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**I N D E X**

**TO THE**

**ACTS FOR 1844.**

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# I N D E X

TO THE  
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FOR 1844.

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	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
J.				
Jails—Regulations of the Bengal Code or Acts of the Government of India, vesting Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut Adawlut, with control over—Prisoners and Establishments thereof—and the places of banishment or transportation of Prisoners, repealed, .....	XVIII.	I.	.....	Presidency of Fort William.
„ The whole of the said control vested in Magistrates and Joint Magistrates acting under instructions of the Zillah and City Judges, and subject to orders of their respective local Governments, .....	„	II.		
„ Removal of Native Officers, Soldiers and Followers sentenced to imprisonment from one Prison to another— See Native Officers.				
Jamaica—Emigration of Natives of the East Indies to— See Emigration.				
Judges of Circuit—Acts and Regulations vesting — with control over Jails within the Presidency of Fort William				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
the prisoners therein, &c., repealed—See Jails.				
K.				
Kusub Veeras—See Town Du- ties, .....	.....	.....	.....	Bombay.
L.				
Larceny—(petty)—In cases of— Corporal Punishment substituted for imprisonment,	III.	I.	.....	Presidency of Fort William.
„ Offenders of tender age cor- porally punishable for thefts in the way of School dis- cipline, .....	„	II.		
„ Females exempted from cor- poral punishment. No other punishment to be superadded to corporal punishment, .....	„	III.		
Law of Evidence in Her Ma- jesty's Courts improved—See Evidence.				
Lotteries not authorized by Government declared illegal,	V.	I.	.....	General.
„ Persons how punishable for drawing such,.....	„	II.		
„ Persons how punishable for encouraging, or publishing proposals for or being implic- ated in such, .....	„	III.		
„ Fines incurred under this Act how disposable,.....	„	IV.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
<b>M.</b>				
Madras—abolition of Transit and Inland Customs, and revision of Import and Export Customs Duties at — See Customs.				
Marines in the Indian Navy —See Navy.				
Mohturfas—See Town Duties.				
Mookauts—upon Trades and Professions within the Bombay Presidency, abolished, ... See Town Duties.	.....	.....	.....	Bombay.
Murder—Execution of persons convicted of—in Her Majesty's Courts in India—See Execution.				
<b>N.</b>				
Nabob of the Carnatic—Family, Household and Retinue of the—protected from liability to Civil and Criminal process. Lists of the persons belonging to the Family, Household and Retinue of the Nabob or Nabob Regent to be published from time to time,.....	I.	I.	.....	Madras.
„ Writ or Process sued forth against the person or property of the—or of the Nabob				

H

Regent,

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Regent, or of any person named in the list last published shall be null and void, unless the Writ be sued forth with the consent of the Governor in Council,.....	I.	II.	.....	Madras.
Nabob of the Carnatic—Lists to be furnished from time to time to the Governor General in Council, and the Governor in Council shall follow directions he may receive from the former respecting the persons included in such lists and matters subject to this Act,.....	„	III.		
„ This Act not to interfere with any privilege conferred on the—the Nabob Regent, their respective Families, &c. &c. by the Treaty with the Nabob, .....	„	IV.		
Native Officers or Soldiers or Followers belonging to the East India Company's Forces imprisoned under sentence of a Court Martial.—Governor or Governor in Council of any Presidency may order the removal of any—from one Prison to another within the Presidency of his Government to undergo the remainder of his sentence, .....	VIII.	.....	.....	General.



	<i>Act.</i>	<i>Section</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian—Discipline of— improved, .....	XII.	I.	.....	Bombay.
„ Divine Service according to the Liturgy of the Church of England to be performed in all Ships of War of the Com- pany, and the Lord’s Day to be observed,.....	”	”	1.	
„ Persons belonging to the— guilty of profane oaths, curs- ing, execrations, unclean- liness or other scandalous actions, how punishable, .....	”	”	2.	
„ Persons giving or holding intelligence to, or with any Enemy or Rebel without leave from proper authorities, how punishable,.....	”	”	3.	
„ Persons not acquainting their Superior Officers within 12 hours with any letter or message received by them from any Enemy or Rebel, and the Superior Officers not revealing the same to the Officer Commanding in Chief —within convenient time, how punishable,.....	”	”	4.	
„ Spies found within the Com- pany’s Territories with any Seducing Letters or Mes- sages from any Enemy or Rebel, or endeavouring to corrupt any person belong- ing to—how punishable, .....	”	”	5.	

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian—Penalty for persons belonging to—relieving an Enemy or Rebel, with Money, Victuals, Powder, Shots, Ammunition or any other Supplies, .....	XII.	I.	6.	
„ Penalty for persons not delivering entirely and without fraud to the Court of Admiralty, or other Court of Commissioners, Papers, Charter Parties, Bills of Lading, Passports and other Writings seized in any Ship taken as prize, .....	„	„	7.	
„ Penalty for persons taking out of any Ship seized for Prize, any Money, Plate or Goods, except for certain objects, before the same be adjudged lawful prize, .....	„	„	8.	
„ Penalty for persons ill using or robbing Officers, Marines or others in Ships taken as prize, .....	„	„	9.	
„ Penalty for Superior Officers belonging to—not making preparations or encouraging the inferior Officers to fight upon signal or order or upon likelihood of engagement; and for persons yielding or crying for quarter, .....	„	„	10.	
„ Persons not obeying the orders of their Superior Officers,				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
or using endeavours for assailing or making defence against any Fleet or Ship how punishable, .....	XII.	I.	11.	
Navy—Indian — Persons who through cowardice, negligence or disaffection shall not perform their duty in time of action in taking or assisting Ships how punishable, .....	„	„	12.	
„ Penalty for persons not pursuing the chase of any Enemy, Pirate or Rebel, or relieving a known friend in view through cowardice, negligence or disaffection, .....	„	„	13.	
„ Penalty for persons delaying or discouraging others in action upon pretence of arrears of wages or any other pretence, .....	„	„	14.	
„ Penalty for persons deserting to any Enemy, Pirate or Rebel, or running away with or yielding up Ships, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, .....	„	„	15.	
„ Persons deserting or enticing others to desert how punishable. Penalty for Commanding Officers of Company's Ships of War receiving Deserters from any other Ship				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
of Her Majesty or the Company, and not giving notice thereof to the Captain of the Ship to which such Deserter belongs or to the Government or the Officer Commanding in Chief,.....	XII.	I.	16.	
Navy — Indian — Penalty for Officers and Seamen „ of Ships appointed for Convoy and Guard of Merchant Ships, not defending the Ships and Goods in their Convoy — or exacting any Money for Convoying of any Ships, or misusing Masters or Mariners thereof, .....	„	„	17.	
„ Penalty for Captains or other Officers receiving on board any Goods or Merchandize than for the use of their Ships, except Gold, Silver, or Jewels, or Goods from wrecks, .....	„	„	18.	
„ Penalty for persons making any mutinous assembly or uttering any words of sedition or mutiny—also for persons behaving with contempt to their Superior Officers, .....	„	„	19.	
„ Penalty for persons concealing any transactions or mutinous practice or design, and any traitorous or mutinous				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
words spoken by any or any design tending to Her Majesty's prejudice,—also for persons not endeavouring to suppress any mutiny or sedition,.....	XII.	I.	20.	
Navy — Indian — Penalty for persons stirring up a disturbance upon a pretence of unwholesome victuals, .....	„	„	21.	
„ Penalty for persons striking or lifting up weapons against their Superior Officers in the execution of their office, or quarrelling with or disobeying any command of their Superior Officers, .....	„	„	22.	
„ Penalty for persons quarrelling or fighting with others or using provoking language or gestures, .....	„	„	23.	
„ Penalty for embezzlement or wasteful expense of Powder, Ammunition or other Stores, .....	„	„	24.	
„ Penalty for persons setting fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy, or Vessel, &c. &c. not appertaining to any Enemy, Pirate or Rebel, .....	„	„	25.	
„ Penalty for Vessels stranded or run upon rocks or sands, or split or hazarded through wilful negligence or other defaults, .....	„	„	26.	

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian—Penalty for persons sleeping upon their watch, or negligently performing their duty or forsaking their Station, .....	XII.	I.	27.	
„ Murders committed by persons belonging to—punishable with death,.....	„	„	28.	
„ Penalty for persons committing unnatural crimes with man or beast, .....	„	„	29.	
„ Penalty for committing robbery,.....	„	„	30.	
„ Penalty for persons making or signing a false muster or musterbook, or commanding, counselling, procuring, or aiding or abetting the making or signing thereof, .....	„	„	31.	
„ Penalty for persons refusing to apprehend any Criminal, or to receive or keep any prisoner or suffering him to escape,—Captains, Officers and others shall endeavour to detect, apprehend and bring to punishment all offenders upon pain of being punished by a Court Martial,.. ..	„	„	32.	
„ Penalty for a Superior Officer, Captain or Commander, or Lieutenant, convicted of behaving in certain respects in a manner unbecoming the character of an Officer, .....	„	„	33.	

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts..</i>
Navy — Indian — Persons in actual service and full pay guilty of Mutiny, Desertion or Disobedience to lawful commands in any part of the Company's Territories on shore, how punishable, .....	XII.	I.	34.	
„ Persons in actual service and full pay committing upon shore out of the Company's Territories any of the crimes punishable by these Articles, how to be tried and punished, .....	„	I.	35.	
„ Period of imprisonment of persons convicted of any offence limited to two years,	„	II.		
„ Local jurisdiction of Courts Martial constituted under this Act for punishing or trying offences, defined, .....	„	III.		
„ Courts Martial not to punish or try any Land Officer or Soldier on board any Transport Ship, .....	„	IV.		
„ Governor General and Governors in Council may grant Commissions to Officers Commanding in Chief to call and assemble Courts Martial, and the same how to be constituted, .....	„	V.	.....	General.
„ No Commander in Chief of any Fleet or Squadron con-				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
sisting of more than five Ships shall preside at any Court Martial, but the Officer next in command shall, .....	XII.	VI.		
Navy — Indian — The Senior Officer of three or more Ships in any foreign parts, not under rank of a Commander, may hold and preside over Courts Martial, .....	„	VII.		
„ In case of its being objectionable for the person next in command to the Senior Officer or Commander in Chief of any Fleet or Foreign parts, to hold or preside over Courts Martial, the third Officer in command may supply his place, .....	„	VIII.		
„ Courts Martial to compose of what number of Officers, .....	„	IX.		
„ Form of Oath to be taken by Members of the Courts Martial and the same by whom to be administered, ...	„	X.		
„ Penalty for persons refusing to give evidence or perjure therein or behave with contempt to a Court Martial. Persons committing perjury or subornation of perjury to be prosecuted in Her Majesty's Courts by indictment or information, .....	„	XI.		



	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian — Informations or Indictments how to be prosecuted for any such Offence,	XII.	XII.		
„ Sentence of death by any Court Martial not to be executed until receipt of directions from the Governor General in Council upon Report of the Courts proceedings, .....	„	XIII.		
„ Judge Advocate or Deputy may administer oaths to witnesses. In their absence the Court may appoint any person to act,.....	„	XIV.		
„ Act to remain in force with respect to Crews of Ships wrecked or lost, and the Officers to retain their authority till discharged or removed to some other Ships or a Court of Enquiry shall have been held. Pay and Wages of the Officers to be disbursed to them if the result of the enquiry be satisfactory. Persons acting contrary to the discipline of the Indian Navy after the loss of the Ship how punishable, .....	„	XV.		
„ Payment of allowances of Officers and Seamen of Ships taken by the Enemy how to be regulated, .....	„	XVI.		

Navy.

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Navy—Indian—No person not flying from justice to be tried or punished by a Court Martial without order of the Governor General in Council or Governor in Council, or any Officer who may order a Court Martial, and that within specified time after the commission of the offence for which he is to be tried, .....	XII.	XVII.	.....	General.
„ Act not to interfere with the Queen's Admiralty Power, Jurisdiction or Authority within her Dominion, .....	„	XVIII.		
„ Absence of Members of Courts Martial not to delay its proceedings if sufficient number remain to compose a Court—Penalty for Members absenting from such Courts, .....	„	XIX.		
O.				
Offenders corporally punishable for thefts—See Larceny.				
„ of tender age ditto ditto—See Larceny.				
Officers in the Indian Navy—See Navy.				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
P.				
Petty Larceny—(See Larceny.)				
Principal Sudder Ameen or Sudder Ameen—Suits cognizable by—to be instituted in their respective Courts, ...	IX.	I.	.....	General.
„ Zillah or City Judge may withdraw such suits and try himself, or refer for trial to any other Court. under him,	„	II.		
„ Jurisdiction of—may be defined by the Zillah or City Judge,.....	„	III.		
„ Zillah or City Judge may receive Summary Appeal from orders of—rejecting original suits cognizable by them, .....	„	IV.		
„ The same Stamps to be used in any other Court as would have been sufficient in a Sudder Ameen's Court in suits cognizable by him, .....	„	V.		
See Sudder Ameens.				
Prisoners sentenced by the Sudder Courts to imprisonment for life shall at the same time be sentenced to transportation beyond Sea for life, .....	XIV.	.....	.....	General.
See Sudder Courts.				
Prisons—Removal of Native Officers, Soldiers and Followers imprisoned under sentence				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
of a Court Martial from one prison to another—See Native Officers.				
Process—Civil and Criminal—against the person or property of the Nabob of the Carnatic, the Nabob Regent, their respective Families, Dependents and Retinue—the issue of restricted—See Nabob, Pyce— (See Copper Coin.) Pyce, Trisoollee—(See Trisoplee.)				
<b>R.</b>				
Regulation II. of 1834 of the Bengal Code—Clause I, Section II. of—modified, .....	II.	.....	.....	Presidency of Fort William.
„ IX. of 1808 of the Bengal Code—repealed, .....	IV.	.....	.....	Ditto.
„ X. of 1803, I. III, and VI. of 1812—III. of 1821; and all Regulations of the Madras Code imposing Inland or Transit Duties, repealed, .....	VI.	I.	.....	Madras.
„ IX. of 1808, excepting Sections 55 to 70; XI. of 1808; XIV. of 1808; XV. of 1808, excepting Section 5; II. of 1812, excepting Sections 15 and 17; IV. of 1812, and such parts of Regulation I. of 1813 of the Madras Code as relate to Duty and Drawback;				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
on Spirituous Liquors imported or exported by Sea; also Regulation II. of 1816, II. of 1818, III. of 1818, IV. of 1819 and VII. of 1819, and all Regulations of the Madras Code for fixing Duty on imports or exports by Sea or Drawback payable on the same, repealed, Regulation I. of 1805 of the Madras Code—Clause 2, Section XI. of—repealed,.....	VI.	II.		
Regulations of the Bengal Code, as vest the Judges of Circuit, Commissioners of Circuit, Superintendents of Police and the Sudder Nizamut Adawlut with control over Jails, Prisoners and Establishments and places of banishment or transportation of Prisoners, repealed,.....	„	XLII.		
See Jails and Acts.	XVIII.	I.		
<b>S.</b>				
Salt—Fixing the price to be paid for—manufactured and sold within the Madras Presidency, .....	VI.	XLIII.		Madras.
„ The Governor General in Council may grant a remission of the price of, .....	„	XLIV.		

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Salt—having paid the Home Consumption price, may be landed free at any other Madras Port under Certificate, .....	VI.	XLV.		
„ Manufactured within or imported into the Bombay Presidency—Section 1, of Act 27 of 1837 relating to—repealed from 1st September 1844, ...	XVI.	I.	.....	Bombay.
„ A Duty of One Company's Rupee to be paid on every maund of Salt delivered from any Salt work within the Bombay Presidency, .....	„	II.		
„ Section 43, Act. I. of 1838 repealed, .....	„	III.		
„ Covered by Certificate of payment of excise duty on export thereof may be landed at any Port of the Bombay Presidency, and allowed to pass free into the interior, ...	„	IV.		
„ Repealing so much of Schedule A. in Act I. of 1838 as provides for the levy of a duty of 8 Annas per maund of Salt imported by Sea and so much of Schedule B. in the said Act which permits such Salt to be exported free,	„	V.		
„ imported by Sea and not covered by a pass to pay a duty of One Rupee per maund.				

