent private affairs.

Bombay Castle, 23rd January 1852.

Dajeebhai Soonderlall, 4th Class Mamlutdar of Pergunna Bhugwara, to be transferred to the Surbhon Pergunna of the Surat Collectorate, and Sivram Annunt, 4th Class Mamlutdar of the latter Pergunna, to be removed and attached to the former.

Bombay Castle, 26th January 1852.

Mr. G. S. Forbes to be Supernumerary Assistant to the Sub-Collector and Joint Magistrate of Nassick.

Mr. E. D. Neave to be Supernumerary Assistant to the Collector and Magistrate of Rutnagherry.

Mr. C. G. Kemball to be Supernumerary Assistant to the Collector and Magistrate of Ahmednuggur.

Mr. George Scott to be Third, and Acting Second Assistant to the Collector and Magistrate of Rutnagherry.

Mr. Stewart St. John Gordon to be Assistant, and Acting Third Assistant to the Collector and Magistrate of Rutnagherry.

Mr. Arthur Bosanquet to be Supernumerary Assistant to the Commissioner at Sattara, for the purpose of studying the Mahratta language.

Bombay Castle, 28th January 1852.

Lieutenant P. A. Elphinstone to be Supernumerary Assistant to the Superintendent Revenue Survey and Assessment, Ahmednuggur.

By Order of the Right Honorable the Governor in Council,

H. E. GOLDSMID, Secy. to Government.

JUDICIAL DEPARTMENT.

Bombay Castle, 23rd January 1852.

Mr. A. K. Corfield is allowed to proceed to Bombay on private affairs, and to remain there until the departure of the March Steamer.

Mr. W. H. Harrison, Judge and Session Judge of Sholapore, is allowed leave of absence for two years, to proceed to Sea, for the benefit of his health.

Bombay Castle, 24th January 1852.

Mr. R. H. Ryan, Acting Assistant Judge and Session Judge of Ahmedabad, is allowed leave of absence, under Section XI. of the Absentee Regulations, for one month, from the 9th proximo, to proceed to Bombay, on private affairs.

Bombay Castle, 28th January 1852.

The leave of absence granted under date the 5th November last to Lieutenant J. H. Champion, Lieutenant of Police at Hyderabad, is further extended until the 10th proximo, on Medical certificate, with permission to remain at the Presidency.

The Judges of the Sudder Dewanee Adawlut have issued a Sunnud to Nursingrao Ramjee, authorizing him to practise as a Vakeel in the Dharwar Zilla.

Mr. J. R. Morgan, Senior Assistant Judge and Session Judge of Surat, for the detached Station of Broach, assumed charge of the Broach Adawlut on the 8th instant.

GENERAL DEPARTMENT.

Bombay Castle, 28th January 1852.

Mr. Charles Shaw, Assistant to the Collector and Magistrate of Belgaum, has been examined in the printed Regulations, and found qualified for the transaction of public business.

By Order of the Right Hon'ble the Governor in Council,

J. G. LUMSDEN, Secretary to Government.

PACKETS.

It is hereby notified, for general information, that Packets are open at this Office for the reception of Letters for dispatch by the following Vessels :—

NAMES OF VESSELS.	AGENTS' NAMES.	DATE OF INTENDED DEPARTURE.	TO WHAT PORT.	WHERE TOUCHING.
Victoria	Commander in Chief, Indian Navy...	3rd proximo.....	Suez.....	Aden.
A Steamer.....	Ditto ditto.....	17th ditto.....	Aden.	
Achilles.....	P. & O. Steam Navigation Company.	Ditto.....	Ditto.	
Ganges.....	Ditto ditto.....	18th ditto.....	China.....	{ Singapore, Pen- ning, & Ceylon.
Bombay.....	Bombay S. N. Company.....	8th ditto.....	Kurrachee.	
Dwarka.....	Ditto ditto.....	9th ditto.....	Cochin.....	Malabar Coast.
G. R. Clerk.....	Ditto ditto.....	4th ditto.....	Cambay.....	Surat.
Tilloch Castle.....	Messrs. Lancenster & Co.....	1st ditto.....	London.	
Marian.....	" Edward Bates & Co.....	4th ditto.....	China.	
Earl of Hardwick.....	" Forbes & Co.....	5th ditto.....	London.....	Cape of Good Hope.
Earl Balcarras.....	" Remington & Co.....	Ditto.....	Ditto.	
Maple Leaf.....	" W. Nicol & Co.....	15th ditto.....	Liverpool.	

As a general rule, the Packets for Sailing Vessels will be closed on the evening before the dates of departure.

A. W. RAVENSCROFT,

Post Master General.

Bombay, Genl. Post Office, 28th January 1852.

GENERAL DEPARTMENT.

The Right Hon'ble the Governor in Council has received a Report that the undermentioned Gentlemen have passed an Examination in the Languages indicated opposite their respective names :—

- A. Bosanquet, Civil Service Hindoostance.
- J. R. Arthur, Esq., ditto Ditto.
- G. Scott, Esq., ditto Malhratta.
- S. St. John Gordon, Esq., ditto Ditto.
- Mr. W. Ingle, Apprentice in the Mint Ditto.
- Mr. D. J. McCombie Ditto.
- Mr. J. Jones Ditto.

By order of the Right Hon'ble the Governor in Council,
J. G. LUMSDEN,
Secretary to Government.

Bombay Castle, 28th January 1852.

Notice.

Verbal Tenders will be received at this Office, precisely at 2 o'clock p. m. on Monday next, the 2nd proximo, for the supply of the undermentioned Articles, and such others as may be called for during the intermediate period, viz :—

- 6 (Six) Quires Emery Cloth, as per muster.
- 25 (Twenty-five) Compasses, Brass, Steel-pointed.
- 200 (Two hundred) Yards Rope, Coir, 4-inch.
- 13 (Thirteen) Books, Prayer, as per muster.
- 11 (Eleven) Ditto Bible, ditto ditto.
- 1 (One) Bottle, Stone, large.
- 3 (Three) Anemometers.
- 2 (Two) Hygrometers (Daniell's).
- 4 (Four) Pounds Extract of Liqueur.
- 2 (Two) Perambulators.
- 4 (Four) Staves, Levelling, Sliding, complete.
- 1 (One) Protractor, square, brass, 9 inch.
- 1 (One) Jar, Europe, capable of containing 73 lbs. Oil.
- 2 (Two) Chains, Iron, 6 feet long.
- 18 (Eighteen) Chairs, Blackwood, carved, with Arms.
- 200 (Two hundred) Helves, Shovel, crooked, as per muster.
- 5 (Five) Coal Screens.
- 20 (Twenty) Pounds Corrosive Sublimate.

An immediate deposit of ten per cent. will be required to be made by the lowest bidders upon the amount of their offers, which sum will be

forfeited in the event of refusal or delay in making the supply within the limited time.

Whenever offers from dealers are accepted for making supplies within a specific period, and the supplier fails to fulfil the Agreement, the cash deposits made at the time of the sale will be forfeited to Government, and the articles resold; but when circumstances render it necessary to receive the articles, and the dealers supply them after the stipulated period, a deduction of five per cent. will be made from the amount of the Bill for the same. All further particulars may be learnt on application at this Office, from 10 a. m. till 5 o'clock p. m. daily, Sunday excepted.

E. WHICHELO, Major,

Deputy Commissary General.

Bombay, Depy. Commy. Genl's Office,
28th January 1852.

Notice

Is hereby given, that Verbal Offers will be received at this Office, at 12 o'clock on Friday the 13th proximo, for the supply of such of the undermentioned Articles of Provisions as may be required by the Commissariat Department, for the use of the European Troops and Departments at Ahmednuggur, for the period of 10 Months from 1st March next. Lists of the Provisions may be seen, and all necessary information connected therewith obtained, on application at this Office, any day from 10 to 5 o'clock, (Sundays excepted).

- No. 1, For Bread, Biscuits, &c.
- No. 2, For Beef, Mutton, &c.
- No. 3, For Coffee, Tea, Sugar, &c., as per Muster.
- No. 4, For Rice, Salt, and Wood, as per Muster.
- No. 5, For Arrowroot, Barley (Europe), and Sago, as per Muster.
- No. 6, For Beer, Brandy, Wine, &c.
- No. 7, For Barley (Country), Butter, Milk, and Chickens, &c.

The above Contracts will be applicable to Hospitals also.

The lists exhibit the current selling rate of every Article in Company's Rupees. Each Contract will be put up for competition separately, and persons coming forward will be required to bid for the supply of all Articles in the lists referred to, at a per-centage above or below the said rates, as the

case may be; and on the understanding that the supplies are to be delivered free of any expense beyond the stipulated price, in the first instance at the Commissariat Stores, and afterwards to the Departments requiring them at Ahmednuggur.