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
and Salt having paid the the excise duty at the same rate may be exported free, ... Seamen in the Company's Navy —See Navy.	XVI.	VI.		
Silk Manufactures and Silk and Cotton mixed with other material of Foreign produce —Import Duty on—modified—See Duty.				
Sirdars of Gangs of Dacoits— Regulation IX. of 1808 of the Bengal Code relating to —repealed, .....	IV.	.....	.....	Presidency of Fort William.
Soldiers belonging to the East India Company's Forces imprisoned under sentence of a Court Martial—Governor or Governor in Council of any Presidency may order the removal of any—from one prison to another within the Presidency of his Government, to undergo the remainder of his sentence,..... See Native Officers and Followers.	VIII.	.....	.....	General.
Statute 5 and 6, Vict. Cap. 39 with alterations, extended to the East India Company's Territories — See Advances and Agents.				
Sudder Ameens—Suits cognizable by—to be instituted in their own Courts, .....	IX.	I.	.....	General.

Sudder

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
Sudder Ameens—Zillah or City Judge may withdraw such suits and try himself, or refer for trial to any other Court under him, .....	IX.	II.		
„ Jurisdiction of—may be defined by Zillah or City Judge,	„	III.		
„ Zillah or City Judge may receive Summary Appeals from orders of—rejecting any original suits cognizable by them, .....	„	IV.		
„ The same Stamp to be used in any other Court as would have been sufficient in a Sudder Ameen's Court in suits cognizable by,..... See Principal Sudder Ameens.	„	V.		
Sudder Courts sentencing any offender to imprisonment for life shall at the same time sentence him to transportation beyond Sea for life, unless the prisoner is not a proper subject of transportation, .....	XIV.	I.	.....	General.
„ A single Judge may sentence offenders to transportation for life who may have been sentenced or recommended by the Commissioner of Circuit or Session Judge to imprisonment for life,.....	„	II.		
Sudder Nizamut Adawlut relieved of their control and				

superintendence



	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
superintendence over Jails, Prisoners, &c.—See Jails.				
Suits cognizable by Principal Sudder Ameen or Sudder Ameen—See Principal Sudder and Sudder Ameen.				
Superintendents of Police relieved of their control over Jails and Prisoners—See Jails.				
Supreme Court at Calcutta—any one of the Judges of the —may sit apart from the other Judges for the dispatch of Criminal Business at the same time when the other Judges shall be sitting for the dispatch of business, .....	XI.	I.	.....	Calcutta.
„ may transact out of Term all Business which the Court may have power to transact in Term, .....	„	II.		
T.				
Taxes upon Trades and Professions, ..... See Town Duties.	.....	.....	.....	Bombay.
Tender aged offenders, how punishable for thefts—See Larceny.				
Term — Supreme Court at Calcutta may transact all business out of — which it				

may

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
may have power to transact in Term—See Supreme Court.				
Thefts how punishable—See Larceny.				
Town Duties—Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on Trades and Professions within the Bombay Presidency—abolished, .....	XIX.	.....	.....	Bombay.
Transit Duties under the Madras Presidency abolished, ...	VI.	I.	.....	Madras.
Transportation beyond Sea for life—Prisoners, sentenced by Sudder Courts to imprisonment for life—shall at the same time be sentenced to, ... See Sudder Courts.	XIV.	.....	.....	General.
Trinidad—Emigration of Natives of East Indies to—See Emigration.				
Trisoollee Pyce shall cease to be a legal tender within the Province of Benares from 1st August 1844, .....	XIII.	I.	.....	North Western Provinces.
„ shall be received until the above date on account of Government and exchanged by tale at Treasuries within the said Province, .....	„	II.		
„ Lieutenant Governor to notify the Treasuries within the said Province where such shall be received and				

exchanged

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>	<i>Territorial Scope of the Acts.</i>
<p>exchanged and to make rules for the prevention of fraud, Trisoolee Pyce—For every 64 One Company's Rupee may be given in exchange,.....</p>	XIII.	III.		
<p>W.</p>	„	IV.		
<p>Witnesses—incapacity of—to give evidence in cases before Her Majesty's Courts removed in certain cases—See Evidence.</p>				
<p>Writs against the Nabob of Carnatic, the Nabob Regent, their respective Families, Dependents and Retinue, the issue of—restricted—See Nabob.</p>				

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## ACT No. I. OF 1844.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 20th January, 1844, with the assent of the Right Hon'ble the Governor General of India.*

*An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, His Family and Retinue.*

**W**HEREAS questions have lately been raised as to the liability of persons of the Family, Household and Retinue of His Highness the Nabob of the Carnatic to the process and jurisdiction of Courts of Justice, and it is deemed expedient that provision should be made for protecting by legislative enactment, under the qualifications hereinafter mentioned, certain individuals of the Family, Household and Retinue of his said Highness from any such liability, and from claims and litigation to establish any such liability:

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Fort Saint George to publish, from time to time, in the Gazette at Madras, lists containing the names of persons belonging to the Family, Household or Retinue of His Highness the Nabob of the Carnatic, or of the  
Nabob

ACT No. I. OF 1844.

Nabob Regent for the time being, who are to be entitled under this Act to privilege from Civil and Criminal process, and also from time to time to revise and alter such lists and publish in the Gazette as aforesaid new lists of the persons entitled for the time being to such privilege, and the list which shall have been last so published shall be the list which for the time being shall be in force and effect for the purpose of this Act.

II. And it is hereby enacted, that no Writ or Process shall at any time be sued forth or prosecuted against the person, goods or property of His Highness the Nabob of the Carnatic, or of the Nabob Regent for the time being, or of any person whose name shall be included in any list so published in the Gazette as aforesaid, and which for the time being shall be in force and effect for the purpose of this Act, unless such Writ or Process shall be so sued forth or prosecuted with the consent of the Governor in Council of Fort St. George first had and obtained, such consent to be testified by the signature of the Secretary, or one of the Secretaries of Government, and that any Writ or Process which shall at any time be sued forth or prosecuted against the person or goods or property of His said Highness, or of the Nabob Regent, or of any such person as aforesaid, without such consent as aforesaid, so testified as aforesaid, shall be utterly null and void.

III. And it is hereby enacted and directed, that the said Governor in Council of Fort St. George shall from time to time cause to be furnished to the Governor General of India in Council copies of any and every list which shall be so published as aforesaid, and shall conform to and follow any directions which he may from time to time receive from the Governor General of India in Council respecting the persons to be included in any such list from time to time, and otherwise with respect to the matters which are the subject of this Act. And also that the said Governor in Council of  
Fort

ACT No. I. OF 1844.

Fort St. George shall from time to time cause every list, which shall be published in the Gazette as aforesaid, to be also otherwise published in such manner as shall be deemed proper and sufficient for the purpose of making the same generally known.

VI. And it is hereby enacted and provided, that this Act shall not be construed or be held to be in any way declaratory or explanatory of the meaning or effect of any Treaty made or entered into with His Highness the Nabob of the Carnatic, and shall not be construed either to enlarge or restrict the operation of any such Treaty, and that independently of this Act His Highness the Nabob of the Carnatic and the Nabob Regent for the time being, and their respective families, dependants, and retinue shall be entitled to claim, maintain and enjoy any privilege which by virtue of any such Treaty or otherwise they may be rightfully entitled to.

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## ACT No. II. OF 1844.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 17th February, 1844, with the assent of the Right Hon'ble the Governor General of India.*

*An Act respecting the Expense of preparing Copies of Proceedings in Appeals.*

**W**HEREAS it is just and necessary that the expence of preparing copies in the English Language of the proceedings in Cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI. 1797, and Section 34, Regulation V. 1803, of the Bengal Code, Section 5, Regulation VIII. of 1818, of the Madras Code, and Clause 6, Section C, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals:

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the Appeal.

II. And

**ACT No. II. OF 1844.**

**II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to cause the deposit by the Appellant within the time allowed for furnishing Security for Costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively.**



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## ACT No. III. OF 1844.

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 2d March, 1844.*

*An Act for legalizing the infliction of Corporal Punishment in cases of Petty  
Larceny generally, and when committed by offenders of tender age.*

I. **W**HEREAS it is expedient until adequate improvements in Prison Discipline can be effected, to substitute corporal punishment for imprisonment in the case of certain offences :

It is hereby enacted, in modification of C. 1, S. 2, Regulation II. of 1834, that it shall be competent to a Magistrate, on conviction in cases of thefts of property not exceeding in value the sum of Fifty Rupees, to sentence the person convicted to corporal punishment not exceeding thirty stripes of a ratan.

II. And whereas it is also expedient, that offenders of tender age should be punished rather in the way of School discipline than of ordinary criminal justice :

It is hereby enacted, that it shall be competent to a Magistrate, and he is hereby required, on conviction in cases of theft of property not exceeding in value

**ACT No. III. OF 1844.**

value the sum of Fifty Rupees, if the person convicted shall appear to him by inspection or other evidence to be of such tender years as to require punishment rather in the way of School discipline than of ordinary criminal justice, to sentence such person to corporal punishment with a light ratan, not exceeding ten stripes.

III. And it is hereby further provided and enacted, that no female shall be subject to corporal punishment, and that in cases of infliction of corporal punishment, no other punishment shall be superadded, and that the punishment shall be inflicted on all occasions in the presence of the Magistrate.

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## ACT No. IV. OF 1844.

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 2d March, 1844.*

*An Act for repealing Regulation IX. of 1808 of the Bengal Code.*

**W**HEREAS the Provisions of Regulation IX. of 1808 of the Bengal Code “for the apprehension of persons concerned in the offence of Gang Robbery, and especially the Sirdars or Leaders of Gangs of Dacoits,” have, by reason of their extreme severity, become nearly obsolete :

It is hereby enacted, that the said Regulation be repealed.

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**ACT No. V. OF 1844.**

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 2d March, 1844.*

*An Act for the suppression of all Lotteries not authorized by Government.*

**W**HEREAS great mischief has been found to result from the existence of Lotteries:—

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries not authorized by Government, shall from and after the 31st day of March 1844, be deemed, and are hereby declared common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said Territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 5000 Rupees.

III. And

**ACT No. V. OF 1844.**

**III.** And it is hereby enacted, that from and after the day aforesaid no person shall under any pretence, device or description whatsoever agree to pay any sum, or to deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this Section shall for every such offence upon conviction before a Justice of the Peace, or Magistrate, be punished by fine not exceeding 1000 Rupees.

**IV.** And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied one half to the use of Government and the other half to the use of the Informer or Informers.

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**ACT No. VI. OF 1844.**

*A.C.*

*Passed by the Right Hon'ble the Governor General  
of India in Council on the 16th March, 1844.*

*An Act for abolishing the levy of Transit or Inland Customs Duties,  
for revising the duties on Imports and Exports by Sea, and  
for determining the price at which Salt shall be sold for Home  
consumption within the territories subject to the Government of  
Fort St. George.*

**IT** is hereby enacted, that from the First day of April 1844, such parts of Regulation X. of 1803, Regulation I. of 1812, Regulation III. of 1812, Regulation VI. of 1812, and Regulation III. of 1821, of the Madras Code, and all such parts of any Regulations of the said Code, as prescribe the levy of Transit or Inland Customs Duties at any Town or Place within the limits of the Presidency of Fort St. George, shall be repealed.

Rescinding all Regulations of the Madras Code imposing Inland, Transit and Town Duties.

II. And it is hereby enacted, that Regulation IX. of 1803, with exception of Sections 55 to 70 both inclusive, Regulation XI. 1803, Regulation XIV. of 1808, Regulation XV. of 1808, with exception of Section 5, Regulation II. of 1812, with exception of Sections 15 and 17, Regulation IV. of 1812, and such parts of Regulation I. of 1813, of the same Code, as relate to the rates of Duty and Drawback on Spirituous Liquors imported or exported by Sea, also Regulation II. of 1816, Regulation II. of 1818, Regulation III. of 1818, Regulation IV. of 1819, and Regulation VII. of 1819, together with the Schedules appended

Rescinding Regulations of the Madras Code imposing Sea Customs Duties, with certain exceptions.

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appended thereunto, excepting in so far as any of these Regulations rescind any former Regulations either in part or in whole of the Madras Code, and likewise the Provisions of any kind contained in the foregoing or any other Regulations of the Madras Code for fixing the amount of Duty to be levied on Goods imported or exported by Sea, at any place within the limits of the Presidency of Fort St. George, or the Drawback payable on the same, shall be repealed.

Proviso.

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any Municipal Tax, or of any Toll on any Bridge, Road, Canal, Pier or Causeway, for repair and maintenance of the same; or of any fee for the erection and maintenance of Light Houses.

Duties to be levied on Goods imported by Sea into the Presidency of Fort St. George.

IV. And it is hereby enacted, that Duties of Customs shall be levied on Goods imported by Sea into any place within the Territories subordinate to the Government of the Presidency of Fort St. George, after the said First day of April 1844, according to the rates specified in Schedule A annexed to this Act, with the exceptions specified therein, and the Schedule with the Notes attached thereto, shall be taken to be a part of this Act.

Duties to be levied on Goods exported by Sea from the Presidency of Fort St. George.

V. And it is hereby further enacted, that Duties of Customs shall be levied upon Country Goods exported by Sea from any ports of the Presidency of Fort St. George after the said First day of April 1844, 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 also be taken to be a part of this Act.

VI. And

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VI. And it is hereby enacted, that 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 Fort St. George, at the rates prescribed in the Schedules of this Act for Goods imported or exported on Foreign bottoms at any British port in that Presidency.

Duties to be levied on Goods passing by Land into or out of Foreign European Settlements, adjacent to the Presidency of Fort St. George.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare by notice to be published in the 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 to declare Goods passing into or out of such Territory liable either to the Duty fixed for British or for Foreign Bottoms, as the said Governor in Council may think fit.

The Governor in Council may declare by notice in the Gazette, the Territory of Native Chiefs, beyond the jurisdiction of the Courts, to be Foreign.

VIII. And it is hereby enacted, that 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 Chokees may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee 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 shewing that the Customs Duty leviable thereupon has been paid in full.

Customs Chokees may be established for the levy of Duties on Goods passing into or out of Foreign Territory.

Powers of Officers at such Chokees.

Goods not to be allowed to pass across the Frontier line without a Certificate of the Duty thereon having been paid in full.

IX. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such Officers as he may

The Governor in Council may appoint Officers to collect Duties and to grant Certificates of payments.



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may think fit to receive money on account of Customs Duties, and grant Certificates of the payment thereof, and that such a Certificate being delivered to any Chokey Officer shall entitle Goods to cross the frontier into or out of the East India Company's Territories, provided that the Goods correspond in description with the specification thereof contained in such Certificate, and that the Certificate shew the entire amount of Duty leviable on those Goods to have been duly paid; and if upon examination the Goods brought to any Chokey 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 a further Certificate for the difference shall be produced.

If Goods be found not to correspond with Certificate, the difference to be noted on the face of the Certificate, and if the Duty have not been duly paid, the Goods to be detained until a further Certificate be produced.

X. And it is hereby enacted, that the said Governor in Council shall give public notice in the Official Gazette of the Presidency of Fort St. George of the appointment of every Officer appointed to receive Customs Duties on Goods crossing the land frontier of the said Foreign Territories, and the Officers so appointed shall on receipt of money tendered as Customs Duty be bound to give to 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.

The appointments of Officers to receive Customs Duties on the frontier to be notified in the Official Gazette.

Officers so appointed bound to grant Certificates on receipt of the proper Duty.

Certificates not to bear date more than thirty days before the arrival of the Goods.

XI. And it is hereby enacted, that no Certificate shall be received at any Chokey that shall bear date more than thirty days

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days before the date when the Goods arrive at the Chokey. Proviso.  
Provided, however, that any person who has taken out a Certificate from any authorized receiver of Customs Duties, shall 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, be entitled to receive a renewed Certificate, with a fresh date, without further payment of Duty.

XII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe by public notice in the Official Gazette of the Presidency of Fort St. George by what routes Goods shall be allowed to pass into or out of any such Foreign Territory, as is described in Sections VI. and VII. of this Act; and after such notice shall be given, Goods which may be brought to any Chokey established on other routes 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 route was from ignorance or accident.

The Governor in Council to notify in Official Gazette by what routes Goods may cross the land frontier.

After which Goods brought by other routes to be liable to detention, or confiscation.

XIII. And it is hereby enacted, that Goods which may be passed, or which an attempt may be made to pass across any frontier guarded by Chokees between sun-set and sun-rise, or in a clandestine manner, shall be seized and confiscated.

Goods crossing frontier clandestinely to be confiscated.

XIV. And it is hereby enacted, that any Chokey 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 prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term

Penalty for Officer permitting Goods to cross the frontier without Certificate, or by prohibited route.

not

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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.

Penalty for a Chokey Officer needlessly and vexatiously injuring Goods, or wrongfully detaining them.

XV. And it is hereby enacted, that if any Chokey Officer shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or shall wrongfully detain Goods for which there shall be produced a sufficient Certificate, such Officer shall, on conviction before the Collector of Customs, or before any Magistrate or Joint Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable if not paid to imprisonment for a further period of six months.

Goods imported by Sea from Foreign European Settlements or Native States declared Foreign, to be liable to Duties leviable on Foreign Bottoms.

XVI. And it is hereby enacted, that all Goods imported by Sea into any port of the Presidency of Fort St. George from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George under Section VII. of this Act to be subject to the Duties levied on Foreign Bottoms, shall be liable to the same Duties as are imposed by Schedule A on Imports on Foreign Bottoms.

No Dutiable Goods entered in either of the Schedules of this Act to be exempted unless under special order of Government.

Proviso.

XVII. And it is hereby enacted, that no Goods whatsoever 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 in Council of the Presidency of Fort St. George. Provided always, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House to pass free of Duty any baggage in actual use at his discretion; and if any person shall  
apply

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apply to have Goods passed as such baggage, the Collector acting under the orders of the Government, shall determine whether they be baggage in actual use, or Goods subject to Duty under the Provisions of this Act.

XVIII. Provided always, that when Goods are imported at any port of the Presidency of Fort St. George from any other port in that Presidency under Certificate that the Export Duty specified in Schedule B has been duly paid thereon, or that there has been a Re-export, and that the Import Duty specified in Schedule A has been duly paid, the said Goods shall be admitted to free entry.

Proviso under which Goods may be imported Duty free from any other Madras Port.

XIX. Provided also, that when Duties of Customs shall have been paid on any Goods at any port in any part of the Territories of the East India Company not subject to the Presidency of Fort St. George, and such Goods shall subsequently be imported at any port of the Presidency of Fort St. George, credit shall be given at such last mentioned port for the sum that may be proved by the production of due Certificates to have been so paid.

Further Proviso under which credit may be given at any Madras Port for Duties paid at any other British Indian Port.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George, from time to time, by notice in the Official Gazette of that Presidency, to fix a value for any Article or number of Articles liable to ad valorem Duty, 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.

The Governor in Council to notify in the Official Gazette, the valuation of Articles liable to ad valorem Duty.

XXI. And it is hereby enacted, that when Goods liable to Duty, for which a value has not been fixed by such a notice

When no value has been fixed or declared, Duty to be levied according to the Market value.

as

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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 Fort St. George, for the purpose of being passed for importation or exportation, the Duty leviable on such Goods shall be levied ad valorem, that is to say, according to the Market value of such Goods at the place and time of importation or exportation as the case may be.

The Market value how and by whom to be declared.

Application to be made in writing for the passing of Goods through the Custom House.

What the application is to contain.

XXII. And it is hereby enacted, that the Market value for Assessment of Duties on ad valorem Goods shall be declared by the Owner, Consignee, or Exporter, or by the Agent or Factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the Goods through the Custom House, and the value so declared shall include the packages or materials in which the Goods are contained, and the application shall truly 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 Colours under which the said Ship sails, the number, description, marks, and contents of the packages, and the country in which the Goods were produced.

Declaration of Market value to be submitted to Appraising Officer.

The Collector of Customs empowered to purchase undervalued Goods at the price so declared.

XXIII. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the Officer of Customs appointed to appraise Goods at the Custom House, and if it shall appear to him that the same is correct he shall countersign it as admitted ; but if any part or the whole of the Goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs who 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

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thereof shall be made to the Consignee or Importer, if the Goods be imported Goods, within fifteen days from the date of the declaration, the amount of Import Duty leviabie thereon being 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.

Payment for the Goods when and how to be made.

XXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to 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 that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

Government to notify in the Official Gazette the Ports for landing and shipping Merchandise, Goods landing at other Ports to be confiscated.

XXV. And it is hereby enacted, that when any Vessel shall arrive in any port of the Presidency of Fort St. George, the Master shall deliver a true Manifest of the Cargo on board, made out according to the form annexed to this Act and marked C, to the first person duly empowered to receive such Manifest that may come on board, and if no such person shall have come on board before the anchor of the said Vessel is dropped, then the Manifest shall be forwarded to land on board of 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, then it shall be lawful for the said Governor in Council, by an Order published in the Official Gazette of the Presidency, to fix a place in any such River or port beyond which place it shall not be lawful for any inward bound Vessel, except such Country Craft as are described in Sections LIV. and LV. of this Act, to pass until the Master shall have forwarded in such manner as may be ordered

Manifests of Cargo to be sent in by Masters of Vessels on arrival.

The Governor in Council may appoint places beyond which no inward bound Vessel may pass until the Master have forwarded his Manifest of Cargo.

Excepting certain Country Craft.

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ordered by the said Governor in Council such a Manifest as is required by this Act.

Penalty for a Master delivering a Manifest not containing a full and true specification of Cargo.

XXVI. And it is hereby enacted, that 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 of One Thousand Rupees, and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged with double or such increased Duties as may be determined by the Collector of Customs under the orders of Government.

Masters of inward bound Vessels remaining outside of the places fixed by the Governor in Council, required to deliver Manifests.

XXVII. And it is hereby enacted, that if any inward bound Vessel shall remain outside or below the place that may be fixed by the said 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 that may come on board, and if any Vessel entering a port for which there is a Custom House established shall lie at anchor therein for the space of twenty-four hours, the Master whereof shall refuse to deliver the said Manifest in the manner above prescribed, he shall for such refusal be liable to fine not exceeding One Thousand Rupees, and no Entry or Port Clearance shall be given for such Vessel until the fine is paid.

Penalty for the Master of a Vessel refusing to deliver a Manifest.

No Vessel to break bulk until the Collector of Customs have received Ship's Papers.

XXVIII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until a Manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the Collector of Customs, shall have been received by the said Collector, or  
until

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until order shall have been given by the said Collector for the discharge of the Cargo ; and that the said Collector may further refuse to give such order if he shall see fit until any Port Clearances, Cocketts 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.

XXIX. And it is hereby enacted, that 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, nor until order shall have been given for discharge 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 or put on board of any Vessel in contravention of the above Provision, or which any attempt shall have been made to remove from, or to put on board of any Vessel in contravention of the above Provision. And after entry of the Vessel at the Custom House in due form, such part of the Cargo as may not be declared for re-exportation in the same Vessel shall be sent to land, 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 in Council of the Presidency of Fort St. George, and if an attempt be made to land or put on board Goods or Merchandize in contravention of the forms and rules so prescribed, the Goods shall be liable to seizure and confiscation.

Goods moved from or put on board of any Vessel without due entry in the Custom House, or permission for discharge of Cargo, to be seized as contraband.

After entry in due form, Cargo not declared for re-exportation may be landed, and Export Cargo laden.

Goods liable to seizure and confiscation if attempted to be landed or put on board in contravention of this Act.

XXX. And it is hereby enacted, that 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

Penalty on Master if Cargo do not correspond with his Manifest, or if Goods sent out of the Vessel be not landed at the prescribed places.



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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 for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if the Duty can be ascertained. Provided however 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 errors, or to supply omissions from accident or inadvertence by furnishing an amended or supplemental Manifest.

Provision for the amendment of obvious errors in Manifests of Cargo.

One or more places in every Port to be appointed for the landing and shipment of Goods.

Goods landing at or shipping from any other place without special permission to be confiscated.

XXXI. And it is hereby enacted, that there shall in every port of the Presidency of Fort St. George be one or more places appointed for the landing and shipment of Goods, and Goods shall not be landed at or shipped from any other place without the special order in writing of the Collector of Customs for the port, and if any Goods be landed, or an attempt be made to land any Goods at any other than the said authorized places, or if any Goods be shipped or an attempt be made to ship any Goods from any others than the said authorized places without such order, they shall be seized and confiscated.

The Governor in Council may license Boats for landing and shipping Merchandize; and after notification Goods found on any other Boats to be liable to confiscation.

XXXII. And it is hereby enacted, that if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of Boats for the landing and shipping of Merchandize, or to license and register the Cargo Boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to 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 that may be found on board of other Boats than those so authorized for the port shall be

Excepting under special Permit from the Collector of Customs.

liable

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liable to be seized by an Officer of Customs and shall be liable to confiscation.

XXXIII. And it is hereby enacted, that when the Governor in Council of the Presidency of Fort St. George 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.

After due notification by Government the Collector of Customs empowered to station Customs Officers on board of any Vessel.

XXXIV. And it is hereby enacted, that any Master of such Vessel at such port who shall refuse to receive such Officer with one Servant on board, when such Officer shall be so deputed as above provided, or shall not afford such Officer and such Servant suitable shelter and sleeping 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 the sum of One Hundred Rupees for each day during which such Officer and Servant shall not be received and provided with suitable shelter and accommodation.

Penalty for the Master of a Vessel refusing to receive and accommodate such Officer.

XXXV. And it is hereby enacted, that 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 shall be competent to require any Cabins, Lockers, or Bulk-heads to be opened

Collector of Customs may issue warrant to search any Vessel.

Powers of an Officer bearing such Warrant.

in

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in his presence, and if they be not opened upon his requisition to break the same open, and any Goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs shall be liable to 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 upon conviction for every such offence to a fine of One Thousand Rupees.

Penalty for any Master of a Vessel resisting Officer with Warrant for search.

Penalty for a Master removing or putting on board Goods between sunset and sun-rise, or when the Custom House is closed, without leave from Collector.

XXXVI. And it is hereby enacted, that 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 punished with a fine not exceeding Five Hundred Rupees.

Export Cargo Boats without Permits not allowed to lie alongside Vessels on which Customs Officers are stationed.

XXXVII. And it is hereby enacted, that 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, if such Goods be 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 confiscation.

Goods on such Boats if not covered by a Pass to be liable to confiscation.

In the removal of Goods from on board any Vessel, a Boat Note to be sent with each separate despatch.

XXXVIII. And it is hereby enacted, that when Goods shall be sent from on board of any Vessel having a Customs Officer

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Officer on board 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 likewise by the Customs Officer on board, and if any imported Goods be found in a Boat proceeding to land from such a Vessel without a Boat Note, or if being accompanied by a 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 confiscation.

Goods liable to confiscation if found without a Boat Note, or out of the track between the Vessel and the proper place of landing.

XXXIX. And it is hereby enacted, that when Goods shall be brought to be passed through the Custom House either for importation or exportation by Sea, 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 any Goods not stated in the application be found concealed in or mixed up with the specified Articles, all such packages, with the whole of the Goods contained therein, shall be liable to confiscation.

Goods brought to be passed through the Custom House if not corresponding with the description in the application liable to confiscation.

XL. And it is hereby enacted, that 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

Goods liable to confiscation if removed with fraudulent intention after landing, and before passing through the Custom House.

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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.

Collector of Customs may require Goods in bulk to be weighed or measured before landing, and levy Duty accordingly.

XLI. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that Goods brought by Sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and to levy Duty according to the result of such weighing or measurement.

Rescinding C. 2, S. XI. of Reg. I. of 1805 of the Madras Code.

XLII. And it is hereby enacted, that Clause 2, Section XI. of Regulation I of 1805 of the Madras Code shall be repealed.

Fixing the price to be paid for Salt within the Presidency of Madras.

XLIII. And it is hereby enacted, that the price to be paid by the purchasers of Salt to the Government of the Presidency of Fort St. George for Salt that may be manufactured and sold under the orders of the Governor in Council for consumption within the Territories subordinate to the Presidency of Fort St. George, shall subsequent to the date specified in Section I of this Act be One Company's Rupee and Eight Annas for every maund of 3,200 tolas weight of Salt.

The Governor General in Council empowered to grant a remission of this price

XLIV. And it is hereby enacted, that it shall be competent to the Governor General of India in Council to grant a remission of the price specified in the last preceding Section of this Act in cases in which it may appear that the grant of such remission is expedient.

Salt having paid the Home consumption price may be landed free at any other Madras Port under Certificate.

XLV. And it is hereby enacted, that on application by the Exporter of any Salt that has paid the full price fixed to be paid for Salt sold for Home consumption under the provisions of Section XLIII. of this Act, a Certificate shall

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shall be granted by the Collector of Customs at the place of export, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other port of the said Presidency of Fort St. George, and shall be passed from such port under the proper passes applicable to the free passage of Salt into the interior without the levy of any further Duty of Customs.

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel to superintend the delivery of Cargo, 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, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen, and the said periods shall be calculated from the day when the Customs Officer first went on board. And if the whole Cargo be not discharged by the expiration of the abovementioned periods, the Master shall be charged with the wages of such Officer, and other expenses for any further period that such Officer may be detained on board. And if the Owners, Importers, or Consignees do not bring their Goods to land within the periods above fixed, it shall be the duty of the Master so to do.

Limited period allowed for discharge of Import Cargo of Vessel on which Customs Officer may be stationed.

XLVII. And it is hereby enacted, that when there shall be no Customs Officer sent aboard Vessels discharging Cargo, it shall be lawful for the Collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the Vessel inwards; and if any Goods remain on board after the time so fixed, or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused for the security of the Duties chargeable

Limited period allowed for discharging Cargo from any Vessel without a Customs Officer on board.

Goods remaining on board after period allowed, to be landed and warehoused by order of Collector.

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chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the same; Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouses for the security of the Duties and Charges thereon, although twenty days may not have expired from the entry of such Vessel; and in case any Goods brought to land from any Vessel be not claimed and cleared from the Custom House within three months from the date of entry of the Ship in which such Goods were imported, it shall be competent to the Collector to 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.

Customs Collector, with consent of Master of Vessel, may cause any packages to be deposited in the Government Warehouses.

The Collector empowered to sell Goods if not cleared from Custom House within period specified.

Limited period allowed for putting Export Cargo on board of any Vessel.

XLVIII. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel discharging Cargo a further period of fifteen days, Sundays and Holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board Export Cargo if the Vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case not be charged with the wages and expenses of the Customs Officer on board until after the expiration of such additional period: and if a Vessel having discharged its Import Cargo shall be laid up, the Customs Officer on board shall certify that no Goods remain on board except necessary stores and articles for use, and when a Vessel so laid up shall be entered at the Custom House for receipt of Export Cargo a Customs Officer shall be sent on board, and

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and if the said last mentioned Officer shall certify that no Goods are on board except as above excepted, twenty days, exclusive of Sundays and Holidays, as above, shall be allowed from the date of such Certificate for the lading outwards of a Vessel not exceeding six hundred tons, and thirty days for Vessels exceeding that burthen, after which periods respectively the Master shall be charged with the wages and expenses of the Customs Officer on board to the date of the Vessel's sailing from the port.

XLIX. And it is hereby enacted, that when upon application from the Master of any Vessel the Customs Officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such Vessel shall before a Customs Officer have again been placed in such Vessel put on board of such Vessel, or cause or suffer to be put on board of such Vessel, any Goods whatever, such Master 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.

Penalty for putting Goods on board a Vessel after Customs Officer's removal therefrom, and before a Customs Officer have again been placed thereon.