No person will be permitted to bid for any of the Contracts who has not previously deposited in this Office the sum stated opposite each list respectively, which sum will be forfeited in the event of delay, evasion, or refusal to execute the necessary Deed of Contract, should his offer be accepted; and in case of such acceptance he must be prepared to furnish approved Bonded Security, to the further amount stated, which, together with the abovementioned deposit, will be held as guarantee for the due fulfilment of every part of the Contract.

No.	Co.'s Rs.	Deposit before bidding.	Bonded Security on acceptance of any Office.
No. 1,	Co.'s Rs. 265	265	Co.'s Rs. 1060
" 2,	150	150	600
" 3,	125	125	500
" 4,	125	125	500
" 5,	2	2	8
" 6,	20	20	80
" 7,	25	25	100

The Contractors must comply with all demands without delay or demur; the supplies must be unexceptionable, and of the best quality of the sorts described in the lists: if not approved of by the Commissariat Executive Officer, or Indenting Officers, they will be rejected, and others will be purchased, whenever procurable, at their risk and loss; and in all such cases the Contractors will be liable to be fined fifty (50) Rupees, or thirty (30) per cent. on the amount of expenses so incurred, at the option of the Executive Commissariat Officer; but Contractors, if dissatisfied with the decision of the above Officers, or either of them, can claim to have the rejected articles examined by a Committee of Officers, whose decision thereupon shall be final.

The annual outlay on account of the above Contracts is estimated as follows, viz.

No.	Rs.
No. 1	5296
" 2	3037
" 3	2496
" 4	2534
" 5	45
" 6	422
" 7	516

Sums retrenched by the Military Board will be recovered from the first Bills subsequently presented for payment by the Contractors; if such retrenchments are afterwards remitted the amount will be refunded.

Any person who, after offering for a Contract, fails to furnish the necessary Security, will be interdicted from bidding on future occasions, unless he can produce a certificate from individuals of unexceptionable character and sufficient means, binding themselves to stand Security for the due execution and fulfilment of the proposed Contract.

No reason will be assigned for the rejection of any offer.

H. HOLLAND, Lieutenant,
Sub-Assistant Commissary General.

Ahmednuggur, Commissariat Office,
21st January 1852.

Advertisement.

To be sold by Public Auction, at the Grand Arsenal, on Friday the 6th proximo, at 12 o'clock in the forenoon, sundry condemned Ordnance Stores, including a quantity of old Copper Hoops, &c., belonging to the Honorable Company. A list of the articles to be sold may be seen at the Office of the Principal Commissary of Ordnance.

Terms of Sale.—A deposit of 20 per cent. will be required on the lots knocked down at a price higher than 50 Rupees each, while those sold below that price to be paid for and cleared away immediately.

The lots on which deposits may be made to be paid for and removed within Six days from the date of the Sale, or otherwise the deposits will be forfeited to Government, and the articles resold at the risk and expense of the first purchaser.

J. W. WATSON, Lieut. Colonel,
Principal Commissary of Ordnance.

Bombay, Grand Arsenal,
28th January 1852.

Notice

Is hereby given, that the sum of Rupees twenty-three, and Annas six (23-6-0), wages due to the Estate of the late JAMES POWERS, Registered No. 4714, Seaman of the ship "Prince Albert," has been paid into my Office, and the same will be paid by me to his legal Representative, on application, with full particulars (post-paid).

C. KINGCOME,
Registrar of Merchant Seamen.

Bombay, Marine Registry Office,
27th January 1852.

In the Court for the Relief of Insolvent Debtors, Bombay.

In the matter of the petition of CURSONDASS HUNSAZ, an Insolvent.

The Election of a Special Assignee in the above matter, notified to be held in my Office on the 26th instant, not having taken place, by reason of no Creditor attending to vote at the hour named, Notice is hereby given, that the said Election stands adjourned until Saturday the 31st day of January instant, at one o'clock in the afternoon.

W. DEBLAQUIERE,
Clerk of the Court.

Clerk of the Court's Office, Fort,
Bombay, this 27th day of January 1852.

શ્રી મુંબઈના નાદાર દેનદાર લોકોના હુરકા કરનારી કોર્ટ મધે *

કરમંદાશ હંસરાજ નયલો દેવા દાર તેની અરજીની ખાતતમાં *

ખહેર ખયર આપીહતી ને ચાલતા ન હોનાની હવીશની તારીખે નારી હાકીમને ઇંશવીશીઆલ આશાએની પરમંદ કરવા ખા જે હાપલી ખાતતમાં તે પનીહી નહી કારણ એ ને કહેલા વખતની અંદર કોઈ નાગ નારં નત આપવાને હાનર થયો નહી.

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શહી. ડાબીઊ.—ડી.—બલાકીઅર,
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ખ ર૭ ની જનીવારી શંને ૧૮૫૨

(True Translation.)

R. X. MURPHY, Chief Translator.

MILITARY

ARRIVALS AND DEPARTURES.

1852	ARRIVALS.
22nd Jan.	Lieutenant F. Heffernan, 2nd Light Cavalry, on sick certificate, from Rajcote.
" "	Lieutenant J. Mungavin, on duty, from Tanna.
23rd "	Lieutenant Colonel T. Gidley, 15th Regt., to join, from England.
" "	Captain E. B. Cooke, H. M.'s 83rd Regt., to join, from England.
" "	Lieutenant R. Hamilton, H. M.'s 86th Regt., to join, from England.
" "	Ensign T. J. Drury, 41st M. N. I., to join, from Mangalore.
" "	Ensign T. Knight, 16th Bengal N. I., on private affairs, from Dhoolia.
" "	2nd Lieutenant J. Noding, 4th Rifles, on private affairs, from Belgaum.
" "	Superintending Surgeon D. Straker, Medical Department, on duty, from Belgaum.
" "	Surgeon M. T. Kays, Medical Department, to join, from England.
" "	Lieutenant M. C. Cotton, 10th Bengal Light Cavalry, from furlough, from England.
" "	Lieutenant H. G. Robison, 7th Regt. N. I., on leave, from Ellichpoor.
" "	Assistant Surgeon A. Fox, Medical Department, on duty, from England.
" "	Cadet J. R. Strutt, Infantry, to join, from England.
" "	Cadet J. P. M. Newton, Infantry, do. do.
" "	Ensign J. Gordon, 19th N. I., do. do.
" "	Major A. A. Drummond, 11th N. I., to join, from England.
" "	Cadet A. R. Wilson, Infantry, to join, from England.
" "	Major J. N. Hughes, 39th M. N. I., on furlough.
24th "	Lieutenant E. A. Law, 1st Fusiliers, on duty, from Poona.
" "	Captain C. Kneller, 11th N. I., on Medical Certificate, from Malligaum.
26th "	Captain J. C. Graves, 3rd Light Cavalry, on leave, from Neemuch.
27th "	Captain J. N. Thomas, 30th Bengal N. I., to rejoin, from England.
" "	Lieutenant C. E. Dansy, 1st Fusiliers, to rejoin, from England.
" "	Lieutenant F. G. Newnham, 23rd N. L. I., to rejoin, from England.
DEPARTURES.	
23rd Jan.	Ensign E. L'Estrange, 9th N. I., to rejoin, to Vingoria.
" "	Lieutenant N. E. Pattullo, 1st Fusiliers, to rejoin, to Poona.
24th "	Surgeon J. Deas, 18th N. I., to join, to Rajcote.
" "	Ensign H. G. Bolton, 12th Regt. N. I., to rejoin, to Ahmedabad.

24th Jan.	Captain W. F. Hunter, 2nd Cavalry, to join, to Rajcote.
" "	Captain Commandant J. S. Young, H. H. the Nizam's 3rd Cavalry, to join, to Hingolee.
26th "	Lieutenant J. R. Hawkins, Artillery, to join, to Belgaum.
27th "	Ensign T. Wakefield, 33rd M. N. I., to join, to Mhow.
" "	Ensign T. Drury, 41st M. N. I., to join, to Kamptee.
" "	Lieutenant A. F. Lloyd, 27th N. I., on duty, to Kurrachee.
" "	Lieutenant N. G. Raverty, 3rd N. I., to join, to Poona.
28th "	Captain H. Willoughby, Staff, to join, to Poona.
" "	Lieutenant Milford, 6th N. I., on leave.
" "	Cadet J. P. M. Newton, 11th N. I., to join, to Malligaum.

Bombay, Town Major's Office,
28th January 1852.

SHIPPING INTELLIGENCE.