L. And it is hereby enacted, that a Port Clearance shall be granted by the Collector of Customs or other authorized Officer to the Master or Commander of every Vessel clearing out from the ports of the Presidency of Fort St. George, provided such Master or Commander shall have complied with the terms prescribed by this Act, and with the rules of the port concerned, and shall produce a Certificate from the proper Officer or Officers of all Port Charges and public demands against him of whatever nature having been duly paid and discharged.

A Port Clearance to be granted to the Master of every Vessel on Certificate of all public demands against him having been satisfied

LI. And



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Rules for levying Duty on Goods passed through Custom House for shipment after grant of Port Clearance.

LI. And it is hereby enacted, that 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 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.

Cargo of Vessels putting back from stress of weather, or damage, and compelled to re-land Cargo, to be taken charge of by Customs Officers, and lodged in such place as the Collector may direct.

LII. And it is hereby enacted, that when a Vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the Cargo of a Vessel that has cleared out shall be unshipped or re-landed, a Customs Officer shall be sent to watch the Vessel and take charge of the Cargo during such re-landing 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, it shall be lawful for the Owner, or for the Master to 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

Proviso, under which the Cargo may be landed as imported Goods, and the Export Duty refunded.

be

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be not found on board the Vessel, the Master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

Penalty for a Master putting back into Port without Goods on which Drawback has been allowed.

LIII. And it is hereby enacted, that when Goods shall be re-landed 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 were exported, unless the Vessel shall have put back for stress of weather or for damage, and the Goods shall have been re-landed under the rule contained in the last preceding Section of this Act.

Duty on Goods re-landed before the lading is complete to be refunded, but not after grant of Port Clearance.

Unless the Vessel have put back for stress of weather or damage.

LIV. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring 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 of Goods thereon, and that whoever being in charge of any such Craft shall knowingly contravene any such rule shall be liable to a fine not exceeding One Hundred Rupees for each offence.

Penalty on Coasting and Country Craft for contravening such rules as Governor in Council may lay down for their regulation.

LV. And it is hereby enacted, that Pattamars, Dhonies, and other small Craft from the Maldive or Laccadive Islands, or from the Native Ports of Kattywar and Cutch, and of the Travancore and Cochin States, shall be treated in the ports of the Presidency of Fort St. George like the Coasting Craft of the British Territory, provided that they conform to such special Regulations as to the place of anchoring and mode of landing and shipping Goods, as may be made by the Governor in Council

Specification of Native Craft to be treated like Coasting Craft of the British Territories.

cil

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cil for such Vessels in the several ports of the Presidency of Fort St. George.

No Drawback allowed on Goods shipped on such Native Craft.

LVI. And it is hereby enacted, that no Drawback shall be allowed on Goods shipped on such Native Craft as are described in the last preceding Section of this Act.

Good re-exported in the same Vessel not subject to Duty: Duty to be levied on transhipped Goods as if they had been landed and re-exported.

LVII. And it is hereby enacted, that Goods exported in the same Vessels 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.

Goods to be liable to confiscation if transhipped without special license from Collector.

LVIII. And it is hereby enacted, that no transhipment shall be made of any Goods except under special order in writing from the Collector of Customs of the port, and that Goods transhipped or attempted to be transhipped without such order shall be liable to confiscation.

Customs Officer to superintend transhipment.

LIX. And it is hereby enacted, that an Officer of Customs shall in all cases be deputed to superintend the removal of Goods from Vessel to Vessel.

The Collector competent to adjudge confiscations.

LX. And it is hereby enacted, that in all cases in which under this Act Goods are liable to confiscation, the Collector of Customs of the place where those Goods may be shall be competent to adjudge such confiscation.

The Collector may exact payment of fines before granting Port Clearance.

LXI. And it is hereby enacted, that if any person in charge of a Vessel shall have become liable to any fine on account

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account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the orders of the Governor in Council of the Presidency of Fort St. George, to refuse Port Clearance to such Vessel until the fine shall be discharged.

LXII. And it is hereby enacted, that it shall be lawful for any Collector of Customs, or other Officer who may be 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, to adjudge damages to be paid to the Proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the Goods; and if the Proprietor accept 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, it shall be lawful for him to mitigate the same to the extent of the levy of double Duty: and if the said Officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the Goods, a proportion not exceeding one-half shall be distributed in rewards amongst such Officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

Empowering Collectors of Customs to decide upon cases of seizure and to adjudge damages.

To mitigate penalty of confiscation to the extent of the levy of double Duty.

And to distribute part proceeds of sale of confiscated Goods in rewards among Seizing Officers.

LXIII. And it is hereby enacted, that all Officers of Customs shall as heretofore be amenable to the Civil Courts of the Presidency of Fort St. George by action for damages on account of any executive acts done in their official capacity at the suit of the parties injured by such acts. Provided, however, that no suit shall lie against a Collector of Customs or other Officer for any

All Officers of Customs amenable to Civil Courts.

Proviso.

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any Judicial award in a matter of Customs passed under the preceding Section of this Act.

Penalty for obstructing Customs Officers in the exercise of their powers.

LXIV. And it is hereby enacted, that whoever intentionally obstructs any Officer in the exercise of any powers given by this Act to such Officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding One Thousand Rupees, or both.

Penalty for Customs Officer receiving consideration for doing or forbearing any official act.

LXV., And it is hereby enacted, that whoever, being an Officer appointed under the authority of this Act, shall accept, or <sup>obtain or</sup> attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Penalty for a Customs Officer concerned in defrauding the Customs Revenue.

LXVI. And it is hereby enacted, that whoever being an Officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the Customs Revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Penalty for exacting Customs or Duties without authority as a Customs Officer.

LXVII. And it is hereby enacted, that whoever not being an Officer appointed under this Act, or authorized by any Regulation to collect Customs or Duties shall exact Customs or Duties of any denomination on any pretence whatsoever whether as principal or Agent, shall be punished with imprisonment for a term not exceeding two years, or fine, or both, and furthermore shall be liable for such damages as may be obtained against him, on the suit of the party injured, by action in any of the Civil Courts of the Presidency of Fort St. George.

LXVIII. And

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LXVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary and to make any rules consistent with law for the carrying of this Act into effect, and to establish such Wharves and appoint such Officers as he shall think fit, and to fix Rates of Wharfage and of Rent to be paid for Goods deposited or suffered to lie in the godowns of the Custom House.

The Governor in Council may transfer the powers of Collector of Customs to any other Officer, and may make rules and appoint Officers to carry this Act into effect, and fix rates of Wharfage and Rent.

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SCHEDULE A.

RATES OF DUTY TO BE CHARGED ON GOODS IMPORTED BY SEA INTO ANY PORT OF THE PRESIDENCY OF FORT ST. GEORGE.

No.	ENUMERATION OF GOODS.	When Imported on British Bottoms.	When Imported on Foreign Bottoms.
1	Bullion and Coin, .....	Free.	Free.
2	Precious Stones and Pearls, .....	Ditto.	Ditto.
3	Grain and Pulse other than Rice and Paddy, .....	Ditto.	Ditto.
4	Rice and Paddy, .....	2 Annas per bag, not exceeding 2 Maunds of 80 Tolas to the Seer, or if imported otherwise than in bags, 1 Anna per Maund.	4 Annas per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if imported otherwise than in bags, 2 Annas per Maund.
5	Horses and other living Animals, .....	Free.	Free.
6	Ice, .....	Ditto.	Ditto.
7	Coal, Coke, Bricks, Chalk, Stones, (Marble and wrought Stones excepted,) .....	Ditto.	Ditto.
8	Books printed in the United Kingdom or in any British Possession, .....	Ditto.	3 per Cent.
9	Foreign Books, .....	3 per Cent.	6 per Cent.
10	Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession, .....	3 per Cent.	6 per Cent.
11	Ditto ditto, the produce or manufacture of any other place or country, .....	6 per Cent.	12 per Cent.
12	Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or any British Possession, .....	3 per Cent.	6 per Cent.
13	Metals, ditto ditto, excepting Tin, the produce or manufacture of any other place, ....	6 per Cent.	12 per Cent.
14	Tin, the produce of any other place than the United Kingdom or any British Possession, .....	10 per Cent.	20 per Cent.
15	Woollens, the produce or manufacture of the United Kingdom or any British Possession, .....	2 per Cent.	4 per Cent.
16	Ditto, the produce of any other place or country, .....	4 per Cent.	8 per Cent.
17	Cotton Wool, not covered by Certificate of the payment of Export Duty at any other Port of Fort St. George, .....	9 As per Maund of 80 Tolas to the Seer.	1 R. 2 As. per Maund of 80 Tolas to the Seer.
18	Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom or of any British Possession, .....	3½ per Cent.	7 per Cent.
19	Ditto, the produce of any other place, .....	7 per Cent.	14 per Cent.
20	Opium, .....	24 Rs. per Seer of 80 Tolas.	24 Rs. per Seer of 80 Tolas.
21	Salt, .....	3 Rs. per Maund of 80 Tolas to the Seer.	3 Rs. per Maund of 80 Tolas to the Seer.
22	Alum, .....	10 per Cent.	20 per Cent.
23	Betel Nut, raw, .....	5 per Cent.	10 per Cent.
24	Betel Nut, boiled, .....	10 per Cent.	20 per Cent.
25	Camphor, .....	10 per Cent.	20 per Cent.
26	Cassia, .....	10 per Cent.	20 per Cent.
27	Cloves, .....	10 per Cent.	20 per Cent.
28	Coffee, .....	7½ per Cent.	15 per Cent.
29	Coral, .....	10 per Cent.	20 per Cent.
30	Nutmegs and Mace, .....	10 per Cent.	20 per Cent.
31	Pepper, .....	10 per Cent.	20 per Cent.
32	Rattans, .....	7½ per Cent.	15 per Cent.
33	Tea, .....	10 per Cent.	20 per Cent.
34	Vermillion, .....	10 per Cent.	20 per Cent.
35	Wines and Liqueurs, .....	10 per Cent.	20 per Cent.
36	Spirits, .....	9 As. per Impl. Gall.	1 R. per Impl. Gall.

And the Duty on Spirits shall be rateably increased as the strength exceeds London proof

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And if the Collector of Customs shall see reason to doubt whether the Goods liable to a different rate of Duty according to the place of their production come from the country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of Duty, subject always to an Appeal to the Governor in Council of Fort St. George.

And upon the re-export by Sea of Goods imported, excepting Opium and Salt, and all Goods of the growth, production, or manufacture of the Continent of India, provided the re-export be made within two years of the date of Import as per Custom House Register, and the Goods be identified to the satisfaction of the Collector of Customs there shall be retained one-eighth of the amount of Duty levied, and the remainder shall be repaid as Drawback:

But no Exporter of imported Goods shall be entitled to Drawback, unless the Drawback be claimed at the time of re-export, nor shall any payment be made of Drawback unless the amount claimed be demanded within one year from the date of entry of the Goods for re-export in the Custom House Register.

**SCHEDULE B.**

**RATES OF DUTY TO BE CHARGED ON GOODS EXPORTED BY SEA FROM ANY PORT OR PLACE IN THE PRESIDENCY OF FORT ST. GEORGE.**

No.	ENUMERATION OF GOODS.	Exported on British Bottoms.	Exported on Foreign Bottoms.
1	Bullion and Coin,.....	Free.	Free.
2	Precious Stones and Pearls,.....	Ditto.	Ditto.
3	Books, Maps and Drawings, printed in India,	Ditto.	Ditto.
4	Horses and living Animals,.....	Ditto.	Ditto.
5	Cotton Wool, exported to Europe, the United States of America or any British Possession in America,.....	Ditto.	9 As. per Maund of 80 Tolas to the Seer.
6	Ditto ditto, exported to places other than above,.....	9 As per Maund of 80 Tolas to the Seer.	1 R. 2 As. per Maund of 80 Tolas to the Seer.
7	Sugar and Rum, exported to the United Kingdom, or to any British Possession, not being a British Possession or Settlement on the Continent of India, including Bombay,.....	Free.	3 per Cent.
8	Ditto ditto, exported to any other place including any British Possession or Settlement on the Continent of India, including Bombay,.....	3 per Cent.	6 per Cent.
9	Grain and Pulse of all sorts, other than Rice and Paddy,.....	1 Anna per bag not exceeding 2 Maunds of 80 Tolas to the Seer, or if exported otherwise than in bags $\frac{1}{2}$ an Anna per Maund.	2 As. per bag not exceeding 2 Maunds of 80. Tolas to the Seer, or if exported otherwise than in bags 1 Anna per Maund.
10	Rice and Paddy,.....	2 Annas per bag as above, or one Anna per Maund.	4 Annas per bag as above, or 2 Annas per Maund.
11	Indigo,.....	3 Rs. per Maund of 80 Tolas to the Seer.	6 Rs. per Maund of 80 Tolas to the Seer.
12	Salt, having paid the price fixed to be paid on Salt declared for exportation to Ports or Places, not being subordinate to the Presidency of Fort St. George,.....	Free.	Free.
13	Tobacco,.....	10 per Cent.	20 per Cent.
14	Opium,.....	Prohibited.	Prohibited.



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And upon the re-export to Europe, the United States of America, or to any British Possession in America, from Madras or from any other Port of the Presidency of Fort St. George, of Cotton that has been imported under Certificate of the payment of the Duty specified in this Schedule, provided that the re-export be made, in British Bottoms, within two years from the date of such Certificate, and the amount be claimed within one year from the date of re-export as per Custom House Registers, the whole amount of Export Duty levied at the first place of export, shall be refunded.

**SCHEDULE C.**

**MANIFEST OF GOODS IMPORTED PER  
COMMANDER, FROM UNDER COLOR, Viz**

Marks.	Numbers.	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice Value.	Tariff Value.
A.	1 @ 5	5 Cases,	250 pieces,	0	0	3000	Cambrics, ..... Long Cloths, bleached, ... Long Cloths, unbleached, ... Madapollams, bleached, ... Ditto, unbleached, ..... Plain Muslins, .....		

N. B. Articles generally to be specified, excepting such as Ironmongery, Hard Ware, Glass Ware, Earthen Ware, Cutlery, Perfumery, Confectionary, Stationery and such like. All Articles from Great Britain to be entered according to the English weight, not Native.

From China in like manner, in China weights.

In Imports and Exports of Bullion or Coin, to specify the sort of which they consist.

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## ACT No. VII. OF 1844.

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*Passed by the Right Hon'ble the Governor General of India in Council on the 6th April 1844.*

*An Act for improving the Law of Evidence.*

I. **W**HEREAS the enquiry after truth in Her Majesty's Courts of Justice is often obstructed by incapacities created by the present Law, and it is desirable that full information as to the facts in issue, both in Criminal and in Civil Cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony :

It is hereby enacted, that within the local jurisdiction of Her Majesty's Courts, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any enquiry arising in any suit, action or proceeding, Civil or Criminal, in any of Her Majesty's Courts, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or person having by Law or by consent of parties, authority within the jurisdiction of Her Majesty's Courts to hear, receive and examine evidence, but that every person

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so offered may and shall be admitted to give evidence on oath or solemn affirmation, in those cases wherein affirmation is by Law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or enquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: Provided, that this 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 ejection, 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, or the husband or wife of such persons respectively: Provided also, that this Act shall not repeal any provision in the Act of the Government of India XXV. of 1838. Provided, that in any of Her Majesty's Courts sitting in Equity, any defendant to any cause pending in any such Court so sitting, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matter or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

II. And it is hereby enacted, that nothing in this Act shall apply to, or affect any suit, action, or proceeding, brought or commenced before the passing of this Act.

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## ACT No. VIII. OF 1844.

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 9th April, 1844.*

*An Act to authorize the Governments of Fort William in Bengal, Fort St. George and Bombay, to remove Native Officers, Soldiers and Followers imprisoned under Sentence of a Court Martial from one Prison to another.*

**I**T is hereby enacted, that whenever any Native Officer or Soldier, or Follower, belonging to the Forces of the East India Company, shall be a prisoner in any public prison or other place within the Territories subject to the Government of the said Company under sentence of any Court Martial; it shall be lawful for the Governor or Governor in Council (as the case may be) of the Presidency, in which such public prison or other place may be situated to give an order in writing to the Gaoler thereof, or other person in charge thereof, commanding him to deliver up such prisoner to the person producing such order; and such Gaoler or other person shall deliver up such prisoner at any period of his imprisonment to the person producing such order either for his discharge or in order that he may be removed in Military custody to undergo the remainder of his sentence, to such other public prison

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or such other place as such Governor or Governor in Council (as the case may be) may direct, provided that such other public prison or other place shall be within the Presidency subject to the Government of the Governor or Governor in Council (as the case may be) who shall have given such order, and provided that the time of imprisonment on removal from one prison to another, or while the prisoner is in custody for any intermediate period shall be reckoned as part of the original period of imprisonment for which such prisoner shall have been sentenced.

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## ACT No. IX. OF 1844.

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 13th April, 1844.*

*An Act for authorizing the institution of Suits in the Courts of Principal Sudder  
Ameens and Sudder Ameens.*

I. **I**T is hereby enacted, that within the Territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all Suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those Officers respectively.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such Suits from the Court in which they may have been instituted, and to try them himself, or to refer them for trial to any other Court subordinate to his authority, and competent in respect to the value of the Suit whenever he may see sufficient reason for so doing.

III. And it is hereby enacted, that whenever there shall be more than one Principal Sudder Ameen, or more than one Sudder Ameen attached to  
the

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the Court of any Zillah or City Judge, and not having any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens shall be empowered to take cognizance of all such Suits as are mentioned in Section I. of this Act, provided the landed or other real property to which the Suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the Suit may be commenced shall reside as a fixed inhabitant within the limits of such Local jurisdiction as aforesaid.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any Original Suit cognizable by him, and that all Rules applicable to Summary Appeals from orders dismissing Original Suits on the ground of any default shall be applicable to the Summary Appeals given by this Act.

V. And it is hereby enacted, that in all Suits which in respect to value are cognizable by a Sudder Ameen, the same Stamps shall be sufficient in any other Court as would have been sufficient in the Court of a Sudder Ameen.

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## ACT No. X. OF 1844.

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*Passed by the Right Honble the Governor General of India  
in Council on the 11th May, 1844.*

*An Act to amend the Law respecting the period of the Execution of Persons  
convicted of the crime of Murder.*

**W**HEREAS by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, it was amongst other things enacted that every person convicted of Murder should be executed according to Law on the day next but one after that on which the sentence should be passed unless the same should happen to be Sunday and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every Murderer unless the Court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death but also the time thereby appointed for the execution thereof: and it was by the said Act provided that after such sentence should have been pronounced it should be lawful for the Court or Judge to stay the execution thereof if such Court or Judge should so think fit: and whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment,



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punishment, any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects :

I. It is therefore hereby enacted, that from and after the passing of this Act so much of the said Act as is hereinbefore recited shall cease to have effect within the Territories subject to the Government of the East India Company.

II. And it is hereby further enacted, that from and after the passing of this Act, sentence of death may be pronounced after convictions for Murder by any Judge of any of Her Majesty's Courts of Justice within the Territories subject to the Government of the East India Company in the same manner, and the Judge shall have the same power in all respects as after convictions for other capital offences.

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**ACT No. XI. OF 1844.**

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 18th May, 1844.*

*An Act for the Improvement of the Administration of Justice and despatch of  
Business in the Supreme Court of Judicature at Fort William in Bengal.*

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

II. And it is hereby further enacted, that all Business of what nature or kind soever which the said Supreme Court of Judicature at Fort William  
in

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in Bengal may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

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## ACT No. XII. OF 1844.

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 25th May, 1844.*

*An Act for better securing the observance of an Exact Discipline in the  
Indian Navy.*

I. **W**HEREAS by an Act of the British Parliament passed in the Session held in the 3d and 4th years of His late Majesty King William the 4th, intituled “An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty’s Indian Territories till the 30th day of April 1854”—It is among other things enacted, that the Governor General of India in Council shall have power to make Laws and Regulations for repealing, amending or altering any Laws or Regulations whatever then in force, or thereafter to be in force in the said Territories, or any part thereof, and to make Laws and Regulations for all persons whether British or Native Foreigners, or others, and for all Courts of Justice whether established by His Majesty’s Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said Territories, and for all Servants of the said  
Company

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Company within the dominions of Princes and States in alliance with the said Company, save and except that the said Governor General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend or affect any of the provisions of the now reciting Act, or any of the provisions of the Acts for punishing mutiny and desertion of Officers and Soldiers, whether in the Service of His Majesty or the said Company, or any provisions of any Act thereafter to be passed in anywise affecting the said Company, or the said Territories or the Inhabitants thereof, or any Laws and Regulations which shall in any way affect any Prerogative of the Crown or the Authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten Laws or Constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the Sovereignty or Dominion of the said Crown over any part of the said Territories.

And it is thereby provided and enacted, that in case the Court of Directors of the said Company, under such control as by the now reciting Act is provided, shall signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such case upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed. And it is also provided and enacted, that all Laws and Regulations made as aforesaid so long as they shall remain unrepealed shall be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any Public Act of Parliament would and ought to be taken notice of,

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of, and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council. And it is thereby also provided and enacted, that it shall not be lawful for the said Governor General in Council without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of death, any of His Majesty's natural born subjects born in Europe, or the children of such subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And whereas by another Act passed in the Session held in the 3d and 4th years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for providing for the observance of Discipline in the Indian Navy, and to amend the Laws for regulating the payment of Regimental Debts and the distribution of the Effects of Officers and Soldiers dying in Service," reciting that the said Company for the safety and protection of the Territories under their Government in addition to their Land Forces maintain a Marine Establishment theretofore called "The Bombay Marine," but then called "The Indian Navy;" and that by an Act passed in the 9th year of the Reign of King George the 4th, intituled "An Act to extend the provisions of the East India Mutiny Act to the Bombay Marine," reciting an Act of the 4th year of King George the 4th, and that it was expedient that discipline should be enforced in the said Marine Establishment in the manner provided by the said Act of the 4th year of King George the Fourth in respect to the other Forces of the said Company, it is enacted, that the provisions of the said Act of the 4th year of King George the 4th, and the Rules and Articles of War made and to be made by virtue thereof

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thereof should extend and be applied to the Service of "The Bombay Marine," and that all persons in the service of the said Company belonging to the said Bombay Marine who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army should be to all intents and purposes liable to the provisions of the said Act of the 4th year of His Majesty King George the Fourth, and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces, and reciting that it is expedient to provide other means for enforcing discipline in the said Marine Establishment called "The Indian Navy," it was amongst other things enacted that for the retaining the Forces of the said Establishment in their duty the Governor General of India in Council should have power to make Laws and Regulations for securing the observance of an exact discipline in the said Service called "The Indian Navy," and for bringing to a more exemplary and speedy punishment than the usual forms of the Law will allow all Officers, Engineers, Soldiers, Marines, Seamen and all others belonging to the said Marine Establishment who should mutiny, or stir up sedition, or should desert the said Service, or should commit any other offence which in its nature would be cognizable by Court Martial under the now reciting Act, or which might be against good discipline in Naval Service in the same, and as full and ample manner to all intents and purposes as by virtue of the said Act passed in the Session held in the 3d and 4th years of the reign of his late Majesty King William the Fourth, the said Governor General in Council then had power to make any Laws and Regulations whatsoever, any thing in the said last mentioned Act, or any other Act, or Acts to the contrary notwithstanding. And it was thereby provided and enacted, that in case the Court of Directors of the East India Company, under the control of the Board of Commissioners for the Affairs of India, should signify to the said Governor General in Council their disallowance of any Laws or Regulations by the said Governor

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Governor General in Council made by virtue of the now reciting Act, then and in every such case upon receipt by the said Governor General in Council of notice of such disallowance, the said Governor General in Council should forthwith repeal all Laws and Regulations so disallowed. And it was also provided and enacted that all Laws and Regulations made as aforesaid so long as they should remain unrepealed should be of the same force and effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and should be taken notice of by all Courts of Justice whatsoever within the same Territories in the same manner as any public Act of Parliament would and ought to be taken notice of, and it should not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

And it was also provided and enacted, that it should not be lawful for the said Governor General in Council without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power should be given to any Court other than the Courts of Justice established by the Charters of the Crown, to sentence to the punishment of death any of Her Majesty's natural born subjects born in Europe or the children of such subjects.

And it was also provided and enacted, that until the said Governor General in Council should have made Laws and Regulations for the good Government of the said "Indian Navy" by virtue of the powers by the now reciting Act for that purpose given, all the provisions of the now reciting Act, and the Rules and Articles of War to be made by virtue thereof should extend and be applied to the said Marine Establishment called the "Indian Navy," and that all persons in the Service of the said Company belonging to the said Indian Navy who should be Commissioned or in pay as Officers, or enlisted



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or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be to all intents and purposes liable to the provisions of the now reciting Act, and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces.

And whereas it is deemed expedient to place the Indian Navy under Articles and Orders as nearly similar as may be to those in force in Her Majesty's Navy, and the Court of Directors of the East India Company have given their previous sanction to the several Enactments hereinafter contained, and to all and singular the Laws and Regulations hereby made. Now it is therefore hereby enacted, that from and after the First day of October 1844, the Articles and Orders hereinafter following as well in time of Peace as in time of War shall be duly observed and put in execution in manner hereinafter mentioned.

1. All Captains, Commanders, and Officers, in or belonging to any of the East India Company's Ships or Vessels of War shall cause the public Worship of Almighty God according to the Liturgy of the Church of England established by Law to be solemnly, orderly and reverently performed in their respective Ships, and shall take care that Prayers and Preaching be performed diligently, and that the Lord's Day be observed according to Law.

2. All Officers, Engineers, Soldiers, Marines, Seamen and others belonging to the Indian Navy, being guilty of profane Oaths, Cursing, Execrations, Drunkenness, Uncleaness or other Scandalous Actions, in derogation of God's honor and corruption of good manners shall incur such punishment as a Court Martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

3. If

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3. If any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy shall give, hold or entertain intelligence to, or with any Enemy or Rebel without leave from the Queen's Majesty, or the Governor General in Council, or the Governor in Council of the Presidency under which they serve, or persons duly authorized, Commander in Chief or his Commanding Officer, every such person so offending and being thereof convicted by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence may deserve or the Court Martial shall impose.

4. If any Letter or Message from any Enemy or Rebel be conveyed to any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy, and the said Officer, Engineer, Soldier, Marine, Seaman or other person as aforesaid shall not within twelve hours having opportunity so to do acquaint his Superior Officer, or the Officer Commanding in Chief with it, or if any Superior Officer belonging to the Indian Navy being acquainted therewith shall not in convenient time reveal the same to the Officer Commanding in Chief the Squadron, every such person so offending and being convicted thereof by the sentence of a Court Martial shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

5. All Spies and all persons whatsoever who shall come or be found in the nature of Spies within the Territories under the Government of the East India Company to bring or deliver any Seducing Letters or Messages from any Enemy or Rebel, or endeavour to corrupt any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy to betray his trust, being convicted of any such offence by the sentence of a Court Martial, shall be punished with death, or shall suffer such other punishment

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ment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

6. No person belonging to the Indian Navy shall relieve an Enemy or Rebel, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of death, or such other punishment as a Court Martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

7. All the Papers, Charter Parties, Bills of Lading, Passports and other writings whatsoever that shall be taken, seized or found aboard any Ship or Vessel which shall be surprized or taken as prize shall be duly preserved, and the very originals shall, by the Commanding Officer of the Ship or Vessel which shall take such prize, be sent entirely and without fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether such prize be lawful capture, there to be viewed, made use of and proceeded upon according to Law upon pain that every person offending therein shall forfeit and lose all share of the capture, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve and the Court Martial shall impose.

8. No person in or belonging to the Indian Navy shall take out of any Prize, or Ship or Vessel seized for prize, any Money, Plate or Goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of Her Majesty's Ships or Vessels of War, or of any of the Ships or Vessels of the Indian Navy, before the same be adjudged lawful prize in some Admiralty or other competent Court, but the full and entire account of the whole without embezzlement shall be brought in and judgment passed entirely upon the whole without fraud, and upon pain that  
every

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every person offending herein shall forfeit and lose all share of the capture, and suffer such further punishment as shall be imposed by a Court Martial, or such Court of Admiralty according to the nature and degree of the offence.

9. If any Ship or Vessel shall be taken as prize none of the Officers, Mariners or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten or evil treated upon pain that the person or persons so offending shall be liable to such punishment as a Court Martial shall think fit to inflict.

10. Every Superior Officer belonging to the Indian Navy, who upon signal or order of fight, or sight of any Ship or Vessel which it may be his duty to engage, or who upon likelihood of engagement shall not make the necessary preparations for fight, and shall not in his own person and according to his place encourage the inferior Officers and men to fight courageously shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve; and if any person belonging to the Indian Navy shall treacherously or cowardly yield or cry for quarter, any person so offending and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

11. Every person belonging to the Indian Navy who shall not duly observe the orders of the Officer Commanding in Chief the Squadron or Division, or other his Superior Officer, for assailing, joining battle with, or making defence against any Fleet, Squadron, or Ship or Vessel, or shall not obey the orders of his Superior Officer as aforesaid in time of action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending and being convicted

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thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

12. Every person belonging to the Indian Navy who through cowardice, negligence or disaffection shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every Ship and Vessel which it shall be his duty to engage, and to assist and relieve all and every the Ships and Vessels of Her Majesty and of the East India Company, or of Her Majesty's or the said Company's Allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

13. Every person belonging to the Indian Navy who through cowardice, negligence or disaffection shall forbear to pursue the chase of any Enemy, Pirate or Rebel, beaten or flying, or shall not relieve or assist a known friend in view to the utmost of his power, being convicted of such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

14. If when action or any service shall be commanded, any person belonging to the Indian Navy shall presume to delay or discourage the said action or service upon pretence of arrears of wages, or upon any pretence whatsoever, every person so offending being convicted thereof by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

15. Every

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15. Every person in or belonging to the Indian Navy who shall desert to any Enemy, Pirate or Rebel, or run away with any of the Ships or Vessels of War of Her Majesty or of the East India Company, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously to any Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

16. Every person belonging to the Indian Navy who shall desert or entice others so to do, shall suffer death, or such other punishment as the circumstances of the offence shall deserve and a Court Martial shall judge fit; and if any Commanding Officer of any of the East India Company's Ships or Vessels of War shall receive or entertain a deserter from any other Ship or Vessel of Her Majesty or of the East India Company, after discovering him to be such deserter, and shall not with all convenient speed give notice to the Captain of the Ship or Vessel to which such deserter belongs; or if the said Ships or Vessels are at any considerable distance from each other, to the Government or to the Officer Commanding in Chief, every person so offending, and being convicted thereof by the sentence of a Court Martial shall be cashiered.

17. The Officers and Seamen of all Ships or Vessels belonging to the Indian Navy, appointed for Convoy and Guard of Merchant Ships or Vessels, or of any other, shall diligently attend upon that charge without delay according to their instructions in that behalf, and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the Ships, Vessels and Goods in their Convoy without either diverting to other parts, or occasions, or refusing or neglecting to fight in their defence, if they be assailed, or running  
away

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away cowardly and submitting the Ships in their Convoy to peril and hazard, or shall demand or exact any money or other reward from any Merchant or Master for convoying of any Ships or Vessels entrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make reparation of the damage to the Merchants, Owners and others, as the Court of Admiralty or other competent Court shall judge ; and also be punished criminally according to the quality of their offences ; be it by pains of death, or other punishment, according as shall be adjudged fit by a Court Martial.

18. If any Captain, Commander or other Officer of any of the Ships or Vessels of the Indian Navy shall receive on board, or permit to be received on board such Ship or Vessel any Goods or Merchandizes whatsoever, other than for the sole use of the Ship or Vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be Shipwrecked either on the High Seas, or in any Port, Creek or Harbour, in order to the preserving them for their proper Owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending being convicted thereof by the sentence of a Court Martial shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the Naval Service of the East India Company.