1852	ARRIVALS.
22nd Jan.	Ship Gladiator, J. Thomson, from Calcutta 29th December.
23rd "	Steamer Dwarka, F. Banks, from Cochin 18th instant.
" "	<i>Passengers</i> —The Revd. Dr. Stevenson; the Right Revd. F. Ludivico, Archbishop of Verholoy; Captain Robinson, N. I.; Mrs. Robinson, and 2 Children; Mrs. McDonald; Miss Forbes; Miss Straker; G. W. Walker, Esq.; C. Forbes, Esq., C. S.; Mr. Cordown; Dr. Straker; Major Hughes, 38th M. N. I.; C. Gray, Esq.; Lieutenant Noding, 4th Rifles; Ensign Drury, 41st M. N. I. <i>Second Class</i> : The Revd L. Luceinilly; Revd. C. Isenberg. <i>Deck</i> : Messrs. Percival, Hutchinson, O'Halloran, Berge, and Hoder; and 37 Natives.
" "	Steamer Achilles, J. W. Purchase, from Aden 14th instant.
" "	<i>Passengers</i> —Mrs. Willoughby, and 2 European Female Servants; Major Drummond; Mrs. Drummond; Miss Richardson; Miss Grant; Lieutenant Cotton; Mrs. Cotton; Revd. T. Kingsberry, and European Servant; Mrs. McMill; Miss Miller; Mrs. Baker; Lieutenant Hamilton; Mr. J. W. Morgan; Mr. J. Gordon; Colonel Gidley; Mrs. Forrest, 2 Children, and European Female Servant; Mr. Wilson; Mr. Newton; Mr. Hadow; Mrs. Hadow, Infant, and European Female Servant; Miss Baumbach; Captain Cooke; Mr. Allan; Miss Wakefield; Miss Mabey; Mr. Wakefield; Dr. Kays; Mr. Stubb; Mr. Fox; Miss Martin; Mr. Sillar; Mr. T. Johnson; Miss Doudall; Mr. Grimberg; one Native Servant; and 3 Natives.
" "	H. C. S. P. Sesostris, Commander Campbell, from Aden 14th instant.
" "	<i>Passengers</i> —2 Privates, H. M.'s 78th Highlanders.
" "	Ship Alliance, H. Campbell, from Calcutta 20th December.
" "	Steamer Lowjee Family, J. Rankin, from Surat 22nd instant.
" "	<i>Passengers</i> —45 Natives.
" "	Steamer Sir J. Jejobhoy, J. Clark, from Surat 22nd instant.
" "	<i>Passengers</i> —35 Natives.
24th "	H. C. Steam Frigate Auckland, Commander Macdonald, from Kurrachee 22nd instant.
" "	Ship Hercyia, W. Mason, from Liverpool 14th September.
" "	<i>Passengers</i> —Mrs. Mason; and Mr. Lochill.
" "	Ship Prince of Orange, J. Stephens, from Whampoa 9th December.
26th "	Steamer Phlox, F. M. Ellis, from Surat 25th instant.

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M. STOVELL,

Bombay, 22nd January 1852.

Secretary.

THE



BOMBAY GOVERNMENT GAZETTE
EXTRAORDINARY.

Published by Authority.

MONDAY, 2ND FEBRUARY 1852.

POLITICAL DEPARTMENT.

The following Notification is published for general information, by order of the Government of India.

By Order of the Right Hon'ble the Governor in Council,
A. MALET, *Chief Secretary.*

Bombay Castle, 2nd February 1852.

Notification.

In virtue of authority from the Most Noble the Governor General of British India, I do hereby declare the Rivers of Rangoon, the Bassein, and the Salween above Moulmein, to be in a state of Blockade; and with the view to the strict enforcement thereof, a competent force will be stationed in or near the entrance of the said rivers immediately.

Neutral Vessels lying in either of the blockaded rivers will be permitted to retire within twenty days from the commencement of the blockade.

Given under my hand, on board Her Britannic Majesty's Frigate "Fox," off the town of Rangoon.

The 6th of January 1852,

(Signed) GEORGE R. LAMBERT,

Commodore in Her Britannic Majesty's Navy.

By Command of the Commodore,

(Signed) JAS. LOWTHER SOUTHEY,

Secretary.

(True Copy.)

(Signed) A. R. YOUNG,

Offg. Under Secretary to Government of India.

(True Copy.)

A. MALET, Chief Secretary.

Pages 278 at 285.

The "Act for Marriages in
India" which is again printed at
Page 291.