19. If any person belonging to the Indian Navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a Court Martial shall deem him to deserve ; and if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall behave himself with contempt to his Superior Officer, such Superior Officer being in the execution of his office, he shall suffer such punishment according to the nature of his offence as a Court Martial shall deem him to deserve.      20. If

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20. If any person belonging to the Indian Navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a Court Martial, he shall suffer death, or such other punishment as a Court Martial shall think fit ; and if any person belonging to the Indian Navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the Commanding Officer, or being present at any mutiny or sedition shall not use his utmost endeavours to suppress the same, he shall be punished as a Court Martial shall think he deserves.

21. If any person belonging to the Indian Navy shall find cause for complaint of the unwholesomeness of the victuals or upon other just ground, he shall quietly make the same known to his Superior Officer, or Captain, or Commander in Chief, as the occasion may deserve, that such present remedy may be had as the matter may require ; and the said Superior Officer, Captain or Commander in Chief shall as far as he is able cause the same to be presently remedied, and no person belonging to the Indian Navy upon any such or any other pretence shall attempt to stir up any disturbance upon pain of such punishment as a Court Martial shall think fit to inflict according to the degree of the offence.

22. If any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall strike any of his Superior Officers, or draw or offer to draw or lift up any weapon against him being in the execution of his office on any pretence whatsoever ; Or if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall presume to quarrel with any of his Superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his Superior Officers, every such



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person being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as shall according to the nature and degree of his offence be inflicted upon him by the sentence of a Court Martial.

23. If any person belonging to the Indian Navy shall quarrel or fight with any other person therein, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall upon being convicted thereof suffer such punishment as the offence shall deserve and a Court Martial shall impose.

24. There shall be no embezzlement nor wasteful expense of any Powder, Shot, Ammunition, or other Stores. But the Stores and Provisions shall be carefully preserved upon pain of such punishment as shall be by a Court Martial found just in that behalf.

25. Every person belonging to the Indian Navy who shall unlawfully burn or set fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy or Vessel, or tackle or furniture thereunto belonging, not then appertaining to an Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial shall suffer death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

26. Care shall be taken in the conducting and steering of any of the Ships or Vessels of the Indian Navy that through wilfulness, negligence or other defaults no Ship or Vessel be stranded or run upon any rocks, or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by death, or such other punishment as the offence by a Court Martial shall be judged to deserve.

27. No

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27. No person belonging to the Indian Navy shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station upon pain of death, or such other punishment as a Court Martial shall think fit to impose and as the circumstances of the case shall require.

28. All murders committed by any person belonging to the Indian Navy shall be punished with death by the sentence of a Court Martial.

29. If any person belonging to the Indian Navy shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with death, or such other punishment as the offence by a Court Martial shall be judged to deserve.

30. All robbery committed by any person belonging to the Indian Navy shall be punished with death or otherwise as a Court Martial upon consideration of circumstances shall find meet.

31. Every Officer or other person belonging to the Indian Navy who shall knowingly make or sign a false muster or muster book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a Court Martial, be cashiered.

32. No person belonging to the Indian Navy being duly authorized so to do shall refuse to apprehend any criminal whom he shall be authorized by legal Warrant to apprehend, or to receive, or keep any prisoner committed to his charge, or wilfully suffer him to escape being once in his custody, or dismiss him without lawful order upon pain of such punishment as a Court Martial shall deem him to deserve; and all Captains, Officers and others belonging to  
the

**ACT No. XII. OF 1844.**

the Indian Navy shall do their endeavour to detect, apprehend and bring to punishment all offenders, and shall assist the Officers appointed for that purpose therein upon pain of being proceeded against and punished by a Court Martial according to the nature and degree of the offence.

33. If any Superior Officer, Captain, or Commander, or Lieutenant belonging to the Indian Navy shall be convicted before a Court Martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner unbecoming the character of an Officer he shall be dismissed from the Indian Navy, or suffer such other punishment as a Court Martial shall deem him to deserve.

34. Every person belonging to the Indian Navy, being in actual service and full pay, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful command, in any part of the Territories under the Government of the East India Company, on shore, when in actual service relative to the Indian Navy, shall be liable to be tried by a Court Martial, and suffer the like punishment for every such offence as if the same had been committed at Sea on board any Ships or Vessels of the Indian Navy.

35. If any person belonging to the Indian Navy, who shall be in actual service and full pay, shall commit upon the shore in any place or places out of the Territories under the Government of the East India Company, any of the crimes punishable by these Articles and Orders, the person so offending shall be liable to be tried and punished for the same in like manner to all intents and purposes as if the said crimes had been committed at Sea on board any of the Ships or Vessels of the Indian Navy.

II. Provided always, that no person convicted of any offence, shall by the sentence of any Court Martial, to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of two years. III.

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III. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any Court Martial to be constituted by virtue of this Act to proceed to the punishment or trial of any of the offences specified in the several Articles contained in this Act, or of any offence whatsoever (other than the offences specified in the 5th, 34th and 35th of the foregoing Articles and Orders), which shall not be committed upon the Main Sea or in Great Rivers only beneath the Bridges of the said Rivers nigh to the Sea, or any Haven, River, or Creek within the jurisdiction of the Admiralty, and which shall not be committed by such persons as at the time of the offence committed shall be in actual service and full pay in the Indian Navy, such persons only excepted, and for such offences only as are described in the 5th of the foregoing Articles and Orders.

IV: Provided also, that nothing in this Act contained shall extend or be construed to extend to empower any Court Martial to be constituted by virtue of this Act, to proceed to the punishment or trial of any Land Officer, or Soldier, on board any Transport Ship, for any of the offences specified in the several Articles contained in this Act.

V. And it is hereby further enacted, that the Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority to grant Commissions to any Officer Commanding in Chief, any Fleet or Squadron of Ships or Vessels of War, to call and assemble Courts Martial, consisting of Captains, Commanders and Lieutenants; and that in case any Officer Commanding in Chief any Fleet or Squadron of Ships or Vessels of War, (who shall be authorized by the Governor General or Governor in Council for the time being, to call and assemble Courts Martial in Foreign parts,) shall happen to die, or be recalled or removed from his command, then the Officer upon whom the command of the said Fleet or

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Squadron shall devolve, not under the rank of Commander; and so from time to time the Officer not under the rank of Commander, who shall have the command of the said Fleet or Squadron, shall have the same power to call and assemble Courts Martial as the first Commander in Chief of the said Fleet or Squadron was invested with.

VI. Provided always, and it is hereby enacted, that no Commander in Chief of any Fleet or Squadron of the Indian Navy or Detachment thereof, consisting of more than five Ships or Vessels, shall preside at any Court Martial; but that the Officer next in Command to such Officer Commanding in Chief shall hold such Court Martial and preside thereat, any Law, Custom or Usage to the contrary notwithstanding.

VII. And it is hereby further enacted, that if any three or more of the Ships or Vessels of the Indian Navy shall happen to meet together in Foreign parts, then and in such case it shall be lawful for the Senior Officer of the said Ships or Vessels, not under the rank of Commander, to hold Courts Martial and preside thereat from time to time as there shall be occasion during so long time as the said Ships or Vessels of the Indian Navy, or any three or more of them shall continue together.

VIII. Provided nevertheless and it is also enacted, that where any material objection occurs which may render it improper for the person who is next in Command to the Senior Officer or Commander in Chief of any Fleet or Squadron of the Ships of the Indian Navy in Foreign parts, to hold Courts Martial or preside thereat, in such case it shall be lawful for the said Governor General or Governor in Council, as also the Commander in Chief of any such Squadron of the Ships or Vessels of the Indian Navy in Foreign parts respectively, to appoint the third Officer in Command to preside at or hold such Court Martial.

IX. And

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IX. And it is hereby further enacted, that no Court Martial to be held or appointed by virtue of this present Act, shall consist of more than thirteen or less than five persons, to be composed of such Superior Officers, Captains, Commanders or Lieutenants, then and there present as are next in seniority to the Officer who presides at the Court Martial, such Lieutenants not to exceed two-fifths of the whole Court. Provided, always, and it is hereby enacted, that nothing herein contained shall extend or be construed to extend, to authorize or empower the said Governor General, or Governor in Council, (as the case may be) or any Officer empowered to order or hold Courts Martial to direct or ascertain the particular number of persons of which any Court Martial to be held or appointed by virtue of this Act shall consist.

X. And it is hereby further enacted, that upon all trials of offenders by any Court Martial all the Officers present, who are to constitute the said Court Martial, shall before they proceed to such trial take such oath as is hereinafter mentioned upon the Holy Evangelists before the Court, which oath the Judge Advocate or his Deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)

I, A B, do swear that I will administer justice according to the Articles and Orders established by an Act passed for the better securing the Observance of an exact Discipline in the Indian Navy, without partiality, favor or affection, and if any case shall arise, which is not particularly mentioned in the said Articles and Orders, I will duly administer justice according to my conscience and the best of my understanding. And I do further swear that I will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular Member of this Court Martial unless thereunto required by an Act of the Governor General of India in Council.

So help me God,

And so soon as the said oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to

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to administer to the Judge Advocate, or the person officiating as such, an Oath in the following words:

I, A B, do swear that I will not upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial unless thereunto required by an Act of the Governor General of India in Council.

So help me God.

XI. And it is hereby further enacted, that in case any person in the Indian Navy being called upon to give evidence at any Court Martial shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the Court, it shall and may be lawful for such Court Martial to punish every such offender by imprisonment at the discretion of the Court; such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt, and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at any such Court Martial, or who shall corruptly procure or suborn any person to commit such wilful perjury shall and may be prosecuted in Her Majesty's Courts by Indictment or Information, and every issue joined in any such Indictment or Information shall be tried according to the Laws in force in such cases.

XII. And it is further enacted, that in every Information or Indictment to be prosecuted by virtue of this Act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant without setting forth the Commission or Authority for holding the Court Martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such Court.

XIII. And it is hereby further enacted, that no sentence of death given by any Court Martial shall be put in execution till after the Report of the proceedings

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proceedings of the said Court shall have been made to the said Governor General in Council and his directions shall have been given therein.

XIV. And it is further enacted, that the Judge Advocate for the time being, or his Deputy, shall have full power and authority, and is hereby required to administer an oath to any witness at any trial by Court Martial, and in the absence of the Judge Advocate and his Deputy the Court Martial shall have full power and authority to appoint any person to execute the office of Judge Advocate.

XV. And it is further enacted, that all the powers given by the several Articles and Orders established by this Act shall remain and be in full force with respect to the Crews of such of the Ships or Vessels of the Indian Navy as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority of the Officers of the said Ships or Vessels shall remain and be in full force as effectually as if such Ships or Vessels to which they did belong were not so wrecked, lost or destroyed until they shall be regularly discharged from the East India Company's further Service, or remove into some other of the Ships or Vessels of the Indian Navy, or until a Court Martial shall be held to enquire into the causes of the loss of the said Ships or Vessels; and if upon such enquiry it shall appear by the sentence of the Court Martial that all or any of the Officers or Seamen of the said Ships or Vessels did their utmost to preserve, get off or recover the same, and since the loss thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, then all the pay and wages of the said Officers and Seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on and be paid to the time of their discharge or death, or if they shall be then alive to the time of the holding of such Court Martial, or removal into some other of the Ships or Vessels of the Indian Navy, and every such Officer and Seamen of the Ships or Vessels of the Indian Navy who after



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the wreck or loss of his Ship or Vessel shall act contrary to the Discipline of the Indian Navy, and the several Articles and Orders hereinbefore established, or any of them, shall be sentenced by the said Court Martial and punished as if the Ship or Vessel to which he did belong was not so wrecked, lost or destroyed; .

XVI. And it is further enacted, that all the pay and wages of such Officers and Seamen of any of the Ships or Vessels of the Indian Navy as are taken by the Enemy, who upon enquiry at a Court Martial shall appear by the sentence of the said Court to have done the utmost to defend the said Ships or Vessels, and since the taking thereof have behaved themselves obediently to their Superior Officers according to the Discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, shall continue and go on and be paid from the time of their being so taken to the time of the holding of such Court Martial, or until they shall be regularly discharged from the East India Company's Service, or removed into some other of the Ships or Vessels of the Indian Navy, or if they shall die in captivity or not live to the time of the holding of such Court Martial to the time of their death in such manner and not otherwise, as if the said Ships or Vessels to which they did belong respectively were not so taken.

XVII. Provided always, and it is further enacted, that no person or persons not flying from justice shall be tried or punished by any Court Martial for any offence to be committed against this Act, unless the complaint of such offence be made in writing to the Governor General in Council or Governor in Council, or some Officer empowered to order a Court Martial, or unless a Court Martial to try such offender shall be ordered by the said Governor General or Governor in Council, or such Officer either within three years after such offence shall be committed, or within one year after the return of the Ship or Vessel or of the Squadron to which such offender shall belong into any of the Ports in the East Indies, or within one year after the return of such offender into the East Indies.

XVIII. Provided

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XVIII. Provided always, that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commissioners for executing the office of the Lord High Admiral of Great Britain, or any Vice Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiralty power, jurisdiction or authority within any of the Queen's Dominions, or from any person or Court whatsoever, any power, right, jurisdiction, pre-eminence or authority which he or they, or any of them lawfully hath, have or had, or ought to have or enjoy before the making of this Act, so as the same person shall not be punished twice for the same offence.

XIX. And it is further enacted, that the proceedings of any Court Martial shall not be delayed by the absence of any of its Members, provided a sufficient number doth remain to compose such Court, which shall and is hereby required to sit from day to day, (Sundays always excepted,) until the sentence be given, any thing hereinbefore contained to the contrary thereof in anywise notwithstanding; and no Member of the said Court Martial shall absent himself from the said Court during the whole course of the trial upon pain of being cashiered from the East India Company's Service, except in case of sickness, other extraordinary and indispensable occasion to be judged of by the said Court.

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## ACT No. XIII. OF 1844.

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*Passed by the Governor General of India in Council  
on the 15th June, 1844.*

*An Act for making Trisoolee Pyce no longer a legal tender within the  
Province of Benares, and for their withdrawal from circulation.*

**I**T is hereby enacted, that from and after the First day of August 1844, the Trisoolee Pyce struck for the Province of Benares, under the Provisions of Regulations X. of 1809 and VII. of 1814, and at the Saugor Mint, shall cease to be a legal tender within the Province of Benares.

II. And it is hereby enacted, that until the said First day of August 1844, such Trisoolee Pyce shall be received on account of the Government and shall be exchanged by tale (that is to say, every Trisoolee Pyce paid in shall be received as one Company's Pyce, and one Company's Pyce shall be given for every Trisoolee Pyce presented for exchange) at such Treasuries or other places within the Province of Benares as shall be pointed out for that purpose in any Proclamation of the Lieutenant Governor of the North Western Provinces.

III. And

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III. And it is hereby enacted, that immediately after the passing of this Act, the said Lieutenant Governor shall issue a Proclamation pointing out the Treasuries or other Places within the Province of Benares at which such Trisoolee Pyce shall be so received and exchanged as aforesaid, and notifying any Regulations respecting such receipt or exchange as the said Lieutenant Governor may deem it expedient to establish for the carrying into effect of the same, for the prevention of fraud therein, and especially for the rejection of such Trisoolee Pyce as may appear to the Officer appointed to receive or exchange the same under this Act, to be undoubtedly spurious.

IV. And it is hereby enacted, that it shall be lawful for the said Lieutenant Governor, if he shall see fit, to order that in any case one Company's Rupee shall be given for every 64 Trisoolee Pyce so presented for exchange, and that in every such case one Company's Rupee shall be given for every 64 Trisoolee Pyce accordingly.

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## ACT No. XIV. OF 1844.

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*Passed by the Governor General of India in Council  
on the 6th July, 1844.*

*An Act for regulating the Proceedings of the Sudder Courts at Fort William,  
Fort St. George, Bombay and at Agra, in regard to Sentences of transporta-  
tion for life.*

I. **I**T is hereby enacted, that within the Territories subject to the Govern-  
ment of the East India Company, whenever any of the Sudder Courts shall  
sentence any offender to imprisonment for life, it shall at the same time  
sentence such offender to transportation beyond Sea for life, unless there  
should be special reasons inducing the Court to think such prisoner not a  
proper subject for transportation which special reasons the Court is hereby  
directed to record.

II. And it is hereby enacted, that within the said Territories whenever  
any offender shall have been sentenced in the first instance by a Commis-  
sioner of Circuit or Sessions Judge to imprisonment for life, or whenever a  
Commissioner of Circuit or Sessions Judge shall have recommended that  
sentence of imprisonment for life be passed upon any offender, it shall be  
competent

**ACT No. XIV, OF 1844.**

competent to a single Judge of the Sudder Court to sentence such offender, at the same time to transportation beyond Sea for life, and such single Judge is hereby directed to sentence such offender at the same time to transportation beyond Sea for life unless there should be special reasons inducing him to think such offender not a proper subject for transportation which special reasons he is hereby further directed to record.

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## ACT No. XV. OF 1844.

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*Passed by the Governor General of India in Council on the  
6th July 1844.*

*An Act for amending the Schedules of Import Duties annexed to Act XIV.  
of 1836, to Act I. of 1838, and to Act VI. of 1844.*

**W**HEREAS by Article 17 of Schedule A annexed to Act No. XIV. of 1836, by Article 18 of Schedule A annexed to Act No. I. of 1838, and by Article XIX. of Schedule A annexed to Act No. VI. of 1844, certain rates of Duty are to be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Bombay and Madras, of Cotton and Silk Piece Goods, the produce of any place other than the United Kingdom or any British Possession. And whereas it is expedient that the same rates of Duties should be charged on other Foreign Goods of a like description—

It is hereby enacted, that from and after the First day of January 1845, the rates of Duty prescribed for the said Articles by the said Schedules, shall be charged on the importation into the Ports of Bengal and Orissa, and the Ports subject to the Presidencies of Madras and Bombay, of all manufactures of Silk or Cotton, and of Silk and Cotton mixed with any other material, which are the produce of any place other than the United Kingdom or any British Possession; and of all foreign made up Articles of the said manufactures, or of which any part of the materials is of the said manufactures.

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## ACT No. XVI. OF 1844.

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*Passed by the Governor General of India in Council on the  
27th July, 1844.*

*An Act for increasing the Excise and Import Duties heretofore payable to the  
Government on Salt manufactured within or imported into the Territories  
subject to the Government of the Presidency of Bombay.*

WHEREAS by Act VI. of 1844 all Inland, Transit and Town Duties levied on behalf of the Government of the East India Company, within the limits of the Territories subordinate to the Presidency of Fort St. George were abolished, and the impost on Salt manufactured and sold within the said territories was raised to a rate more in accordance with the Tax on the same article borne by other Divisions of the British Possessions: and whereas, although enquiries which have been instituted as to the origin and extent of certain Town duties and local cesses within the Presidency of Bombay with a view to their abolition have not yet been completed, it is nevertheless expedient in order to equalize the average prices of Salt within the Presidencies of Fort St. George and Bombay to increase as well the Customs duty on imported Salt as the Excise duty heretofore and at present payable on Salt that may be delivered from any Salt Work within the territories subject to the Government of the Presidency of Bombay:

I. It



ACT No. XVI. OF 1844.

I. It is hereby enacted, that from the First day of September 1844, Sect. I of Act XXVII. of 1837, shall be repealed.

II. And it is hereby enacted, that from the First day of September 1844, there shall be paid to the Government on every Maund of 8000 Tolas weight of Salt that may be delivered from any Salt Work within the Territories subject to the Government of the Presidency of Bombay a duty of One Company's Rupee.

III. And it is hereby enacted, that Sec. XLIII. Act. I. of 1838 shall be repealed.

IV. And it is hereby enacted, that on application by the Exporter from any Port of the Presidency of Bombay of any Salt that has paid the Excise duty fixed by Sec. II. of this Act, 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 shall be landed at any other Port of the said Presidency of Bombay, and shall be passed from such Port into the interior under cover of the passes applicable to the free passage of Salt without the levy of any further duty either of Excise or Customs.

V. And it is hereby enacted, that so much of Schedule A appended to Act I. of 1838 as provides that on Salt imported by Sea into any Port of the Presidency of Bombay and not covered by a Pass, there shall be levied a duty of Eight Annas per maund of 80 tolas per seer, and so much of Schedule B appended to Act I. of 1838 as provides that Salt having paid the Excise duty of Eight Annas a maund shall be permitted to be Exported free of duty from any Port or place in the Presidency of Bombay, shall be repealed.

VI. And

ACT No. XVI OF 1844.

VI. And it is hereby enacted, that on Salt imported by Sea into any Port of the Presidency of Bombay, and not covered by a Pass, there shall be levied a duty of One Company's Rupee per maund of 3,200 tolas weight, and that Salt having paid the Excise duty of One Company's Rupee per maund shall be permitted to be exported free from further duty from any Port of the Presidency of Bombay.

*Recd*

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## ACT No. XVII. OF 1844.

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*Passed by the Governor General of India in Council on the  
10th August, 1844.*

*An Act for the Administration of Justice and Collection of the Revenue in the  
Territory which formed the State of Colaba, and which has lapsed to the  
British Government.*

I. **I**T is hereby enacted, that from and after the First day of October 1844 the Administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within that portion of the lapsed Territory of Colaba, which is bounded on the East by the Nagotna River, and the Talookas of Sunkse and Rujpooree, on the South by the Rewodunda River, on the West by the Sea, including the Islands of Colaba, Oonderee and Khanderee, (Henery and Kenery) and on the North by the Harbour of Bombay, shall vest in such Agent to the Governor of the Presidency of Bombay as shall be appointed by the Governor in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Bombay, by an Order in Council, to prescribe such Rules as he  
may

## ACT No. XVII. OF 1844.

may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil Suits shall be final, and in what Suits an Appeal shall lie to the Sudder Udalut, and to define the authority to be exercised by the Agent in Criminal Trials, and what cases he shall submit to the decision of the Foujdaree Udalut.

III. And it is hereby enacted, that upon the receipt of any Criminal Trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Foujdaree Udalut shall proceed to pass a final judgment or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner, as if the trial had been sent up in ordinary course from a Sessions Judge.

IV. And it is hereby enacted, that upon the receipt of any Appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Udalut shall proceed to try and determine it in the same manner as Appeals from the Zillah Courts.

V. And it is hereby enacted, that each of the portions of the lapsed Territory of Colaba not included within the boundaries specified in Section I. of this Act, shall be subject to the same Laws and Regulations, and shall be governed in all respects in the same manner as the portions of the Territories subject to the Government of Bombay, by which such portions of the said lapsed Territory may be respectively surrounded, or to which such portions of the said lapsed Territory may be respectively contiguous.

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## ACT No. XVIII. OF 1844.

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*Passed by the Governor General of India in Council on the  
7th September, 1844.*

*An Act for the better control and management of Jails within the Bengal  
Presidency.*

I. **I**T is hereby enacted, that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police and the Sudder Nizamut Adawlut, with control and superintendence over the several Jails of the Presidency of Fort William in Bengal, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, is repealed.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the Magistrates and Joint Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Jails under their charge, the Prisoners confined in them, the Establishments thereunto belonging, and the places of banishment or transportation of Prisoners, by such orders as they may receive from their respective Local Governments.

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## ACT No. XIX. OF 1844.

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*Passed by the Governor General of India in Council  
on the 14th September, 1844.*

*An Act for abolishing Town Duties and Mookauts, and all Taxes upon Trades  
and Professions within the Presidency of Bombay.*

**I**T is hereby enacted, that from the 1st day of October 1844, all Town Duties, Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on Trades or Professions under whatsoever name levied within the Presidency of Bombay, and not forming a part of the Land Revenue, shall be abolished.

*This act was published in haste & makes mention of the 15 of 1827 & doubtless if it intended  
repealing such portions it should have been stated, it cannot however, intend  
to interfere with cases on account of penalties vide sect 8 of the 15 of 1827  
but yet it evidently cancels sect 18 — to make it more conformable  
act 18 of 1845 recapitulates sect 18 of the 15 of 1827 but does not refer  
to this act & takes no notice of its virtual repeal in the virtual  
repeal of sect 18 of the 15 of 1827 by it.*

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## ACT No. XX. OF 1844.

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*Passed by the Right Hon'ble the Governor General of  
India in Council on the 26th October, 1844.*

*An Act to amend the Law relating to Advances bona fide made to  
Agents intrusted with Goods by extending to the Territories of  
the East India Company in cases governed by English Law,  
the Provisions of the Statute 5 and 6 Victoria C. 39, as alter-  
ed by this Act.*

**W**HEREAS by Act XIII. of 1840 the Provisions of the Statute 4, Geo. IV. C. 83, as altered and amended by the Statute 6, Geo. IV. C. 94, were extended to the Territories of the East India Company, in cases governed by English Law; and whereas by the Statute 5 and 6, Victoria C. 39, the said Statute 6, Geo. IV. C. 94, is altered and amended, and the Provisions thereof are extended:

It is hereby enacted, that the Statute 5 and 6, Victoria C. 39, as altered by this Act, shall from and after the passing of this Act, be extended to the Territories of the East India Company;

ACT No. XX. OF 1844.

pany; provided always, that this Act shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the last mentioned Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the Territories of the East India Company and as altered by this Act, is as follows:

5 AND 6 VICT. CAP. XXXIX. as altered by this Act.

*An Act to amend the Law relating to Advances bona fide made to Agents intrusted with Goods.*

6 G. 4, C. 94.

Whereas by an Act passed in the 6th year of the Reign of His late Majesty King George the Fourth, intituled an Act to alter and amend an Act for the better protection of the property of Merchants and others who may hereafter enter into contracts or agreements in relation to Goods, Wares and Merchandize intrusted to Factors or Agents, validity is given, under certain circumstances, to contracts or agreements made with persons intrusted with, and in possession of the Documents of Title to Goods and Merchandize, and Consignees, making Advances to persons abroad who are intrusted with any Goods and Merchandize, are entitled, under certain circumstances, to a lien thereon, but under the said Act, and the present state of the Law, Advances cannot safely be made upon Goods or Documents to persons known to have possession thereof as Agents



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Agents only. And whereas by the said Act it is amongst other things further enacted, that it shall be lawful to and for any person to contract with any Agent intrusted with any Goods, or to whom the same may be consigned for the purchase of any such Goods, and to receive the same of, and to pay for the same to such Agent, and such contract and payment shall be binding upon and good against the Owner of such Goods, notwithstanding such person shall have notice that the person making such contract, or on whose behalf such contract is made, is an Agent; provided such contract or payment be made in the usual and ordinary course of business, and that such person shall not when such contract is entered into or payment made, have notice that such Agent is not authorized to sell the same, or to receive the said Purchase Money; And whereas Advances on the Security of Goods and Merchandize have become an usual and ordinary course of business, and it is expedient and necessary that reasonable and safe facilities should be afforded thereto, and that the same protection and validity should be extended to bona fide Advances upon Goods and Merchandize as by the said recited Act is given to Sales, and that Owners intrusting Agents with the possession of Goods and Merchandize, or of Documents of Title thereto, should in all cases where such Owners by the said recited Act or otherwise would be bound by a contract or agreement of Sale be in like manner bound by any contract or agreement of pledge or lien for any Advances bona fide made on the Security thereof. And whereas much litigation has arisen on the construction of the said recited Act, and the same does not extend to protect

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Exchanges of Securities bona fide made, and so much uncertainty exists in respect thereof, that it is expedient to alter and amend the same and to extend the Provisions thereof and to put the Law on a clear and certain basis. Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act any Agent who shall thereafter be intrusted with the possession of Goods, or of the Documents of Title to Goods shall be deemed and taken to be Owner of such Goods and Documents so far as to give validity to any contract or agreement by way of pledge, lien, or security bona fide made by any person with such Agent so intrusted as aforesaid as well for any original Loan, Advance or Payment made upon the Security of such Goods or Documents, as also for any further or continuing Advance in respect thereof, and such contract or agreement shall be binding upon and good against the Owner of such Goods, and all other persons interested therein notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an Agent.

Bona fide Advances to Persons intrusted with the possession of Goods or Documents of Title though known to be Agents, protected.

Bona fide Deposits in exchange protected.

II. And be it enacted, that where any such contract or agreement for pledge, lien or security shall be made in consideration of the delivery or transfer to such Agent of any other Goods or Merchandize, or Document of Title, or Negotiable Security upon which the person so delivering up the same had

at

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at the time a valid and available Lien and Security for or in respect of a previous Advance by virtue of some contract or agreement made with such Agent, such contract and agreement, if bona fide on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an Advance within the true intent and meaning of this Act, and shall be as valid and effectual to all intents and purposes, and to the same extent, as if the consideration for the same had been a bona fide present Advance of money. Provided always that the Lien acquired under such last mentioned contract or agreement upon the Goods or Documents deposited in exchange shall not exceed the value at the time of the Goods and Merchandize which, or the Documents of Title to which, or the Negotiable Security which shall be delivered up and exchanged.

but no Lien beyond the value of the Goods given up.

III. Provided always, and be it enacted, that this Act and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such Loans, Advances, and Exchanges, as shall be made bona fide and without notice that the Agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting mala fide in respect thereof against the Owner of such Goods and Merchandize, and nothing herein contained shall be construed to extend to or protect any Lien or Pledge for or in respect of any antecedent debt, owing from any Agent to any person with or to whom such Lien or Pledge shall be given; nor to authorize any Agent intrusted as aforesaid in deviating from any express orders or authority

But the Statute to be construed to protect only Transactions bona fide without notice that the Agent pledging is acting without authority or mala fide against the Owner.

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authority received from the Owner; but that, for the purpose and to the intent of protecting all such bonâ fide Loans, Advances and Exchanges as aforesaid (though made with notice of such Agent not being the Owner but without any notice of the Agents acting without authority) and to no further, or other intent or purpose, such contract or agreement as aforesaid shall be binding on the Owner and all other persons interested in such Goods.

Meaning of the term "Document of Title."

IV. And be it enacted, that any Bill of Lading, India Warrant, Dock Warrant, Warehouse-keeper's Certificate, Warrant, or order for the delivery of Goods, or any other Document used in the ordinary course of business as proof of the possession or control of Goods, or authorising or purporting to authorize, either by indorsement or by delivery, the Possessor of such Document to transfer or receive Goods thereby represented shall be deemed and taken to be a document of Title within the meaning of this Act; and any Agent intrusted as aforesaid and possessed of any such Document of Title, whether derived immediately from the Owner of such Goods, or obtained by reason of such Agents having been intrusted with the possession of the Goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the possession of the Goods represented by such Document of Title as aforesaid, and all contracts, pledging or giving a lien upon such Document of Title as aforesaid shall be deemed and taken to be respectively Pledges of and Liens upon the Goods to which the same relates, and such Agent shall be deemed to be possessed of such Goods or Documents, whether the same shall

And when Agent intrusted.

And when in possession.

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shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf, and where any Loan or Advance shall be bona fide made to any Agent intrusted with and in possession of any such Goods or Documents of Title as aforesaid on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid, and such Goods or Documents of Title shall actually be received by the person making such Loan or Advance, without notice that such Agent was not authorized to make such Pledge or Security every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the Security of such Goods or Documents of Title within the meaning of this Act, though such Goods or Documents of Title shall not actually be received by the person making such Loan or Advance till the period subsequent thereto, and any contract or agreement, whether made direct with such Agent as aforesaid, or with any Clerk or other person on his behalf, shall be deemed a contract or agreement with such Agent; and any payment made, whether by Money or Bills of Exchange, or other Negotiable Security shall be deemed and taken to be an Advance within the meaning of this Act; and an Agent in possession as aforesaid of such Goods or Documents shall be taken for the purposes of this Act, to have been intrusted therewith by the Owner thereof unless the contrary can be shewn in evidence.

What to be deemed a "Contract or Agreement" and "Advance."

Possession prima facie Evidence of intrusting.

V. Provided always, and be it enacted, that nothing herein contained shall lessen, vary, alter or affect the Civil responsibility of an Agent for any breach of duty or contract,

Agent's Civil responsibility not to be diminished.

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or non-fulfilment of his orders or authority in respect of any such Contract, Agreement, Lien, or Pledge as aforesaid.

Agent making  
Consignments con-  
trary to instruction  
of principal guilty of  
misdemeanor.

VI. Provided always, and be it enacted, that if any Agent intrusted as aforesaid shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer, or delivery of any Goods or Documents of Title so intrusted to him as aforesaid, as and by way of a Pledge, Lien, or Security; or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any Advance on the faith of any contract or agreement to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid; every such Agent shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be sentenced to transportation for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and every Clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery; or in accepting or procuring such Advance as aforesaid, shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court shall award, as herein before last mentioned: Provided nevertheless, that no such Agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than

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than the amount which at the time of such consignment, deposit, transfer or delivery was justly due and owing to such Agent from his principal, together with the amount of any Bills of Exchange drawn by or on account of such principal, and accepted by such Agent. Provided also, that the conviction of any such Agent so convicted as aforesaid shall not be received in evidence in any action at Law or Suit in Equity against him, and no Agent intrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity in any action, suit, or proceeding which shall have been bona fide instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioner of Bankrupt or of any Insolvent Court.

VII. Provided also, and be it enacted, that nothing herein contained shall prevent such Owner as aforesaid from having the right to redeem such Goods or Documents of Title, pledged as aforesaid, at any time before such Goods shall have been sold, upon re-payment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such Agent, if by him required, of any sum of money for or in respect of which such Agent would by law be entitled to retain the same Goods or Documents, or any of them, by way of lien as against such Owner, or to prevent the said Owner from re-  
covering Right of Owner to redeem ;  
Or to recover balance of proceeds.

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covering of and from such person with whom any such Goods or Documents may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such Goods after deducting the amount of the lien of such person under such contract or agreement as aforesaid: Provided always that in

In case of Bankruptcy Owner to prove for amount paid to redeem, for value of Goods, if unredeemed.

case of the Bankruptcy or Insolvency of any such Agent; the Owner of the Goods which shall have been so redeemed by such Owner as aforesaid, shall in respect of the sum paid by him on account of such Agent for such redemption, be held to have paid such sum for the use of such Agent before his Bankruptcy or Insolvency, or in case the Goods shall not be so redeemed, the Owner shall be deemed a creditor of such Agent for the value of the Goods so pledged at the time of the pledge, and shall, if he shall think fit, be entitled in either of such cases to prove for or set off the sum so paid, or the value of such Goods, as the case may be:

Interpretation of Act.

VIII. And be it enacted, that in construing this Act the word "Person" shall be taken to designate a Body Corporate or Company as well as an Individual, and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and vice versa; and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male.

IX. Provided



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IX. Provided also, and be it enacted, that nothing herein contained shall be construed to give validity to or in any wise to affect any contract, agreement, lien, pledge, or other act, matter, or thing made or done before the passing of this Act.

Not to affect any Contract made before the passing of this Act.

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## ACT No. XXI. OF 1844.

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*Passed by the Right Hon'ble the Governor General of India in Council on the 16th November, 1844.*

*An Act for regulating the Emigration of the Native Inhabitants of the Territories under the Government of the East India Company to Jamaica, British Guiana and Trinidad.*

I. **I**T is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby so far as the same are applicable to the Emigration of Natives from the Ports of Calcutta, Madras and Bombay respectively, to Jamaica, British Guiana, and Trinidad, respectively, are repealed. Provided always that the aforesaid Act No. XIV. of 1839 shall remain in full force in all the Ports of India, except the Ports aforesaid, and in regard to Emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad and Mauritius.

II. And it is hereby enacted, that after the passing of this Act, Emigrant Laborers, being Native inhabitants of the Territories under the Government of the East India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana, and Trinidad respectively, from the Ports of Calcutta, Madras and Bombay respectively, but not otherwise.

III. And

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III. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana or Trinidad, to act as Emigration Agents at the aforesaid Ports respectively, and to exercise the powers conferred on Emigration Agents by this Act, and every such Emigration Agent shall make Monthly Reports to the Government to which he is subordinate of all matters transacted by him in pursuance of this Act.

IV. And it is hereby enacted, that at each of the three Ports aforesaid, it shall be lawful for the Government of the Presidency within which the Port is situated to nominate a proper person to act as Protector of Emigrants at the aforesaid Ports respectively.

V. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in any of the Colonies of Jamaica, British Guiana or Trinidad from any of the Ports aforesaid in any Ship or Vessel unless a licence be obtained for carrying Emigrants in such Ship or Vessel from the Government of the Presidency in which the Port is situated. A fee not exceeding One Rupee per Emigrant as may be regulated from time to time by the local Government, shall be demandable in respect of every such licence, which fee shall be carried to the credit of the said Government, and the granting or withholding any such licence shall be entirely discretionary with the Government, and in consideration of such licence the Master of every Ship conveying or destined to convey Emigrants from India shall execute a Bond binding himself and his Owners in a penal sum of 10,000 Rupees to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate that it may be put in suit either at the place of execution

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execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the Government of such Colony to be dealt with as the case may require. And every Ship or Vessel in which any such Emigrant shall be conveyed without a licence being obtained as aforesaid shall be liable to be forfeited, and the Master thereof shall be liable as for a misdemeanor in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

VI. And it is hereby enacted, that it shall not be lawful for the Master of any Vessel licensed as above to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a Certificate or Pass to be given to him by the Emigration Agent of the Port, countersigned by the Protector, stating his name and the name of his father and his age, and certifying that having appeared before such Agent he has declared his willingness to proceed to work for hire in the Colony to which such Vessel is bound and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

VII. And it is hereby enacted, that before any Ship or Vessel so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for any one of the three Colonies aforesaid, it shall be necessary for the Master of such Ship or Vessel, provided any Emigrant of the description aforesaid, shall embark therein to obtain from the Emigration Agent so nominated and authorized at such Port as aforesaid, a certificate under the hand of such Agent to the effect following, that is to say—

Ist. That such Agent has by personal communication done what is required on the part of such Agent by the 3d Article of the Schedule hereunto

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unto annexed, provided always that every such Agent shall make the inquiries specified in such Schedule in an open Court or public office to which all persons shall have admission.

2dly. That all the directions contained in the 4th, 5th, 6th and 7th Articles of the said Schedule for ensuring the health and safety of Passengers have been duly complied with.

3dly. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Governor General in Council shall from time to time frame touching the medical attendance and medical stores and the proper clothing to be provided, the species of provisions suited to native habits, the number of women that should accompany the Emigrants, or other matters.

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana and Trinidad from the Ports aforesaid respectively shall for the purposes of this Act be deemed to be

For the Port of Calcutta twenty weeks;

For the Port of Madras nineteen weeks;

For the Port of Bombay nineteen weeks;

and that no Ship or Vessel carrying Emigrant laborers to Jamaica, British Guiana or Trinidad shall sail from Calcutta, Madras or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing.

IX. And it is hereby enacted, that before any Ship or Vessel shall  
be

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be cleared out from any of the aforesaid Ports for Jamaica, British Guiana or Trinidad, it shall be necessary for the Master thereof to deliver to the Emigration Agent, so nominated and authorized at such Port as aforesaid the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

X. And it is hereby enacted, that if the Master of any Ship or Vessel shall at any of the Ports aforesaid take on board such Ship or Vessel any Emigrant laborer of the description aforesaid, and shall clear such Ship or Vessel for Jamaica, British Guiana or Trinidad without having fully complied with every particular hereinbefore required previous to clearance he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty of 200 Rupees for every Emigrant laborer so taken on board his Ship or Vessel.

XI. And it is hereby enacted, that if the Master of any Ship or Vessel shall after having cleared such Ship or Vessel at any such Port as aforesaid for Jamaica, British Guiana or Trinidad take on board any such Emigrant laborer as aforesaid without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such Emigrant prior to clearance, he shall be liable on conviction before any Magistrate or Justice of the Peace in a penalty not exceeding 500 Rupees for every Emigrant so taken on board his Ship or Vessel.

XII. And it is hereby enacted, that if any Master of any Ship or Vessel cleared for Jamaica, British Guiana or Trinidad as aforesaid shall, after having obtained such Certificate as aforesaid fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable  
to

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to the altered state of the Ship or Vessel, its Passengers or other matters to which such Certificate relates, such Master shall be liable on conviction in any Penalty not exceeding 5000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any licence obtained for the Vessel as originally described.

XIII. And it is hereby enacted, for the greater security against Emigrant laborers being embarked for Jamaica, British Guiana or Trinidad, contrary to the provisions of this Act that all the powers vested by law in the Officers of Customs in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board Ships or Vessels bound for Jamaica, British Guiana or Trinidad, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

XIV. And it is hereby enacted, that every person who shall attempt by means of intoxication or by false imprisonment, or other means of crimping to export any Native on board any Ship or Vessel contrary to the provisions of this Act shall be liable to be punished on conviction before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months, provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

XV. And it is hereby enacted, that whenever a Vessel shall clear from Calcutta for Jamaica, British Guiana or Trinidad with Emigrant laborers

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pers duly embarked thereon, the Customs Officer on board such Vessel shall countersign the Pass or Certificate brought on board such Vessel, by every such Emigrant laborer, and shall keep a Register of every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such Vessel until she shall arrive in Saugor Roads and shall not come away until a muster of the Crew and Passengers and Emigrant laborers has been made in his presence and in that of the Pilot in charge of the Vessel; and after the Customs Officer has taken muster and quitted the Vessel the Pilot shall continue to exercise the duties indicated in Section XIII. of this Act, and it shall be lawful for him if he shall deem it necessary to require the Master or Commander to take a general muster of the Crew and Passengers and Emigrant laborers on board and to sign a muster roll so taken, and every such Custom House Officer and Pilot shall make a complete report of the Emigrant laborers on board of any Ship at the time of his quitting the same, and such report shall contain a declaration that to the best of the Declarant's belief, no additional Emigrant laborers have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the Ship or Vessel contrary to the provisions of this Act, and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete Report of the Emigrant laborers on board of any Ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

XVI. And



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XVI. And it is hereby enacted, that if any person shall forge or shall use, knowing it to be forged, any document required by this Act such person shall be liable to be imprisoned for any period not exceeding seven years.

XVII. And it is hereby enacted, that all the several penalties to which the Masters of Ships or Vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent or of any Officer appointed for the purpose by the Government of the Place or Presidency, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the licence granted to the Ship.

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SCHEDULE.

1. The Governors of Jamaica, British Guiana and Trinidad may from time to time nominate such persons as they shall see fit to act as Emigration Agents at Calcutta, Madras and Bombay.

2. The remuneration to be given to any such Agent in India, shall not depend upon or be regulated by the number of the Emigrants sent by him but shall be in the nature of an Annual Salary.

3. Every such Emigration Agent shall ascertain by personal communication with every Emigrant previously to his or her embarkation from the Port or Place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, false or unreasonable

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sonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate from the place where he or she is about to embark; and such Agent shall explain the real advantages likely to be derived by such Emigrant from a removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity, or disease.

4. It shall not be lawful to ship on board of any Ship or Vessel carrying Emigrants from India to any of the Colonies aforesaid, any number of Passengers exceeding the proportion of one person for every two tons of the registered burthen of such Ship or Vessel, and no such Ship or Vessel carrying Emigrants and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such Ship or Vessel shall have only one deck, a platform shall be laid beneath such deck and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such Ship or Vessel shall have more than two tiers of berths, and that no such Ship or Vessel shall carry Passengers on any such voyage to any of the Colonies aforesaid unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier throughout the whole extent thereof; and whatever may be the tonnage of the Ship or Vessel, no greater number of Passengers shall be taken on board of such Ship or Vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores not being the personal luggage of such person.

5. In the computation of the number of Passengers within the meaning

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meaning of these Regulations, two Children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

6. There shall be actually laden on board of every Ship or Vessel, conveying Emigrants into any of the Colonies aforesaid at the time of departure of such Ship or Vessel from the Port or Place at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said Passengers over and above the victualling of the Crew, to the amount or in the proportion following, that is to say, a supply of Water to the amount of five gallons for every week of the computed Voyage for every Passenger on board such Ship or Vessel, such Water being carried in Tanks or Sweet Casks, and a supply of Rice, Bread, Biscuit, Flour, Oatmeal, or Bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such Passenger; provided always that when any such Ship or Vessel shall be destined to call at a Port or Place in the course of her voyage, for the purpose of filling up her Water Casks, a supply of Water at the rate beforementioned for every week of an average voyage to such Port or Place of calling, shall be deemed to be a compliance with this Regulation; and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear, that by the special authority of the Governor General of India in Council any other articles of food were substituted for the articles above enumerated as being in his judgment equivalent thereto.

7. Before any such Ship or Vessel shall be cleared out on any such Voyage, the Agent appointed for the Port or Place from which such Ship or Vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the Provisions and Water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same  
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are in good and sweet condition, and also that over and above the same there is on board an ample supply of Water and Stores for the victualling of the Crew of the Ship or Vessel, and shall also ascertain that such Ship or Vessel is generally reputed sea-worthy and that the directions hereinbefore contained for ensuring the health and safety of the Passengers have been complied with, and shall grant a Certificate thereof under his hand to the Master of such Ship or Vessel.

8. The Master of every Ship or Vessel conveying Emigrants to Jamaica, British Guiana or Trinidad shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome Provisions for his, her and their daily maintenance during such voyage and during the space of 48 hours next after the arrival of such Ship or Vessel at the place of destination.

9. Two copies of these Regulations, authenticated by the signature of the Agent at the Port or Place at which such Emigrants shall embark, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every Ship or Vessel carrying such Emigrants as aforesaid, and one of such copies shall upon request made at reasonable times to the Master of the Ship or Vessel be produced to any Passenger for his perusal.

10. The Master of every Ship or Vessel carrying Emigrants from India to any of the three Colonies aforesaid, shall before clearing out such Ship or Vessel, deliver to such Agent at the Port or Place from which such Vessel is cleared out, a list in writing, together with a duplicate of the same, specifying as accurately as may be, the names, ages and occupations of all and every the Emigrants on board such Ship or Vessel, and such Agent shall

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shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such Ship or Vessel at the place of destination, and previous to the disembarkation of any such Emigrants give notice of the arrival of such Ship or Vessel, and deliver the said counterpart of such list to the Protector of Immigrants appointed or to be appointed at the Colony at which the said Ship or Vessel may have arrived.

11. Provided always that nothing in these Regulations contained shall apply to any Ship or Vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

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## ACT No. XXII. OF 1844.

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*Passed by the Right Honorable the Governor General of India  
in Council on the 28th December, 1844.*

*An Act for regulating the Copper Coinage of the Mints in the Territories of  
the East India Company.*

I. **IT** is hereby enacted, that from and after the passing of this Act the following Copper Coins only shall be issued from any Mint within the Territories of the East India Company :

- |    |   |                  |        |       |
|----|---|------------------|--------|-------|
| 1. | A Pice weighing .....                     | 100              | Grains | Troy, |
| 2. | A Double Pice .....                       | 200              | ”      | ”     |
| 3. | A Pie of one-twelfth of an Anna-piece ... | 33 $\frac{1}{2}$ | ”      | ”     |

with such devices as shall be fixed for the same by the Governor General in Council.

II. And it is hereby enacted, that from and after the passing of this Act the said Pice shall be a legal tender throughout the Territories of the East India Company for  $\frac{1}{64}$  of the Company's Rupee, and the said Double  
Pice

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Pice for  $\frac{1}{32}$  of the Company's Rupee, and the said Pie for  $\frac{1}{192}$  of the Company's Rupee.

III. And it is hereby enacted, that all Copper Coins of the weights specified in Section I. of this Act which may have been issued since the passing of Act XXI. of 1835, from any Mint within the Presidency of Bombay, shall be legal tender respectively for the values specified in Section II. of this Act within that Presidency.

IV. Provided always, that none of the said Copper Coins shall be legal tender except for fractions of a Rupee.